REGULAR MEETING OF THE COMMON COUNCIL
MIDDLETOWN CONNECTICUT
MONDAY, JUNE 1, 2020
7:00 PM
MINUTES

The Regular Meeting of the Common Council of the City of Middletown was held remotely via WebEx and livestreamed on the City of Middletown's Facebook page on Monday, June 1, 2020, at 7:00 PM.

Present:
- Councilwoman Jeanette White Blackwell
- Councilwoman Meghan Carta
- Councilman Grady Faulkner, Jr.
- Councilman Darrell Ford
- Councilman Edward Ford, Jr.
- Councilman Anthony Gennaro, Sr.
- Councilman Eugene Nocera
- Councilman Philip Pessina
- Councilman Edward McKeon
- Councilman Anthony Mangialfico
- Councilwoman Linda Salafia

Also Present:
- Carl Erlacher, CPA, Director - Finance
- Faith Jackson, Director – Office of Equal Opportunity & Affirmative Action
- Brig Smith, Esq., General Counsel
- Ramona Burkey, Director, Russell Library
- John Lozefski, Administrative Division Commander, Community Relations

Members of the Public: WebEx (17 attendees) and Facebook livestream (unknown number of viewers)

1. Call to Order

Mayor Benjamin Florsheim calls the meeting to order at 7:00 PM. He welcomes everyone to the regular Meeting of the Common Council. The Chair invites the Councilmembers to remain seated, per the accepted rules for remote meetings, and to join 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. Accept/Amend the Agenda

The Chair asks for a motion either to approve the agenda as presented or to amend.

Motion to Amend the Agenda:

Councilman Edward McKeon moves to amend the agenda to add a resolution. He reads the proposed resolution that he is looking to add to the agenda in its entirety.

Councilman Eugene Nocera explains that, to give order as to how to move forward with this resolution, it is new and the Councilmembers have not reviewed it prior to this meeting. He commends the Mayor for putting this resolution together. He suggests that the Councilmembers stop for a minute and read the resolution, which was just emailed. After reading, Councilmembers can let the Council Clerk know who would like to add their name as a sponsor of the resolution. He asks if there is consensus for this approach.

Councilman Philip Pessina interjects and states that Councilman McKeon has moved to add this resolution to the agenda and he offers a second for this motion. He believes that a voice from all Councilmembers is needed.

Councilman Nocera replies that is his intention, to do a voice vote or whatever else may be needed.

The Chair calls on Corporation Counsel Daniel Ryan, Esq.

Attorney Ryan states that, since this is a last minutes agenda amendment, it requires a super-majority, to add it to the agenda. He notes that having a unanimous vote with 12 votes would be nice. He also offers the following procedural reminders: identify yourself before you speak; don't speak at once; and refer to other councilmembers as Councilman "last name" rather than "first name" so we do not confuse the public.
Again, everyone has the opportunity to speak once. If you want to speak a second time, you need permission of the Mayor and the limit is five (5) minutes apiece.

The Chair calls on the Council Clerk.

The Clerk states that her understanding is that the Council is not debating the resolution at this point, but, rather, is looking to amend the agenda. If added, this proposed resolution will go on the agenda as Item 12C.

The Chair states that is correct. He states that they will take a voice vote to amend the agenda and then have discussion when they arrive at this item on the agenda.

The Council clerk asks if the Chair is asking for a roll call vote for amending the agenda.

Corporation Counsel Ryan states that would be great since we would then know if we have the necessary supermajority.

Councilman Nocera asks if they can assume that, if people are voting in favor of amending the agenda to add this proposed resolution, then they are also agreeing to add their name to this resolution.

Councilman Grady Faulkner, Jr. replies, “No.” He states that he will have questions when the item comes up.

The Council Clerk asks if the roll call vote be taken now to amend the agenda to add the proposed resolution as Item 12C.

There being no further discussion, the Chair calls for a roll call vote on the motion to amend the agenda, asking the Council Clerk to read the roll:

- Councilwoman Blackwell aye
- Councilwoman Carta aye
- Councilman Faulkner aye
- Councilman Darnell Ford aye
- Councilman Edward Ford aye
- Councilman Gennaro aye
- Councilman Loffredo aye
- Councilman Mangialfico aye
- Councilman McKeon aye
- Councilman Nocera aye
- Councilman Pessina aye
- Councilwoman Salafia

Councilwoman Salafia states that she has just received the proposed resolution and was not able to speak during discussion. She would like to read the resolution and discuss and vote. The Clerk notes that it is a vote on amending the agenda. She is not able to be on this meeting and get to the email. She votes aye to amend the agenda. She adds that she would like to read the proposed resolution for herself or she will abstain.

Councilwoman Salafia aye

The Chair states that the motion to amend the agenda, adding the proposed resolution as Item 12C, is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangialfico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

The Chair states that Councilwoman Salafia has an excellent idea, adding that later in the meeting, the Council should consider taking a five (5) minute recess to allow Councilmembers to read the document.

Councilwoman Salafia states that the proposed resolution could be emailed to her personal email address so she could see it during the meeting. The Council Clerk relays that she will do so.

The Chair states that the Council now need to approve the minutes.

**Waiver of the Common Council Rules of Procedure:**

Rules Councilman Nocera makes one more proposed motion: he moves to amend the Council rules when they get to the public hearing to allow the public to speak on non-agenda items.

Councilman Pessina seconds them motion.

Corporation Counsel Daniel Ryan explains that this vote will also require a supermajority for approval.

The Chair asks if there is any discussion of this motion.

The Chair calls on Councilwoman Jeanette Blackwell. She has no questions.
The Chair calls on Councilman Grady Faulkner, Jr.

Councilman Faulkner states that the Council seems to have more than one item to discuss that is not on the agenda.

The Chair explains that the proposed motion is to suspend the rules to allow the public to speak on item that are not on the agenda. There being no further discussion, the Chair calls for a roll call vote on the motion to amend the agenda, asking the Council clerk to read the roll:

Councilwoman Blackwell aye
Councilwoman Carta aye
Councilman Faulkner aye
Councilman Darnell Ford aye
Councilman Edward Ford aye
Councilman Gennaro aye
Councilman Loffredo aye
Councilman Mangialfico aye
Councilman McKeon aye
Councilman Nocera aye
Councilman Pessina aye
Councilwoman Salafia aye

The Chair states that the motion to waive the rules to allow the public to speak on non-agenda items is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangialfico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

**Motion to Accept the Agenda as Amend:**

The Chair asks for a motion to accept the agenda as amended.

Councilman Vincent Loffredo moves to accept the agenda as amended. Councilwoman Jeanette Blackwell seconds the motion.

There being no discussion, the Chair calls for a roll call vote on the motion to accept the agenda as amended, asking the Council Clerk to read the roll:

Councilwoman Blackwell aye
Councilwoman Carta aye
Councilman Faulkner aye
Councilman Darnell Ford aye
Councilman Edward Ford aye
Councilman Gennaro aye
Councilman Loffredo aye
Councilman Mangialfico aye
Councilman McKeon aye
Councilman Nocera aye
Councilman Pessina aye
Councilwoman Salafia aye

The Chair states that the motion to accept the agenda as amended is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangialfico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

**Point of Order:**

Councilman Edward McKeon makes a point of order, stating that he has received two (2) messages that the link to this meeting is not working through the City website. He states that it is impossible for people to know where to watch the meeting. He wants people to know that the City website is unresponsive.

The Council Clerk replies that the meeting does not stream on the City website. It only streams on Facebook and WebEx.

The Chair states that, if people want to join the WebEx meeting, they need to download the agenda. On the agenda they will find an event number and password. They can go to WebEx.com and use that event number and password to join the meeting. They will also make sure that this information is posted on Facebook within the next few minutes.

Councilman McKeon thanks the Chair, noting that, since they can’t hear his announcement, he will send that information directly to them.

The Chair adds that Councilman McKeon may also want to share the agenda with the event number and password.
3. Approval of Minutes: Regular Meeting, Including Public Hearing on the Water Rates for FY 2020 2021, of May 4, 2020 at 7:00 PM

The Chair asks for a motion to approve the minutes of the Regular Meeting of May 4, 2020 at 7:00 PM.

Councilman Philip Pessina moves to approve the Minutes of the Special Meeting of May 4, 2020 at 7:00 PM. Councilman Eugene Nocera seconds the motion. The Chair asks if there is any discussion.

There being no discussion, the Chair calls for a roll call vote, asking the Council Clerk to read the roll:

- Councilwoman Blackwell  aye
- Councilwoman Carta  aye
- Councilman Faulkner  aye
- Councilman Darnell Ford  aye
- Councilman Edward Ford  aye
- Councilman Gennaro  aye
- Councilman Loffredo  aye
- Councilman Mangiafico  aye
- Councilman McKeon  aye
- Councilman Nocera  aye
- Councilman Pessina  aye
- Councilwoman Salafia  aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

4. Approval of Minutes: Special Meeting of May 18, 2020 at 5:00 PM

The Chair asks for a motion to approve the minutes of the Special Meeting of May 18, 2020 at 5:00 PM.

Councilman Eugene Nocera moves to approve the Minutes of the Special Meeting of May 18, 2020 at 5:00 PM. Councilman Anthony Mangiafico seconds the motion. The Chair asks if there is any discussion.

The Chair calls on Councilwoman Jeanette Blackwell.

Councilwoman Blackwell states that her name was omitted from the minutes as being present. The Council Clerk apologizes for the omission.

There being no further discussion, the Chair calls for a roll call vote on the motion to accept the minutes, as amended, asking the Council Clerk to read the roll:

- Councilwoman Blackwell  aye
- Councilwoman Carta  aye
- Councilman Faulkner  aye
- Councilman Darnell Ford  aye
- Councilman Edward Ford  aye
- Councilman Gennaro  aye
- Councilman Loffredo  aye
- Councilman Mangiafico  aye
- Councilman McKeon  aye
- Councilman Nocera  aye
- Councilman Pessina  aye
- Councilwoman Salafia  aye

The Chair states that the motion to approve the minutes, as amended, is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

5. Approval of Minutes: Budget Workshop of May 18, 2020 at 5:00 PM

The Chair asks for a motion to approve the minutes of the Budget Workshop of May 18, 2020 at 5:00 PM.

Councilman Eugene Nocera moves to approve the Minutes of the Special Meeting of May 18, 2020 at 5:00 PM. Councilman Edward McKeon seconds the motion. The Chair asks if there is any discussion.

There being no discussion, the Chair calls for a roll call vote on the motion to accept the minutes, as amended, asking the Council Clerk to read the roll:

- Councilwoman Blackwell  aye
- Councilwoman Carta  aye
- Councilman Faulkner  aye
- Councilman Darnell Ford  aye
- Councilman Edward Ford  aye
- Councilman Gennaro  aye
Councilman Loffredo aye
Councilman Mangiafico aye
Councilman McKeon aye
Councilman Nocera aye
Councilman Pessina aye
Councilwoman Salafia aye

The Chair states that the motion to approve the minutes, as amended, is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

6. Approval of Minutes: Budget Workshop of May 21, 2020 at 6:00 PM

The Chair asks for a motion to approve the minutes of the Budget Workshop of May 21, 2020 at 6:00 PM.

Councilman Edward Ford moves to approve the Minutes of the Budget Workshop of May 21, 2020 at 6:00 PM. Councilwoman Linda Salafia seconds the motion.

There being no discussion, the Chair calls for a roll call vote on the motion to approve the minutes, asking the Council Clerk to read the roll:

Councilwoman Blackwell aye
Councilwoman Carta aye
Councilman Faulkner aye
Councilman Darnell Ford aye
Councilman Edward Ford aye
Councilman Gennaro aye
Councilman Loffredo aye
Councilman Mangiafico aye
Councilman McKeon aye
Councilman Nocera aye
Councilman Pessina abstain
Councilwoman Salafia aye

The Chair states that the motion to approve the minutes is approved unanimously with 11 aye votes and one (1) abstention (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, and Salafia; Councilman Pessina abstains). The Chair states the matter is approved.

7. Approval of Minutes: Budget Workshop of May 27, 2020 at 6:00 PM

The Chair asks for a motion to approve the minutes of the Budget Workshop of May 27, 2020 at 6:00 PM.

Councilman Eugene Nocera moves to approve the Minutes of the Budget Workshop of May 27, 2020 at 6:00 PM. Councilman Philip Pessina seconds the motion.

There being no discussion, the Chair calls for a roll call vote on the motion to approve the minutes, asking the Council Clerk to read the roll:

Councilwoman Blackwell aye
Councilwoman Carta aye
Councilman Faulkner aye
Councilman Darnell Ford aye
Councilman Edward Ford aye
Councilman Gennaro aye
Councilman Loffredo aye
Councilman Mangiafico aye
Councilman McKeon aye
Councilman Nocera aye
Councilman Pessina aye
Councilwoman Salafia aye

The Chair states that the motion to approve the minutes is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

8. Public Hearing Opens

The Chair opens the public hearing at 7:23 PM. The Chair states that any member of the public wishing to speak on an agenda item and, with the Rules suspended, on non-agenda items as well, may indicate by using the hand raise WebEx function. They will be called on and are asked to state their name and address for the record and that comments are limited to a five (5) minutes.
Robert Treloar (Saybrook Road): He states that he is speaking in regards to the Saybrook Road issue, which was discussed at the last regular Council meeting with the tabling of the matter of absorption of a road. He reads a letter that he and the other residents in the area have experienced, to share the experience with the Council as it reflects directly the concern about the absorption of the road. He explains that his road absorption is part of the court stipulation with Crele Construction.

This is Rob Treloar of 1762 Saybrook Road along with residents Sue Meehl, Pete and Maria Groeper and Nancy Stamler.

I will be calling into the meeting tonight and will read this into the meeting.

Questions and concerns:

1) Why is the court ordered zoning change stipulation not completed as of today? The original agreement set forth by the Middlesex Superior Court was agreed upon on 10/21/2019 (see attached doc) .... We understand that trees needed to be planted in the following planting season which was agreed upon by April 22nd 2019. Trees were planted but back lot had to be changed which led to an illegal wood tub grinder being used to dispose of illegally stored wood in April of 2020. The building without permit was demolished on this day as well... After that an island was supposed to be installed along Saybrook rd. This took another 3 weeks to complete which was well into May 2020. The Island along Saybrook Rd , according to the agreement must also contain many plantings as well. The island currently hold 3 large rocks. The depth of the island is only about 8 inches and is full of wood chips with a pounded asphalt milling base. We all doubt anything will truly grow in this Island.

2) This past Friday the landowner and his coworker drove a large Excavator onto the residential land which was covered in the court order. He also dumped a load of wood chips onto this section of the land. We consistently told the zoning department that this would definitely happen and this was the reason we wanted trees to be planted in this area as shown in the court order drawings. This area was where the land owner kept a dilapidated trailer across from our home for almost 4 years…. I have video of the event and called everyone involved from zoning as well as legal departments on Friday. We haven’t heard back except an email from zoning stating that they were “Going out there Monday”. We haven’t heard what the results are as of yet.

3) The land in the rear lot was a large multi acre wetland area that was violated in 1983. We have indisputable proof which includes a 60 page report by an environmental research agency, Middletown Meeting minutes which I have shared to Wetlands commission and zoning. These documents show that the land owner was in the wrong and was to pay a $15000 performance bond to rectify the wrong doing and destruction of the wetlands that were very succinctly described by the reports and meeting minutes. The land owner never paid the fines, never returned the wetlands to their natural state and waited for years to begin working on the rear lot again ....... To this day the wetlands have been destroyed, were never repaired and operations continue. Yet the wetlands maps both local and national remain the same. (SEE ATTACHED REPORTS AND MINUTES)

How does a nonresident business owner absorb a Middletown property freely in the agreement while blatant violations occur continuously with definitive backing proof? Why we the citizens of Saybrook Rd made to are “put up with” these discrepancies when we have paid taxes for over 28 years and followed the law. It seems so unfair. The business owners don’t even live in Middletown and violated the laws of zoning for years.

We were told that there would be 100 foot buffers to the wetlands (a brook that surrounds the property now) This would have eliminated the work area completely. We were wrong evidently but were told otherwise.

All in all this has been a long and arduous task getting a simple fix in place. We understand there are challenges but after waiting almost 5 years for rectification we are perplexed to say the least.

Can’t we enforce the agreed upon agreement as described by the stipulation and drawing as I witnessed in the actual meeting for the stipulation agreement (see attached stipulation agreement)? Will we the residents have a say in the final site plan approval? Will there be NEW RULES? We would like to see them as violations will certainly continue.

Do court orders matter anymore or is it all “DO IT AS YOU GO” Will the judge be happy about this outcome?? I think not.

Mr. Treloar states that Peter Groeper is also present and has a question. In the original site plan for this property, the survey came to the City and said that the wetlands were going to be violated. The new site plan makes no mention of these wetlands, yet there is a 60 page report and minutes from a meeting held in the Council Chamber, showing that the wetlands were violated. He adds that they also have information form the Zoning Office and, at the time, the environmental planner Michelle Ford investigate to see if the performance bond was ever paid. It was not. They actually
approved it. The violation happened; the $15,000 performance bond was not paid; the land issues were not rectified. Yet here we are rewarding them, giving them property so that they can continue. That has been the elephant in the room during this whole multi-year journey for the residents of Saybrook Road. Hey have been wondering . . . they handed in these wetlands reports, all of this information and no one has given a definitive answer. The answer given to his wife, Susan Meehl, by Zoning about the wetlands, they asked if the owner just received the wetlands lot after violating it. She was told “Yes.” They stop and have to scratch their heads and ask how someone can violate acres of land and just get away with it. He does not know how to answer it. How can this be? Tree have also been multiple violations with the Stated Department of Environmental Protection and they have all the supporting documents. He just wants this to be evident to everyone on the Council, adding that the amount of evident that they have is absolutely astounding. It has been a 6-year journey.

ORDER

ORDER REGARDING:
08/23/2018 112:00 MOTION FOR ORDER
Present: Plff and Def Counsel present
The foregoing, having been considered by the Court, is hereby:
ORDER: GRANTED
Disposition: JDT/JT - JUDGMENT BY STIPULATION BEFORE TRIAL COMMENCED
Short Calendar Results Automated Mailing (SCRAM) Notice was sent on the underlying motion.
418032
Judge: EDWARD S DONNARSKI
Processed by: Shaloo Davis
DOCKET NO. MMX-CV17-6018446-S
CRELE CONSTRUCTION CORP. ET AL.
v.
MIDDLETOWN ZONING BOARD OF APPEALS

SUPERIOR COURT
JUDICIAL DISTRICT
OF MIDDLESEX
AT MIDDLETOWN
AUGUST 23, 2019

MOTION FOR APPROVAL OF SETTLEMENT
PURSUANT TO GENERAL STATUTES § 8-8(n)

The parties to the above-captioned administrative appeal, pursuant to General
Statutes § 8-8(n), for court approval of a settlement that has been reached. The background and
basis are as follows:

1. Crele is the owner of three parcels of real property collectively known as
1685 Saybrook Road in Middletown, Connecticut ("Property").

2. The City of Middletown has adopted zoning regulations pursuant to
Connecticut General Statutes § 8-2 known as the Middletown Zoning Code ("Zoning Code")

3. The City has been divided into different districts in accordance with the
Zoning Code including a residential district known as R-60 and an industrial zone known as I-1

4. Crele operates a contractor's yard and a wholesale and retail landscaping
and mulch business which includes the manufacturing/production of wood-based products
including, but not limited to, mulch and the stockpiling, sale and delivery of such products from
the Property ("the Business Use").

5. The Business Use is permitted by the Code in the I-1 zone, but it is not
permitted by the code in the R-60 zone

6. On April 19, 2017, the Middletown Zoning Enforcement Officer issued
Crele a Cease and Desist Order.

8. On June 1, 2017, and July 6, 2017, public hearings on the appeal of the Order were held.

9. On July 6, 2017, the ZBA deliberated the appeal of the Order. Following deliberations, the ZBA voted to sustain the Order.

10. On July 25, 2017, Crele filed an Administrative Appeal, in Middletown Superior Court, challenging the ZBA’s decision.

11. The parties have engaged in substantial efforts to resolve the dispute that is the subject of appeal and wish to settle the dispute in accordance with the Stipulated Judgement and Release, attached as Exhibit A.

12. The proposed settlement was printed on the agenda of the ZBA’s August 1, 2019 regular meeting as required by Practice Book § 14-7B. In addition to meeting that requirement, notice was published informing the public that they could provide comment at the meeting regarding the proposed settlement.

13. At the August 1, 2019 meeting, the ZBA invited and received public comment on the settlement, after which it voted to approve the settlement. A copy of the agenda and minutes of the August 1, 2019 meeting are attached as Exhibit B.

14. The settlement was approved by the ZBA after a public process and at public meeting without undue influence, and in compliance with Practice Book § 14-7B.
WHEREFORE, the parties, pursuant to General Statutes § 8-8(n), move for approval of the settlement as stated above.

PLAINTIFF,
CRELE CONSTRUCTION CORPORATION ET AL

By /s/ Kenneth R. Slater, Jr.
Halloway & Sage LLP
235 Asylum Street
Hartford, CT 06103
slater@hallowaysage.com

DEFENDANT,
MIDDLETOWN ZONING BOARD OF APPEALS

By /s/ Christopher Forte
Assistant General Counsel
Office of the General Counsel
City of Middletown
245 deKoven Drive
Middletown, CT 06457
Christopher.snedick@middletownct.gov
CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Motion for Approval of Settlement and Exhibit A and Exhibit B were electronically delivered this 23rd day of August 2019, to all counsel of record and written consent for electronic delivery has been received from all counsel.

Christopher Forte
Assistant General Counsel
Office of the General Counsel
City of Middletown
245 DeKoven Drive
Middletown, CT 06457
Christopher.amediuk@middletownct.gov

/\/
Kenneth R. Slater, Jr.
Commissioner of the Superior Court
Exhibit A
STIPULATED JUDGMENT AND RELEASE

This Stipulated Judgment ("Stipulation") and Release is made and entered into as of August 23, 2019, by and between Crele Construction Corporation, Leander Crele and Myles Crele, 1685 Saybrook Road, Middletown, CT ("Crele"), and Middletown Zoning Board of Appeals, with a mailing address of 245 deKoven Drive, Middletown, CT ("ZBA"), and is intended to be a full and final settlement and release of all parties to this Stipulation for all matters alleged herein.

RECITALS

WHEREAS, Crele is the owner of three parcels of real property collectively known as 1685 Saybrook Road in Middletown, Connecticut ("Property");

WHEREAS, the City of Middletown has adopted zoning regulations pursuant to Connecticut General Statutes § 8-2 known as the Middletown Zoning Code ("Zoning Code");

WHEREAS, the City has been divided into different districts in accordance with the Zoning Code including a residential district known as R-60 and an industrial zone known as I-1;

WHEREAS, Crele operates a contractor’s yard and a wholesale and retail landscaping and mulch business which includes the manufacturing/production of wood-based products including, but not limited to, mulch and the stockpiling, sale and delivery of such products from the Property ("the Business Use");

WHEREAS, the Business Use is permitted by the Code in the I-1 zone, but it is not permitted by the Code in the R-60 zone;

WHEREAS, on April 19, 2017, the Middletown Zoning Enforcement Officer issued Crele a Cease and Desist Order alleging that:

1) Crele had established and was operating a contractor’s yard in a residential district located on the Property;
2) Crele was operating a wholesale and/or retail landscaping/mulch business where they were actively storing material from their land-clearing operations, and were manufacturing/producing wood-based products, including, but not limited to, mulch for sale, and storing/stockpiling the aforesaid landscaping material on the subject property in connection with the contractor’s yard operation, wholesale/retail operation without benefit of permits, including, but not limited to a zoning permit, site plan review/approval, and/or variance, and in a residential district where such uses are expressly prohibited by the Zoning Code;
3) Crele was parking and/or storing more than one unregistered vehicle and/or trailer on a residentially zoned property;
4) Crele had created a private vehicular driveway, or other vehicular way on the Property to provide access to a non-residentially zoned property and/or properties, and Crele had created an entrance/exit driveway in a residential district that was more than 25 feet wide;
5) Crele had imported and/or stockpiled, and were importing and 
stockpiling, a large quantity of material on the Property without site 
plan approval;

6) Crele was storing/stockpiled material on the Property without using 
any sediment and erosion control devices to prevent migration of that 
material offsite, including onto other properties and/or abutting 
regulated areas.

WHEREAS, on April 28, 2017, Crele filed an appeal of the Order to the Middletown 
Office of Planning, Conservation and Development pursuant to Connecticut General Statutes 
section 8-7;

WHEREAS, on June 1, 2017, and July 6, 2017, public hearings on the appeal of the 
Order were held;

WHEREAS, on July 6, 2017, the ZBA deliberated the appeal of the Order. 
Following deliberations, the ZBA voted to sustain the Order;

WHEREAS, on July 25, 2017, Crele filed an Administrative Appeal, in Middletown 
Superior Court, challenging the ZBA’s decision;

WHEREAS, the parties have engaged in substantial efforts to resolve the dispute that is the 
subject of appeal and wish to settle the dispute in accordance with this Stipulation;

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for 
other good and valuable consideration, the Parties intending to be legally bound, agree as follows:

1. STIPULATION:

The Parties agree that:

1.1. Boundary Line: The Parties agree that based on ambiguity as to the location of 
the boundary line, the zoning boundary line bisecting the Crele Property will be 
definitely established as shown on the attached survey, which line has been 
staked in the field. The Parties agree that the boundary line shall remain 
demarcated at all times by a permanent boundary line so that the City can easily 
verify compliance with this Stipulation. The attached survey includes 
handwritten notations to which the Parties have agreed. The final survey as 
sealed will faithfully depict these notations and will be incorporated into this 
Stipulation as a replacement for the attached survey without further action by the 
parties.

1.2. Commercial/Industrial Activities: Crele agrees that the Business Use will be 
conducted only on the portion of the property zoned I-1 in accordance with the 
zoning boundary shown on the survey.

1.3. Landscaping: Crele will complete the landscaping of their Property and all other 
items shown on the attached survey, including 22 3” caliper Eastern White Pines 
along the northern edge of the Property and 6 3” caliper Eastern White Pines
along the western edge of the residential portion of the Property, within six-
months of the date that this Stipulation is approved by the Court. The Parties
agree that immediately on the date this Stipulation is approved by the Court,
Crele will conduct their Business Use solely on the portion of the property zoned
1-1, and will immediately move the trailers off the residential lot. The location
of the 10 trees shown on the survey along the northern boundary and west of the
road bed shown as “Seybrook Road as Abandoned on Jan 15, 1932” are
representative only such that the actual final locations will be established in the
field by Town staff taking into account slope, ledge, existing trees and wetlands
and watercourses.

1.4. Future Approvals for and Usage of Residential Portion: Crele will strictly comply
with all approval and use requirements under federal, state, and local law and
regulation. Any future use of the residential portion of the Property that requires
permitting, licensing, or other approval must receive final approval, including
exhaustion or expiration of appeals, before Crele may undertake such use.

1.5. Effect of Judgment on Enforcement Orders: as a result of this judgment the
enforcement order that is the subject of this appeal is withdrawn and is of no force
and effect.

1.6. Violation of Stipulation: If the City is required to take action to remedy a
violation of this Stipulation, the Parties agree that fines of $100.00 per violation
per day or the amount as set forth in C.G.S. § 8-12, whichever amount is greater,
for each day that such violation continues after written notice from the City, and
after Crele has been given 15 days from the date of such notice to cure the
violations. In addition, if the City pursues an enforcement action against Crele
to enforce the terms of this Stipulation, the City will be entitled to an award of
reasonable attorneys’ fees in addition to any costs, penalties or damage awards
entered by final judgment of the court.

2. MUTUAL RELEASES AND WAIVER:

Subject to and upon fulfillment of all of the terms and conditions set forth in Section 1
of this Stipulation, the Parties mutually agree to release one another from any claims, demands,
causes of action, suits, proceedings, and costs, in law, equity, or otherwise arising out of or
related to the facts or circumstances of the matters recited herein.

3. MISCELLANEOUS TERMS AND CONDITIONS:

3.1. Entire Agreement: This Stipulation is the entire Agreement between the Parties
hereof with respect to the subject matter hereof, and supersedes and replaces all
prior discussions, representations, communications and agreements (oral or
written). This Stipulation shall not be modified, supplemented, or terminated
except by a written instrument signed by the parties and approved by the Superior
Court.

3.2. Enforceability: In the event any provision of this Stipulation shall be held invalid,
illegal, or unenforceable, the validity, legality, and enforceability of the remaining
provisions shall not in any way be affected or impaired thereby.
3.3. **Governing Law:** This Stipulation and all matters relating or pertaining hereto shall be governed and construed by and under the laws of the State of Connecticut without regard to principles of conflicts of law.

3.4. **Effective Date:** The Effective Date of this Stipulation is the date in which this Stipulation is approved by the Superior Court.

3.5. **Acknowledgments:** Each party represents and agrees:

3.5.1. That they have read this Stipulation and both Parties understand and agree with all of the terms and conditions contained herein.

3.5.2. That they enter into this Agreement freely, knowingly and voluntarily.

3.5.3. That they have consulted with their attorneys prior to executing this Agreement.

**IN WITNESS WHEREOF,** the Parties have set their hands and seals to the Stipulation this 23rd day of August 2019.

**PLAINTIFFS,**

**CRELE CONSTRUCTION CORPORATION,**
**LEANDER CRETE,**
**MYLES CRETE**

By: _________________

Kenneth R. Slater, Jr.
HALLORAN & SAGE LLP
525 Asylum Street
Hartford, Connecticut 06103
860-522-0103 (O) / 860-548-0006 (F)
slater@halloransage.com
Juris No. 26105
DEFENDANT,

MIDDLETOWN ZONING BOARD OF APPEALS

By: __________________________
    Christopher Forte
    Assistant General Counsel
    Office of the General Counsel
    City of Middletown
    245 deKoven Drive
    Middletown, CT 06457
    860-638-4820 (I) / 860-638-1920 (F)
    J-017809
    christopher.amedick@middletownct.gov
THURSDAY, AUGUST 1, 2019
MUNICIPAL BUILDING
COUNCIL CHAMBERS
5:30 P.M.

AMENDED AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES — June 6, 2019 Regular Meeting Minutes

4. OLD BUSINESS

5. NEW BUSINESS
   1. Request for a O.S. 14-54 Review for a change of dealership for auto sales located at 409 Middlefield Street. Applicant/agent Royalty Transportation Service O.S. 14-54 2019-1

6. PUBLIC HEARING
   1. Proposed variance with regard to Section 23 to change a previously approved variance for a 20' x 24' garage within a 3 foot setback to a 20' x 26' 2-car garage within 1.5 feet from side property line in a non-conforming lot in the MX zone at 417 High Street. Applicant/agent Donald Oliver ZBA2019-7

   2. Approve settlement agreement between CRELE CONSTRUCTION CORPORATION v. MIDDLETOWN ZONING BOARD OF APPEALS. Docket Number MMX-CV17-6018446

7. ADJOURNMENT

ALTERNATES: Brandon Chafee, Nick Ficaro, Kevin Brignole

If you require special accommodations for any meeting, please call the ADA Coordinator at (860) 638-4540, (voice) or (860) 638-4812 (TDD/TTY), or the Town Clerk’s Office at (860) 638-4910 at least ten (10) days prior to the scheduled meeting.
REGULAR MEETING OF THE ZONING BOARD OF APPEALS
MIDDLETOWN CONNECTICUT
AUGUST 1, 2019

1. CALL TO ORDER
Jonathan Pulino opened the meeting with the Pledge of Allegiance.

2. ROLL CALL
Present: Jonathan Pulino
Judy Pehota
Nick Piccari
Kevin Brigode
Absent: Linda Reil
Gary Middleton
Dana Ford
Brandon Chafee

3. APPROVAL OF MINUTES – June 6, 2019 Regular Meeting Minutes
Judy Pehota moves for approval of the minutes of June 6, 2019 Regular Meeting Minutes. Kevin Brigode seconded the motion. The chair calls for the vote. The chair states the matter passes unanimously with 4 affirmative votes.

4. OLD BUSINESS
None

5. NEW BUSINESS
1. Request for a G.S. 14-54 Review for a change of dealership for auto sales located at 409 Middlefield Street. Applicant/Agent Royalty Transportation Service G.S. 14-54 2019-1

Micah Bruce (applicant) of 455 Middlefield Street represented the application.

Kevin Brigode moves for an affirmative G.S. 14-54 Review for a change of dealership for auto sales located at 409 Middlefield Street. Jonathan Pulino seconds the motion. The chair calls for the vote. The chair states the motion passes unanimously with 4 affirmative votes.

6. PUBLIC HEARING
1. Proposed variance with regard to Section 23 to change a previously approved variance for a 20' x 24' garage within a 3 foot setback to a 20' x 26' 2-car garage
within 1.5 feet from side property line in a non-conforming lot in the MX zone at 417 High Street. Applicant/agent Donald Oliver ZBA2019-7

Donald Oliver (applicant) introduced the application for a request for variance. He explained what was approved in a previous variance received in April and why he wants to change it to a larger garage. This new variance would fix the problems with previous design (non-functional access of right car). He wants to change the 3 foot setback on the southern property line to 1 1/4 feet so that care exiting garage is not blocked by the house. It would also allow them to hang bicycles on the wall and even put a door in on the side.

No one from the public wished to speak.

Kevin Brignole moves to close the public hearing. Nick Ficaro seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 4 affirmative votes.

Judy Pehota moves for approval for a variance with regard to Section 23 to change a previously approved variance for a 20’ x 24’ garage within a 3 foot setback to a 20’ x 26’ 2-car garage within 1.5 feet from side property line in a non-conforming lot in the MX zone at 417 High Street. Jonathan Pullino seconds the motion. The chair calls for the vote. It is 3 aye votes by Jonathan Pullino, Judy Pehota and Kevin Brignole and 1 nay vote by Nick Ficaro. The Chair states the matter is not approved as 4 affirmative votes were needed.

2. Approve settlement agreement between CRELE CONSTRUCTION CORPORATION v. MIDDLETOWN ZONING BOARD OF APPEALS, Docket Number MMX-CV17-6018446

Brig Smith, General Counsel for the City of Middletown explained he has the proposed settlement agreement and the Board can handle this in two ways. They can have an open session or in an executive session. The executive session would be for the purpose of discussing strategy and negotiations with respect to pending claims or pending litigation under FOIA.

Kevin Brignole moves to go into executive session. Jonathan Pullino seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 4 affirmative votes.

Attorney Smith suggested that they open the public hearing before the executive session so they can discuss public comments also in the closed session.

From the public:

Stephen Devolo, 476 Country Club Road said that he was opposed to going into Executive Session. This has been going on for about 20 years. It's been a contentious issue with a lot of residential neighbors. The City's memorandum to dismiss the case for one of the accounts in the plaintiff's complaint referenced the fact that the Planning and Zoning Commission is the proper jurisdiction for the decisions on this. He advised the Board to go very slowly on accepting this agreement and urged them to not vote in the open session since they are just now viewing this agreement.

Kevin Brignole moves to close the public hearing. Nick Ficaro seconds the motion. The chair calls for the vote. It is unanimous to close the public hearing with 4 aye votes. The chair states the matter passes unanimously with 4 affirmative votes.
The Board had a discussion about what they were going into Executive Session for. Attorney Smith explained to the Board that this is a lawsuit between Crele Construction and the Board regarding property on Saybrook Road. The Crele Construction involves an unusual parcel in that it is zoned part residential and part industrial. The allegation in Crele’s lawsuit is that the ZEC’s Cease & Desist Order improperly cited them for industrial activities occurring on the residential portion and related alleged violations. The City issued the Order in April 2017. It was then brought to the Zoning Board of Appeals where the Board voted to sustain the order. Crele Construction appealed the decision of the Zoning Board of Appeals in 2017. They now have a tentative settlement and that is what the Board is going into Executive Session to discuss.

They went into Executive Session at 6:15PM. Meeting resumed at 6:47 PM

Jonathan Pulino moves to exit the Executive Session. Kevin Brignole seconds the motion. The chair calls for the vote, it is unanimous to exit executive session with 4 aye votes. The chair states the motion passes unanimously with 4 affirmative votes.

Jonathan Pulino explained that they will now hear from the Attorney and what they talked about.

Attorney Smith handed out the documents discussed in the Executive Session to the public and explained what the documents were all about. He pointed out on the maps that he handed out where the trees that will be used as buffers would be planting. This will prevent using those using industrial materials in the residential zone.

Kevin Brignole moves to reopen the public hearing. Judy Pehota seconds the motion. Motion was approved unanimously.

Attorney Matthew Willis representing Crele Construction stated that he is seeking support to approve this settlement. It has been a long and arduous ordeal and his client would like to stay in business and continue to be a good citizen of the City of Middletown.

Robert Trelor of 762 Saybrook Road asked if the dilapidated truck would be removed from the site. Jonathan Pulino said yes, it would be moved.

Judy Pehota moves to close the public hearing. Kevin Brignole seconds the motion. Motion was approved unanimously.

The Board had a discussion and all agreed that this was a good settlement because it works for both neighbors, conforms a zoning line so that it better reflects what the residential and industrial split should be, and allows the industrial activities to continue in a consolidated portion, while keeping the residential portion closest to the neighbor across the street.

Kevin Brignole moves for approval of the settlement agreement between CRELE CONSTRUCTION CORPORATION v. MIDDLETOWN ZONING BOARD OF APPEALS. Docket Number MMX-CV17-6618446. Jonathan Pulino seconds the motion. The chair calls for the vote. It is unanimous to approve with 4 aye votes. The chair states the motion passes unanimously with 4 affirmative votes.

7. ADJOURNMENT
The Chair thanks Mr. Treloar for his comments, adding that he has actually been allowed to go over the five (5) minute allotted time. This is not something on the agenda, but it is helpful for Councilmembers to consider his comments when they take this issue up at a future meeting. The Chair notes that it is his understanding that Mr. Treloar has send the information to the Councilmember and they will be able to review that material. Mr. Treloar thanks the Chair for the time.

The Chair asks if there is anyone else looking to speak. The Council Clerk identifies another speaker, listed in the call-in as “anonymous,” indicating that the speaker will need to state his/her name for the record.

The speaker asks if he is required to state his name and address for the record. The Council Clerk replies that the speaker’s name is recorded in the minutes. The speaker asks if he is allowed to make his comments anonymously. He asks if can use a moniker.

The Chair indicates that this is a question for the Corporation Counsel.

Corporation Counsel Daniel Ryan, Esq. explains that, under the Council Rues, as approved, the individual speaker is required to give his name and address unless the Council chooses to waive the rule, which requires a super-majority.

The speaker asks the Council if they wish to waive the Rules so he may speak anonymously, reiterating that he prefers to speak anonymously.

The Chair asks if anyone on the Council wishes to move to allow the speaker to continue anonymously. The Chair calls on Councilman Edward McKeon.
Councilman McKeon states that he does not believe that anonymous testimony is appropriate. If someone has something to say, and it is important enough to say, then they should be willing to say it in public. If not, then the Council cannot judge its veracity, cannot validate its truth, as they do not know who he is. He could be an honest citizen looking to protect something and, if that’s the case, it can be said in public as this is a public meeting.

The Chair calls on Councilman Eugene Nocera.

Councilman Nocera states that he has some questions on Councilman McKeon’s comments. He notes that here was a situation some years ago when someone, who was on the floor, did not want to reveal his name. That person was not allowed to speak.

The Chair addresses the speakers states that, if his preference is not to speak, that is his choice. If he identifies himself, then he may proceed.

Tristen Donaldson (15 Tall Timbers Road): identifies himself to the Council. His issue concerns police and civilian interactions. The county is in a state of crisis from the pandemic and from overwhelming police brutality. His questions involve what is being done about community policing relations in Middletown. He is concerned about the Blue Lives Matter poster, which hangs at the Police Department, noting that it is insulting to the Black Lives Matter in the community. An overwhelming number of people in the community do not what it there and, yet, the police community claims to be sickened by the actions in this country and claim to be defending and protecting them during their protests. In an overwhelming number of cases, the public feels otherwise; they do not feel safer. They are being assaulted by the police in peaceful protest. Our constitutional rights are not protected. These are the issues that he offers to the Council. He asks in what tangible forms is this being addressed.

The Chair thanks him for his comments, adding that the public comment session is not a Q&A session. They will move on to the next speaker. He adds as a point of information to the speaker and Council that shortly before this meeting Police Chief McKenna and he announced that the flag/sign referred to by the speaker had been removed form police headquarters. There was circulated on line about 1,000 signatures making that request. He and the Chief agreed that, during this time, these sentiments be respected. This is offered as a point of information. He asks if there are any other speakers.

The Council Clerk indicates that no other hands are raised.

The Chair reiterates the question, asking if there are any other members of the public looking to speak. There are none. The Chair states that he has a message that there is someone, who wishes to speak, so they will wait one more moment. The Council Clerk states that there is now a speaker.

Sacha Armstrong Crockett (12 Shirleys Court): She thanks the Council for the opportunity to speak, indicating that she emailed the Council earlier in the day. It had a lot of support from other community members. It addresses action items that they believe need to take place in the community. As a quick overview... She speaks to the Chair and Common Council Democrats, indicating that she interviewed many of them when she served on the nominating committee. The action items are their actions items: things that were important to them as they campaigned for office. Looking them in the eyes, she believes that these items are still important to them. She is here on behalf of the black community looking for them to make good on those promises. She is here because that want better, adding that she understands that they need to impress their demands on the Councilmember’s. Specifically, to Mr. Faulkner, Ms. Blackwell and both Mr. Fords, she thanks them for their services, adding there has never before been such a diverse Council. She pleas with them that, as they try to move forward to make the Police Department fair to all residents, and as they bring their unique, black voices to the table, that they make sure it is lasting work that is not dismantled by the next administration or the next Council or the next Mayor. Take this time while serving and use it wisely. Specifically to Mr. Pessina, although she had never met him. She indicates that he reached out to her on her Facebook page. She thanks him for understanding that Black Lives Matter and their differences and political beliefs does not alter their understanding of what is humane and decent. She wishes she could be anonymous, adding that, when she has spoken out in the past, she has been attacked, her family has been attacked. They have contacted her employer so she is very vulnerable. Here she is as a black woman, pleading with them to make changes. She quickly goes down the list, which are their action items from their campaigns. Greater transparency and accountability of the Police Department to the community. She has lived here most of her life and does not know the Middletown Police Department. She asks if they stand for community policing and order maintenance or strictly law enforcement, militarized, broken window policing. Who are they? Whom do they represent? themselves or the community? She notes that they need a united community image and that should not be left to the Police Department to decide what it looks like; rather, it needs to be be together with the community. That also goes into performance evaluations and how does a good police officer know that he is a good police officer, how is that measured. She believes greater transparency and accountability is not only good for the community, but also for the police officers. Implementing a civilian review board with investigative power is self-explanatory. Police review policies and no excessive force, ad de-escalation training, community suggestion mailbox. As a business owner, she is fully prepared to sponsor a mailbox, whatever it is going to take to make this happen faster is what needs to happen. She does not think that sitting on this and over-examining is going to help anyone. There are several websites that have a clear boxes that are sturdy and can be outside so you do not have to worry about safety of the Police Department or worry what people are putting into boxes. There is a variety of things that we can do now. As a local business owner, she reiterates that she is willing to sponsor a box. She hopes that Council will make it happen, adding that she will pay for it, if needed. They also want better understanding as to the anti-bias training that the Police Department has already received.
Is it working? When is the recertification? The biases that police officers carry is more about the institution of policing rather than the individual. With that. She notes that black cops kill black people. Going back to her point that she is vulnerable and nervous, in having her name put out there, she is disposable in this society. It is easy to kill black people and get away with it. These anti-bias trainings are great, but she hopes that they will also record and report how the police is benefiting from them. At some point last year, the Police Department signed off on a social media police. She asks if they are following this policy. We know how dangerous and toxic social media can be and the last thing we need is have out community police officers engaging in that. We need accountability and the police to understand that their jobs are on the line when they post recklessly. It is great that we have initiatives to bring in more officers of color, but, as she has stated, the bias that comes from the institution is colorblind. (Inaudible) officers in the community. It is harder to be reckless and forgetful and forget the Code and the badge that they pledge and all that goes with it, it is easy to forget when no one really cares that the people you are victimizing are hurt. If it not being watched then how do we actually progress? These trainings and certificates and social media policies, we clearly need to have better oversight over the police and their behaviors on the force and off, on duty and off.

The Chair interjects and thanks the speaker, indicating that she is beyond the 5-minute limit and needs to wrap up her comments.

The speaker continues, addressing the Public Safety meetings, which meet at the Middletown Police department, which is something that can be done today. Contact other agencies for a place to meet. She understands that the Blue Lives Matters flag has been removed, so she will not go into that. In general, we consider the Police Department and all of these things, equitable and important issues, are brought into the City as a whole.

The Chair asks if here are any additional members of the public looking to speak. The Council Clerk confirms that there are no other speakers in queue on WebEx looking to speak.

9. Public Hearing Closes

There being no further public comment, the Chair closes the public comment session at 7:48 PM.

10. Department, Committee, Commission Reports and Grant Confirmation Approval

APPROVED

Councilman Grady Faulkner, Jr. reads and moves for approval of the Department, Committee, and Commission Reports and Grant Confirmation Approval, agenda items 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, and 10J. Councilman Philip Pessina seconds the motion.

The Chair calls on Councilman Grady Faulkner, Jr.

Councilman Faulkner states that he wants to point out the employment activity report, adding that the since the topic came up earlier, it is a great report. In that quarter, Minority hiring accounted for 38% of all hires: one black female, one black male, and to white females. He believes that this is the same quarter that they hired several police officers where the entire class were minorities. This shows that we are on the right track.

There being no further discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell aye
Councilwoman Carta aye
Councilman Faulkner aye
Councilman Darnell Ford aye
Councilman Edward Ford aye
Councilman Gennaro aye
Councilman Loffredo aye
Councilman Mangiafico aye
Councilman McKeon aye
Councilman Nocera aye
Councilman Pessina aye
Councilwoman Salafia aye

The Chair states that the motion to approve Items 10A, 10B, 10 C 8A, 8B, 8C, as amended, 8D, and 8E is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia).

A. City Clerk’s Certificate

APPROVED
City & Town Clerk’s Office
245 deKoven Drive
Middletown, CT 06457

Certification

I, Ashley Flynn-Natale, City and Town Clerk of the City of Middletown and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on May 4, 2020 at 7:00 p.m., the special meeting of the Common Council on May 18, 2020 at 5:00 p.m., the budget workshops on May 18, 2020 at 6:00 p.m., May 21, 2020 at 5:30 p.m., and May 27, 2020 at 6:00 p.m. have been advertised in the local newspaper.

Dated at Middletown, Connecticut, this 28th day of May, 2020.

Attest:
Ashley Flynn-Natale
City & Town Clerk

Phone (860) 638-4910  Fax (860) 638-1910  TDD (860) 638-4812
### B. Monthly Reports -- Finance Department: Transfer Report to May 15, 2020

**APPROVED**

#### Transfers of Funds - Operating Budget Accounts

<table>
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<th>Date</th>
<th>Department</th>
<th>Budget Item</th>
<th>From/To</th>
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<th>Account No.</th>
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<td>2000-65000-55175</td>
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<tr>
<td>05/12/20</td>
<td>Fire</td>
<td>Incentive Pay - College</td>
<td>From/To</td>
<td>2010-05000-031915</td>
<td>2010-05000-031915</td>
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<td>Supplies</td>
<td>From/To</td>
<td>2010-50000-51371-6500</td>
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<td></td>
<td>Contractual Services</td>
<td>From/To</td>
<td>2010-50000-51371-6500</td>
<td>2010-50000-51371-6500</td>
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<td>Overtime</td>
<td>From/To</td>
<td>2010-50000-51371-6500</td>
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<tr>
<td>05/12/20</td>
<td>Fire</td>
<td>Tires</td>
<td>From/To</td>
<td>2010-65000-63200-5650</td>
<td>2010-65000-63200-5650</td>
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<td>Diesel Fuel</td>
<td>From/To</td>
<td>2010-65000-64496-5650</td>
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<td>Fuel Oil</td>
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<td>Refunds</td>
<td>From/To</td>
<td>2010-65000-64715-6500</td>
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<td>Project Number</td>
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<tr>
<td>05/11/20</td>
<td>Landfill</td>
<td>Waste Removal</td>
<td>2088-20200-65440</td>
<td>2,500.00</td>
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<td>05/13/20</td>
<td>PAV/Hwy</td>
<td>Repairs/Maintenance to Vehicles</td>
<td>2088-20200-65820</td>
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<td>05/13/20</td>
<td>PAV/Hwy</td>
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<td>1000-20200-65185-0226</td>
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<tr>
<td>05/13/20</td>
<td>PAV/SD &amp; Grds</td>
<td>Contractual Services</td>
<td>1000-20200-65185-0226</td>
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<td>05/13/20</td>
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<td>Repair to Maintenance to Vehicles</td>
<td>1000-20200-65386-0223</td>
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<td>05/14/20</td>
<td>Landfill</td>
<td>Waste Equipment Supplies</td>
<td>2386-20200-65416</td>
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<td>05/14/20</td>
<td>Landfill</td>
<td>Waste Removal</td>
<td>2082-20200-65410</td>
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</tbody>
</table>
C. Grant Confirmation & Approval – Police Department: Federal DEA Asset Forfeiture to be used for various departmental expenses: $12,900

**APPROVED**

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**CITY OF MIDDLETOWN**

**MUNICIPAL BUILDING**

**MIDDLETOWN, CONNECTICUT 06457**

**REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL OF THE FOLLOWING GRANT**

<table>
<thead>
<tr>
<th>Grant Number:</th>
<th>47%</th>
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</thead>
<tbody>
<tr>
<td>Date of Request:</td>
<td>5/6/2020</td>
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<tr>
<td>Name of Grant:</td>
<td>Federal DEA Asset Forfeiture</td>
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<tr>
<td>Amount Requested:</td>
<td>$12,900.00</td>
</tr>
<tr>
<td>Code:</td>
<td>3492-18000-58200-0180-00000-00000-000</td>
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<tr>
<td>Grant Period: From:</td>
<td></td>
</tr>
<tr>
<td>To:</td>
<td></td>
</tr>
<tr>
<td>Rev Code:</td>
<td>3492-18000-43242-0180</td>
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<tr>
<td>Type of Grant:</td>
<td>Federal</td>
</tr>
<tr>
<td>Amount Loaned from General Fund:</td>
<td></td>
</tr>
<tr>
<td>Department Administering Grant:</td>
<td>Police Department</td>
</tr>
</tbody>
</table>

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

**Description of services to be provided by this Grant:**

This account will be for the receipt and expenditure of asset forfeiture funds received through cooperative investigations with the DEA and federal agencies. The department will be receiving a stipend for an Officer working cooperatively with the DEA as well. Funds received from the Federal agency must be tracked separately from the asset forfeiture funds received from the State. These funds can be used for various departmental expenses. There is no negative financial impact to accepting these funds.

**Signature:**

**Requested by:** Chief William McKenna

**Status:** Passed

**Status Date:** 05/12/2020
D. Grant Confirmation & Approval – Mayor & Superintendent of Schools: to enhance school readiness programs in FY20-21: $19,023

APPROVED

CITY OF MIDDLETOWN
MUNICIPAL BUILDING
MIDDLETOWN, CONNECTICUT 06457
REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL
OF THE FOLLOWING GRANT

<table>
<thead>
<tr>
<th>Grant Number: 47</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Name of Grant:</td>
<td>School Readiness - Quality Enhancement (FY2021)</td>
</tr>
<tr>
<td>Amount Requested:</td>
<td>$19,023.00</td>
</tr>
<tr>
<td>Code: 3730-33000-559200-x-03080-2021</td>
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</tr>
<tr>
<td>Grant Period:</td>
<td>From: 7/1/2020 To: 6/30/2021</td>
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<tr>
<td>Rev Code:</td>
<td>3730-33300-49055-x-03080-2021</td>
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<tr>
<td>Type of Grant:</td>
<td>State</td>
</tr>
<tr>
<td>Amount Loaned from General Fund: $19,023.00</td>
<td></td>
</tr>
<tr>
<td>Department Administering Grant: Mayor’s Office/Superintendent of Schools</td>
<td></td>
</tr>
</tbody>
</table>

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant:
• Funds received through this grant will be utilized to enhance the quality of school readiness programs.

Signature: ____________________________
Requested by: Mayor Benjamin Florsheim
Status: Passed
Status Date: 6/1/2020
E. Grant Confirmation & Approval: Mayor, Superintendent of Schools & School Readiness
Council: supplemental school readiness funding: $148,732

APPROVED

CITY OF MIDDLETOWN
MUNICIPAL BUILDING
MIDDLETOWN, CONNECTICUT 06457
REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL
OF THE FOLLOWING GRANT

<table>
<thead>
<tr>
<th>Grant Number:</th>
<th>472</th>
<th>Date of Request:</th>
<th>5/13/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Grant:</td>
<td>School Readiness - Supplemental Funding (July)</td>
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</tr>
<tr>
<td>Amount Requested:</td>
<td>$148,732.00</td>
<td>Code:</td>
<td>5730-33600-59200-0000-03740-2021</td>
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<tr>
<td>Grant Period:</td>
<td>From: 7/1/2020</td>
<td>To:</td>
<td></td>
</tr>
<tr>
<td>Type of Grant:</td>
<td>Local</td>
<td>Rev Code:</td>
<td>3730-33600-43242-09000-03740-2021</td>
</tr>
<tr>
<td>Amount Loaned from General Fund:</td>
<td>$148,732.00</td>
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<td></td>
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<tr>
<td>Department Administering Grant:</td>
<td>Mayor’s Office/Superintendent of Schools/School Readiness Council</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

When any department, commission, office or agency in the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled session of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant:
The funds requested from this grant will continue to be used to 1) maintain and/or increase the number of accredited or approved slots which will improve access to high quality pre-school; 2) provide the opportunity for more students to receive full day, full year child care services to instill family needs and to enable parents to maintain employment; 3) establish shared services to early care and education programs among the state, its various agencies, the community and families.

Signature: 
Requested by: Mayor Benjamin Florsheim  
Status: Passed  
Status Date: 6/1/2020
F. Grant Confirmation & Approval: Board of Education – miscellaneous grants: $991,796.71

APPROVED

<table>
<thead>
<tr>
<th>Grant Number:</th>
<th>474</th>
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<tbody>
<tr>
<td>Date of Request:</td>
<td>5/15/2020</td>
</tr>
<tr>
<td>Name of Grant:</td>
<td>(as listed below)</td>
</tr>
<tr>
<td>Amount Requested:</td>
<td>$991,796.71</td>
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<td>Code:</td>
<td>2450-33000-59405-X-03025</td>
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<td>Grant Period: From:</td>
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</tr>
<tr>
<td>To:</td>
<td>6/30/2020</td>
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<tr>
<td>Rev Code:</td>
<td>2450-33000-43480-X-X</td>
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<tr>
<td>Type of Grant:</td>
<td></td>
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<tr>
<td>Amount Loaned from General Fund:</td>
<td>$0.00</td>
</tr>
<tr>
<td>Department Administering Grant:</td>
<td></td>
</tr>
</tbody>
</table>

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant:

2822-MacDonough Rockfall SOAA $2,400.00; 2823-Snow PreK Activity Packs $1,500.00; 2624-UConn Early Childhood ADED $64,098.00; 2401-Excess Cost SPED $460,524.00; 2721-SPED Medicaid $9,074.04; 2799-Food Services $138,710.22; 8001-Retired COBRA $303,831.80; 8001-Private School Pgm Fees $2,814.00; 8021-Sudent Guardian Bus Camera $1,552.00; 8023-Central Office Receipts $5,391.00; 8035-ADED-GED/Pearson Receipts $148.75; 8035-Even Start Fam Lm Pgm $754.00. Total Special Programs through 4/15/20 $16,078,029.27 ADDITIONS $991,796.71 Total Special Programs through 5/15/20 $19,069,825.98.

Signature: [Signature]

Requested by: Christine Bourne, Chief of Administration

Status: Passed

Status Date: 6/1/2020
G. FY 2019-2020 1st Quarter and 2nd Quarter Employment Activity Reports

APPROVED

City of Middletown

Memorandum

To: Linda Reed, Common Council Clerk
From: Faith M. Jackson, Director of Equal Opportunity and Diversity Management
Date: May 13, 2020
Re: City of Middletown 2019/2020 Employment Activity Report - 1st and 2nd Quarter

Dear Linda,

Enclosed, please find a copy of the City of Middletown 2019/2020 first and second quarter Employment Activity Reports for inclusion in the upcoming June Common Council Agenda.

Should you have any questions, please feel free to contact me at ext. 4831. Thank you.

/rmj

OFFICE OF EQUAL OPPORTUNITY AND DIVERSITY MANAGEMENT
240 Oldtown Drive, Middletown, CT 06457-1300
TOLL FREE: (860) 638-4933 FAX: (860) 636-1576
City of Middletown

Memorandum

To: Mayor Benjamin D. Florsheim
From: Faith M. Jackson, Director of Equal Opportunity & Diversity Management
Date: May 4, 2020

Attached is the 2019-2020 first quarter employment activity report for the City of Middletown for your review and approval. For the first quarter, a total of four new people were hired, four White Males. Job opportunities for new hires and promotions for this quarter came under the following categories: EEO2-Professional, EEO-3 Technicians, EEO3-Protective Services, and EEO8-Service Maintenance. Hiring occurred in the following departments: Fire, Public Works, Water and Sewer, and Board of Education. Of all new hires, none were from the protected class nor were any goals achieved from new hires this quarter.

During the first quarter, a total of five employees were promoted. Of the promotions, the City achieved one of its set goals: one White Female in EEO2-Professionals. Of the five promotions 20%, one White Female, was from the protected class.

While the City does not hire or promote a large number of employees annually, it does strive, in good faith efforts to hire and promote a diverse workforce as demonstrated in other reports.

If you have any questions or would like further explanation of this report, please call me at extension 4830. Thank you.

c: Human Resources Division
Common Council
Affirmative Action Monitoring Committee

/finj

Attachments

Approve:

Signature:
Date:

Other:

Signature:
Date:

OFFICE OF EQUAL OPPORTUNITY AND DIVERSITY MANAGEMENT
245 downhill Drive, Middletown, CT 06457-1300
TEL: (860) 638-4000 FAX: (860) 638-1930
City of Middletown

Memorandum

To: Benjamin Florsheim, Mayor, City of Middletown
From: Faith M. Jackson, Director of Equal Opportunity and Diversity Management and Affirmative Action Officer
Date: May 4, 2020

Re: City of Middletown Affirmative Action 2019-2020 1st Quarter Employment Activity Report

Total Goals set for 2019-2020 (47):
- A1-EEO1 - 1WF, 1BM, 1HF, 1BF, 10M
- B2-EEO2 - 1WF, *1WF, 1BM, 1BF, 1BM, 1M, 1TBM
- C3-EEO3 - 1WF, 1BM, 1HF, 1BF
- D4-EEO4 - 1WF, 1BM, 1HF, 1BM, 1M, 1OC, 1TRMM
- ES-EEO5 - 1WF, 1BF, 1BM, 1OF
- F6-EEO6 - 1WF, 1BM, 1HF, 1BM, 1OF, 1TBM
- GT-EEO7 - 1WF, 1BM, 1HM, 1BM
- HB-EEO8 - 2WF, 2BM, 1BF, 1BM, 1BF, 1M, 1TBM

1st Quarter Hires/Promotions/Terminations/Transfers/Other Results July, August, September 2019

<table>
<thead>
<tr>
<th>Other Male/Other Female</th>
<th>Total</th>
<th>White Male</th>
<th>White Female</th>
<th>RAA Male</th>
<th>RAA Female</th>
<th>RIL Male</th>
<th>RIL Female</th>
<th>Asian Male</th>
<th>Asian Female</th>
<th>ALAN Male</th>
<th>ALAN Female</th>
<th>NHBPE Male</th>
<th>NHBPE Female</th>
<th>Total Male</th>
<th>Total Female</th>
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<td>1</td>
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<td>5</td>
<td>4</td>
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<td>1</td>
<td>1</td>
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<td>Reinst.</td>
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<tr>
<td>Dem.</td>
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<tr>
<td>Sep./ Other</td>
<td>8</td>
<td>1 QC</td>
<td>3 RC</td>
<td>1 RBE</td>
<td>1 QHE</td>
<td>1 RC</td>
<td>1 RC</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8</td>
<td>8</td>
</tr>
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</table>

Definitions:
- LA = Leave of Absence
- Q = Quit
- R = Retired
- C = City
- BE = Board of Education
- T = Terminated

EEO Key:
- EEO1 (A-B) - Officials/Administrators
- EEO2 (B-D) - Professionals
- EEO3 (C-D) - Technicians
- EEO4 (D-E) - Protective Services
- EEO5 (E-F) - Para-Professionals
- EEO6 (F-G) - Administrative Support
- EEO7 (G-H) - Skilled Craft
- EEO8 (H-I) - Service/Maintenance

Ethnic Codes:
- AAM - African American
- BAA - Black/African American
- HSL - Hispanic/Latino
- ASAN - Asian Indian/Asian Native
- NHOPI - Native Hawaiian/Other Pacific Islander
- White

*Achieved Established Goal
**Achieved a Minority Hiring Objective

OFFICE OF EQUAL OPPORTUNITY AND DIVERSITY MANAGEMENT
245 deCoven Drive, Middletown, CT 06457-1300
TELEPHONE: (860) 638-8438 FAX: (860) 638-1550
## Affirmative Action Recruitment Goals 2019-2020

### 1st Quarter New Hires & Promotions

**July, August, September 2019**

<table>
<thead>
<tr>
<th>EEO Category/Number of Goals (47)</th>
<th>Position(s) Available</th>
<th>Number of Available</th>
<th>Goal(s) Achieved</th>
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</thead>
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<tr>
<td></td>
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<tr>
<td>EEO2 - Professional (7)</td>
<td>Y</td>
<td>4</td>
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<td>1WF, *1WF, 1BM, 1IF, 1HM, 1OMM, 1TBM</td>
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<td>EEO3 - Technician (4)</td>
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<td>1WM</td>
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<td></td>
<td>1WF, 1BM, 1HF, 1OMM</td>
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<td>EEO4 - Protective Services (7)</td>
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<td>EEO5 - Paraprofessionals (4)</td>
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<td>EEO6 - Administrative Support (7)</td>
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<td>EEO7 - Skilled Craft (4)</td>
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<td>1WF, 1BM, 1HM, 1OMM</td>
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<td>EEO8 - Service Maintenance (9)</td>
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<td></td>
<td>2WF, 2BM, 1IF, 1HM, 1HF, 1OM, 1TBM</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total**

9

---

*Revised 3/28*

**Race/Ethnicity Codes:**
- **BM:** Black/African American Male
- **BF:** Black/African American Female
- **HM:** Hispanic/Latino Male
- **HF:** Hispanic/Latino Female
- **OW: Other Male, which includes the following: Asian Male, American Indian/Alaskan Native Male, and Native Hawaiian/Other Pacific Islander Male**
- **OF:** Other Female, which includes the following: Asian Female, American Indian/Alaskan Native Female, and Native Hawaiian/Other Pacific Islander Female
- **TMO:** Two or More Races Male
- **TMF:** Two or More Races Female
- **WM:** White Male
- **WF:** White Female

The following report reflects the 2019-2020 first quarter recruitment activities results for new hires and promotions. During this quarter, the City hired four new employees and promoted five employees. The City achieved three of its set goals within the promotions: one White Female promoted in EEO2 Professional. Of all new hires none were from the protected class. Of the five promotions 20%, one White Female, was from the protected class. For this quarter, hires and promotions occurred in the following departments: Water and Sewers, Fire, Board of Ed, and Public Works.

**Sincerely submitted by**

[Signature]

John M. Jackson, Director of Equal Opportunity and Diversity Management and Affirmative Action Officer
City of Middletown

Memorandum

To: Mayor Benjamin D. Florsheim
From: Faith M. Jackson, Director of Equal Opportunity & Diversity Management
Date: March 4, 2020

Attached is the 2019-2020 second quarter employment activity report for the City of Middletown for your review and approval. For the second quarter, a total of eight new people were hired: two White Females in EEO2 Professional, one White Male in EEO2 Professional, one White Male in EEO3-Skilled Craft, one Black Female EEO4 in Protective Services, two Black Males in EEO4 Protective Services, and one White Female in EEO Administrative Support. This quarter minority hiring accounted for 38% of all hires. Of all new hires 75%, one Black Female, two Black Males, and three White Female, were from the protected class.

It should be noted that the three minority hired were in the Police Department, exhibiting a great accomplishment by the department and its efforts to diversify its workforce to be more reflective of the community. This is an historic accomplishment. In all my years of reporting on the City’s employment activities there has never been, to my recollection, three minorities hired by one department at the same time. Hiring also occurred in the following departments: Health, Water and Sewer, Planning, Conservation, and Development, Mayor’s Office, Technology Services, Recreation and Community Services, and Public Works.

During the second quarter, a total of three employees were promoted. Of the three promotions 33%, one White Female, was from the Protected Class. In addition, through this promotion, the City achieved one of its set hiring goals

Even though the City does not hire or promote a large number of employees, it continues to demonstrate its good faith efforts to strive to hire and promote a diverse workforce as demonstrated in this quarterly report.

If you have any questions or would like further explanation of this report, please call me at extension 4830. Thank you.

cc: Human Resources Division
Common Council
Affirmative Action Monitoring Committee

Approve: [Signature]  [Date]

Attachments

Other:

[End of Memorandum]
City of Middletown

Memorandum

To: Benjamin D. Florsheim, Mayor, City of Middletown
From: Faith M. Jackson, Director of Equal Opportunity and Diversity Management and Affirmative Action Officer
Date: May 4, 2020
Re: City of Middletown Affirmative Action 2019-2020 2nd Quarter Employment Activity Report

Total Goals set for 2019-2028 (~67):
- AE-ED01 - 1WF, 1BI, 1BF, 1IB, 11M
- B2-ED02 - 1WF, 1BF, 1BM, 1IB, 11M, 11MM
- C3-ED03 - 1WF, 1BF, 1BM, 11M
- D4-ED04 - 1WF, 1BM, 1BF, 11M, 11F, 11MM
- E5-ED05 - 1WF, 1BM, 1BF, 11F
- F5-ED06 - 1WF, 1BF, 1BM, 11F, 11M, 11F, 11MM
- G7-ED07 - 1WF, 1BM, 1BF
- H8-ED08 - 2WF, 2BF, 2BM, 2IB, 11M, 11F, 11MM

2nd Quarter Hires/Promotions/Terminations/Transfers/Other Results October, November, and December 2019

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Definitions:
- L - Layoffs
- L-A - Layoffs of Absence
- EEO KMD: EEO11 (A-E) - Objectives/Measurement
- Annual
- BAA - Black/African American
- Bi - Bilingual
- ANSI - Asian Indian/Asian Native
- CO - Corporate
- H1 - Hispanic/Latino
- NA - Native American/Other Pacific Islander
- White
- T - Terminated
- TP - Termination/Discharges

*Achieved Established Goal
**Achieved a Minority Hiring

OFFICE OF EQUAL OPPORTUNITY AND DIVERSITY MANAGEMENT
245 Second Street, Middletown, CT 06457-3180
TEL: (860) 638-4830 FAX: (860) 638-1930
## Affirmative Action Recruitment Goals 2019-2020
### 2nd Quarter New Hires & Promotions

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<th>Number of Available</th>
<th>Goal(s) Achieved</th>
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<td>EEO2 – Professional (7)</td>
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*1WF: White Male
*1BP: Black/African American Male
*1HM: Hispanic/Latino Male
*1BM: Black/African American Male
*1IB: Hispanic/Latino Male
*1BF: Black/African American Male
*1IB: Hispanic/Latino Male
*1HM: Black/African American Male
*1BM: Hispanic/Latino Male
*1BF: Hispanic/Latino Male
*1HM: Hispanic/Latino Male
*1BM: Hispanic/Latino Male
*1BF: Hispanic/Latino Male
*1HM: Hispanic/Latino Male
*1BM: Hispanic/Latino Male
*1BF: Hispanic/Latino Male
*1HM: Hispanic/Latino Male
*1BM: Hispanic/Latino Male

**Race/Ethnicity Codes:**
- BM: Black/African American Male
- BF: Black/African American Female
- HM: Hispanic/Latino Male
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- OM: Other Male, which includes the following: Asian Male, American Indian/Aleutian Native Male, and Native Hawaiian/Other Pacific Islander Male
- OF: Other Female, which includes the following: Asian Female, American Indian/Aleutian Native Female, and Native Hawaiian/Other Pacific Islander Female
- T/MM: Two or More Races Male
- T/MF: Two or More Races Female
- WM: White Male
- WF: White Female

The following report reflects the 2019-2020 second quarter recruitment activities results for new hires, and promotions. During this quarter, the City hired eight new employees and promoted three employees. The City achieved four of its set goals in new hires: one White Female in EEO2 Professionals, one White Male in EEO3 Professional, one Black Female in EEO4 Protective Services, and one White Female in EEO6 Administrative Support. An additional minority hire was achieved in EEO4 Protective Services. It should be noted that the three minority hires were in the Police Department, exhibiting a great accomplishment in its efforts to diversify its workforce to be more reflective of the community. Of all new hires 75%, or six out of eight, were from the protected class. Of the three promotions 33%, one White Female, was from the protected class. For this quarter, hires and promotions occurred in the following departments: Health, Water and Sewer, Planning, Conservation, and Development, Police, Mayor’s Office, Technology Services, Recreation and Community Services, and Public Works.

Respectfully submitted,

[Signature]

Faith McKeen, Director of Equal Opportunity and Diversity Management and Affirmative Action Officer
H. Tax Office/Finance Department – Suspense Report FY19-20

ARPROVED

City of Middletown
Tax Office – Division of Finance Department
Middletown Connecticut 06457
May 20, 2020

Mayor Benjamin Florsheim
Members of the Common Council

Ladies and Gentlemen:

In compliance with Section 12-165 of the Connecticut General Statutes, I hereby submit a list of Personal Property and Motor Vehicle tax bills which I deemed to be uncollectible at the present time and request your approval to transfer these items to our Suspense Tax Book as of June 1, 2020.

Motor vehicles accounts have been researched and those submitted for suspense are presently not registered in Middletown. The Personal Property accounts have also been researched and none are active businesses in the City of Middletown. All suspense items are flagged in our tax system and still remain collectible per state statute.

These accounts will continue to be researched through a collection agency who has various means of tracking delinquent accounts. From July 1, 2019 to May 20 2020, we have collected more than $35,720 in suspense items and more than $400,000.00 in the past fourteen years.

Motor Vehicle Taxes $135,395.03
Personal Property Taxes $147,345.51
Supplemental Motor Vehicle Taxes $18,240.00
$300,980.54

Please approve these items for suspense, and please inform this office, in writing, of such action as a matter of record.

Very truly yours,

[Signature]

Le Renee Muscatello, CCMC
Tax Collector, City of Middletown
Municipal Building, 245 deKoven Drive, Middletown, Connecticut 06457
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**TOTAL:** 198

**SUBTOTAL:** $36,806.68

**SUPPLEMENTAL MV:**

**TOTAL:** 117.72

**YR:** 2014
I. Mayor’s Update Report on Arrigoni Bridge Project

APPROVED

J. Russel Library – Emergency Purchase Order for repair of sewage discharge pump by Drain Doctor: $2,234.71

APPROVED

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To: Mayor Benjamin Florsheim  
Carl Erlicher, Director of Finance  
Donna Imme, Supervisor of Purchases  
Linda Reed, Common Council

From: Robb Prchal, Director of Property Management and Security

5/26/2020

On 5/11/2020 a sewage discharge pump failed causing effluent water to seep into a ground level office located in the back of the main library building located on 123 Broad St.

I discovered the leak early in the morning and immediately placed a call with Drain Dr., a rooter service who we have used for similar repairs in the past.

At the time of the pump failure there was no way to determine the extent of the work required to repair/replace the pump until the tech had disassembled the existing pump. The tech discovered the pump was clogged with a plastic bag containing articles of clothing, this material caused damaged to the pump to the point it was necessary for the pump to be replaced.

In order to replace the pump, a septic truck had to be brought on site to pump out the storage pit to allow the tech access to the pump and all associated piping and fittings. It would have been difficult to project the cost or gather three estimates due to the unknown series of factors taking place to complete the project, and the tech would not have been able to assess the damage without beginning the work.

The total cost of the project is $2,234.71 which exceeds the typical $2,000.00 spending limit stated in the purchasing guidelines.

Please approve the payment of the invoice under the “Emergency Purchases” conditions of the purchasing guidelines.

Thank you,

The Chair states that for purposes of Item 10 ("Mayor’s Update Report on Arrigoni Bridge Project"), they had a meeting a week ago, one of the monthly meetings between the State Department of Transportation (DOT), the contractor, Mohawk Construction, the City of Middletown and Town of Portland, and the Chamber of Commerce which is hosting. They received a relatively straightforward update. The major concerns they hear about is the work occurring in St. John’s Square. Not complying with the contractors wearing masks when not within six (6) feet in the work area, masks need to be worn. In addition there is concern that pedestrian accommodations are not being made. There were also contractor vehicles taking up parking spots and blocking access to some of the small businesses on Main Street. These concerns
have been relayed over the past two (2) weeks, as they have been received. They were relayed again last week. He believes efforts are being made to comply with the mask regulation, adding that they will keep an eye on that as it unfolds. They also heard from business owners that there has been an improvement in making sure that there is access to parking spaces and business entrances. The contractors have moved vehicles when asked, which was good to hear. The project continues on or ahead of schedule. There has not been too much traffic backup to the bridge. In general, they did have both the Council workshop and a small virtual workshop with a handful of Councilmembers as well as the Complete Streets Committee. They are still waiting to hear from DOT on some follow-up items, which they want to hear promptly to be sure information is shared about pedestrian safety. At that meeting, Councilman Nocera brought up the idea of bigger infrastructure projects, like a pedestrian bridge over Main Street. It is not in the scope of this work, but they want to make sure that they are considered by DOT in future projects. He states that he will take questions, adding that they were hoping to have charrettes starting this month in downtown to talk about the plan for Route 9 signals. People, who have been with this project for a while, know that there were several options, none of which were favorable to the City in one way or another. All received pretty consistent negative public feedback. They have said that before coming back with a new proposal, they want to have public workshops at the front end. The hope is to meet this summer, but they are not yet scheduled, informational workshops. They are not certain when they will happen. It is not imminent, but he will keep the public and Council posted, including whether the meetings are virtual or in person. It is unfortunate that they could not take place this month. They will be more like conversations. The Chair offers to answer any questions.

The Chair calls on Councilman Edward McKeon.

Councilman McKeon thanks the Chair for answering those concerns, adding that most of the complaints came from him. He states that he is an opponent of the work that is being done, adding that he thinks that this is a project without a purpose. DOT has not provided the pedestrian traffic signals that they promised to provide months ago. They still are waiting for them, which was the justification for doing this project. They have made plan alterations at Washington and Main Streets, plan which have not been discussed with the City, noting that perhaps they did have discussions with the Mayor. From his perspective, they are making, especially at north corner of Washington and made more seriously dangerous. After talking about of bump out that they decided to remove them because they found it a traffic impediment. Now it is going to be a much more dangerous corner. These are his concerns and he will continue to express to them. He appreciates the Mayor continues to meet with them and asks that the Mayor try to push them to provide the information.

The Chair calls on Councilman Grady Faulkner.

Councilman Faulkner asks if there is anything in terms of traffic studies for that area in the City files.

The Chair states that he does not now if any studies have been done specific to that area as it relates to this project. The Fire Department and Chief Kronenberger and the Portland Fire Chief were originally not aware of the scope of the work but were brought on board. He does not know if there are any particular studies but will look into it.

The Chair calls on Councilman Eugene Nocera.

Councilman Nocera states that, at a recent meeting they discussed having the State look at having a pedestrian footbridge at the north end of Main Street. He has not been pleased with the safety improvements that they have proposed, essentially, they are making no safety provisions or impediments. A footbridge is worthwhile. Their comments was, “It’s out of our paygrade to look at it.” We would like to know if that is something they will consider and if the Chamber will support it.

The Chair calls on Councilwoman Linda Salafia.

Councilwoman Salafia asks if the City was notified in advance of the changes to the safety elements that Washington Street and Main Street. She asks how the City was notified. She asks what are the changes, what is different.

The Chair replies he is not sure of the changes relative to the plan as originally presented. The plan originally indicated that there would be three (3) bump outs, one for each corner except the corner with the Luce Restaurant parking lot, which would be set back a little from the road. The crosswalks would also be moved back from, away from, the square of the intersection, away from the box of the intersection. They are adding a right turn lane from Main Street onto Washington Street, which is taking away eight (8) parking spaces on Main Street in that section. That is the original proposal, adding he does not yet know the changes, noting that Councilman McKeon may be able to speak to that item.

The Chair calls on Councilman Edward McKeon.

Councilman McKeon states that as late as the meeting with the City at McDonough School some six (6) months ago, the State had proposed a bump out. Several people raised objections, noting it would difficult for a truck to turn and that it would create a problem. He adds that each parking space removed, while valuable for merchants to have those spaces; that is, there is a monetary value. They are talking about several thousands of dollars being lost in City revenue because these spaces are disappearing.

The Chair asks Councilwoman Salafia if this answers her questions.
Councilwoman Salafia replies, “Yes,” noting that there were some changes that she missed in the plan.

The Chair thanks Councilman Nocera and Councilman McKeon for their comments. There being no further comments on this item, the Chair moves on to Agenda Item 11.

11. Payment of all City bills when properly approved

APPROVED

Councilman Darnell Ford moves for approval of the payment of all City bills when properly approved. Councilman Eugene Nocera seconds the motion.

There being no discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell aye
Councilwoman Carta aye
Councilman Faulkner aye
Councilman Darnell Ford aye
Councilman Edward Ford aye
Councilman Gennaro aye
Councilman Loffredo aye
Councilman Mangiafico aye
Councilman McKeon aye
Councilman Nocera aye
Councilman Pessina aye
Councilwoman Salafia aye

The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

12. Resolutions, Ordinances, etc.

A. Approving that the following funds be closed and any monies remaining be transferred to Debt Service and any cash needs be transferred from Debt Service.

APPROVED

RESOLUTION NO: 33-20; K: review/resolution/FIN transfer to debt service RES No. 33-20 – 01 June 2020

Whereas, The City of Middletown has met all obligations concerning the following funds.

Now Therefore, Be It Resolved By the Common Council Of The City of Middletown:
That the following funds be closed and any monies remaining be transferred to Debt Service and any cash needs be transferred from Debt Service.

4180  RIB 2007  $ -0-  
4283  City Info Technology Storage Infra  $ -0-  
4289  CNR Ordinance 2017-2018  $ -0-  
4291  CNR Ordinance 2018-2019  $ -0-  
4467  Woodrow Wilson Middle School  $ -0-  
4747  Web Base Security Sys School Citywide  $ -0-  
4783  Vehicles & Related Equipment  $ -0-  

Financial Impact: No financial impact.

Councilman Edward McKeon reads and moves for approval of the proposed resolution. Councilman Philip Pessina seconds the motion.

There being no discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell aye
Councilwoman Carta aye
Councilman Faulkner aye
Councilman Darnell Ford aye
Councilman Edward Ford aye
Councilman Gennaro aye
Councilman Loffredo aye
Councilman Mangiafico aye
Councilman McKeon aye
Councilman Nocera aye
Councilman Pessina aye
Councilwoman Salafia aye
The Chair states that the motion is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico, McKeeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

B. Approving adoption of the City of Middletown Policy Statements for Equal Employment Opportunity and Affirmative Action, Sexual Harassment, Zero Tolerance – Harassment and Violence in the Workplace Prevention, Americans with Disabilities Act, and Electronic Monitoring; that Mayor Benjamin Florsheim is authorized to sign these policy statements subject to review by the Office of General Counsel as to form and content; and that the policy documents be distributed to every Department for dissemination to, and review and sign off by, employees.

APPROVED, AS AMENDED
RESOLUTION No. 34-20; K: review / resolution/EO revised City policies RES 34-20 – 1 June 2020

WHEREAS, the City has reviewed its policies and made appropriate revisions, where applicable, to its Equal Employment Opportunity and Affirmative Action, Sexual Harassment, Zero Tolerance – Harassment and Violence in the Workplace Prevention, Americans with Disabilities Act, and Electronic Monitoring Policy Statements to comply with state and federal laws and regulations and General Statue changes, clarification, and compliance with State Executive Order 16 for violence in the workplace to said policies.

NOW THEREFORE BE it Resolved by the Common Council of the City of Middletown: That the City of Middletown Policy Statements for Equal Employment Opportunity and Affirmative Action, Sexual Harassment, Zero Tolerance – Harassment and Violence in the Workplace Prevention, Americans with Disabilities Act, and Electronic Monitoring be approved and adopted; that Mayor Benjamin Florsheim is authorized to sign these policy statements having been reviewed by the Office of General Counsel as to form and content; and that the policy documents be distributed to every Department for dissemination to, and review and sign off by, employees.

Fiscal Impact: None

AMERICANS WITH DISABILITIES ACT
POLICY STATEMENT

PURPOSES:
The City of Middletown is committed to providing and promoting equal opportunities in all of its activities and services. This commitment includes adhering to the mandates of the Americans with Disabilities Act (ADA) of 1990 as amended. The ADA is a federal law that makes it unlawful to discriminate against a qualified person with a disability in all aspects of the employment process and in the provision of services and benefits. The City also follows all Connecticut laws and regulations that apply to individuals with disabilities.
The City of Middletown is also committed to providing reasonable accommodations to qualified persons with disabilities. Qualified employees or prospective employees may request reasonable accommodations in order to perform essential functions of their job or gain access to hiring processes. This will ensure the full and fair participation of all employees and citizens with disabilities so that discrimination does not occur on the basis of a disability in the operation of City programs, services, and activities, or in its hiring and employment practices. In addition, individuals with disabilities are provided the opportunity to benefit from integrated programs and services, which facilitate interaction between people with and without disabilities.

WHAT IS A DISABILITY UNDER THE ADA?
Under the ADA, an individual with a disability is any person who meets the following guidelines: 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such impairment; or 3) is perceived by others as having such impairment. The ADA does not specifically name all the impairments that are covered. The City will reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability, unless the accommodation would impose an undue burden. Every reasonable effort will be made to determine and provide the appropriate reasonable accommodation to a qualified individual upon request. The City, in its discretion, may require the individual to provide additional information about his or her disability or limitations and the need for an accommodation. The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Qualified employees or applicants with disabilities may request accommodations in order to perform the essential functions of their jobs or to gain access to the hiring process.

HOW TO REQUEST ACCOMMODATION:
Qualified employees or applicants with disabilities who may require special testing accommodations or accommodation to fully gain access to the hiring process or in order to perform the essential functions of their job should make a request to the Human Resources Division, Justin Richardson, Director of Human Resources: justin.richardson@middletownct.gov; 860.638.4943; 245 DeKoven Drive, Middletown, CT 06457.

In connection with programs, activities and other services: individuals with a disability who require an auxiliary aid or service for effective communication or a modification of procedures to participate in a program, service, or activity of the City or who wish to complain that a request for a reasonable accommodation has been denied or that a program, service, or activity is not accessible to persons with a disability should contact Laura Runte, Senior Services Specialist and ADA Compliance Officer for the City of Middletown: laura.runte@middletownct.gov; 860.638.4542; 61 Durant Terrace, Middletown, CT 06457.
All City employees and officers are expected to comply with this policy and to support the City’s efforts and programs designed to promote and achieve the principles of the Americans with Disabilities Act as well as Connecticut law.

The City strictly forbids retaliation against individuals who request an accommodation or otherwise exercise their rights under the ADA or Connecticut law. [BS1] The Office of Equal Opportunity and Diversity Management is responsible for the implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.

DRAFT from Faith Jackson, dated May 8, 2020:

AMERICANS WITH DISABILITIES ACT
POLICY STATEMENT

PURPOSES:

The City of Middletown is committed to providing and promoting equal opportunities in all of its activities and services. This commitment includes adhering to the mandates of the Americans with Disabilities Act (ADA) of 1990, a federal law that makes it unlawful to discriminate against a qualified person with a disability in all aspects of the employment process and in the provision of services and benefits. The City also follows all Connecticut laws and regulations that apply to individuals with disabilities.

The City of Middletown is also committed to providing reasonable accommodations to qualified persons with disabilities. Qualified or prospective employees may request reasonable accommodations in order to perform essential functions of their job or gain access to hiring processes. This will ensure the full and fair participation of all employees and citizens with disabilities in all City program services and activities. The City will not impose a significant burden on any City program or service.

WHAT IS A DISABILITY UNDER THE ADA?

Under the ADA, an individual with a disability is any person who meets the following guidelines: 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such impairment; or 3) is regarded as having such impairment. The City will reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability, unless the accommodation would impose an undue burden. Every reasonable effort will be made to determine and provide the appropriate reasonable accommodation to a qualified individual upon request. The City, in its discretion, may require the individual to provide additional information about his or her disability or limitations and the need for an accommodation. The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Qualified employees or applicants with disabilities may request accommodations in order to perform the essential functions of their jobs or to gain access to the hiring process.

The Americans with Disabilities Act enables society to benefit from the skills and talents of individuals with disabilities. The protections afforded are similar to those provided by Title VII of the Civil Rights Act of 1964, as amended; which prohibits discrimination on the basis of race, color, national origin, sex, age, or disability; by Section 504 of the Rehabilitation Act of 1973, which is the foundation for the Americans with Disabilities Act, and by the Connecticut Fair Housing Act of 1985, which extends those protections to include housing.
be reached at 860.638.4542 to address any questions or concerns. The Office of Equal Opportunity and Diversity Management is responsible for the implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.

BENJAMIN D. FLORSHEIM, DANIEL T. DREW, MAYOMAYOR

Date Approved

REVISED DRAFT from Office of General Counsel, dated May 13, 2020:

AMERICANS WITH DISABILITIES ACT POLICY STATEMENT

PURPOSES:
The City of Middletown is committed to providing and promoting equal opportunities in all of its activities and services. This commitment includes adhering to the mandates of the Americans with Disabilities Act (ADA) of 1990 as amended. The ADA is a federal law that makes it unlawful to discriminate against a qualified person with a disability in all aspects of the employment process and in the provision of services and benefits. The City also follows all Connecticut laws and regulations that apply to individuals with disabilities.

The City of Middletown is also committed to providing reasonable accommodations to qualified persons with disabilities. Qualified employees or applicants with disabilities may request accommodations in order to perform the essential functions of their job or gain access to hiring processes. This will ensure the full and fair participation of all employees and citizens with disabilities in all City programs, services, and activities so that discrimination does not occur on the basis of a disability.

WHAT IS A DISABILITY UNDER THE ADA?
Under the ADA, an individual with a disability is any person who meets the following guidelines: 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such impairment; or 3) is regarded as having such impairment. The ADA does not specifically name all the impairments that are covered. The City will reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability, unless the accommodation would impose an undue burden. Every reasonable effort will be made to determine and provide the appropriate reasonable accommodation to a qualified individual upon request. The City, in its discretion, may require the individual to provide additional information about his or her disability or limitations and the need for an accommodation. The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The Americans with Disabilities Act enables society to benefit from the skills and talents of individuals with disabilities. The protections afforded are similar to those provided by Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of age, ancestry, color, genetic information, learning disability, marital status, past or present history of mental disability, intellectual disability, national origin, physical disability, including but not limited to blindness, race, religious creed, sex, including pregnancy, transgender status, gender identity or expression, sexual orientation, workplace hazards to reproduction systems, political belief, military or veteran status, or criminal record, and Section 504 of the Rehabilitation Act of 1973, which is the foundation for the Americans with Disabilities Act.

HOW TO REQUEST ACCOMMODATION:
In connection with current employment or the interview process for the City of Middletown, qualified employees or applicants with disabilities who may require special testing accommodations or accommodation to fully gain access to the hiring process or in order to perform the essential functions of their job should make a request to the Human Resources Division. Justin Richardson, Director of Human Resources, 860.638.4943, 245 DeKoven Drive, Middletown, CT 06457.

In connection with programs, activities, and other services: individuals with a disability who require an auxiliary aid or service for effective communication or a modification of procedures to participate in a program, service, or activity of the City or who wishes to complain that a request for a reasonable accommodation has been denied or that a program, service, or activity is not accessible to persons with a disability should write or contact Laura Runte, Senior Services Specialist and ADA Compliance Officer for the City of Middletown, laura.runte@middletownct.gov, 245 DeKoven Drive, Middletown, CT 06457.

All department heads and City employees and officers are expected to comply with this policy. It is also expected that all departments and employees will and to support the City's efforts and programs, which are designed to promote and achieve the principles of the Americans with Disabilities Act as well as Connecticut law.

The City strictly forbids retaliation against individuals who request an accommodation or otherwise exercise their rights under the ADA or Connecticut law. A City employee of the City shall retaliate against, coerce, intimidate, threaten, harass, or interfere with any individual exercising or employing his or her rights under the ADA or Connecticut law or because an individual sided or encouraged any other individual in the exercise of rights granted or protected by the ADA or state of Connecticut. The Office of Equal Opportunity and Diversity Management is responsible for the implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.
EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION
POLICY STATEMENT

PURPOSE:
The City of Middletown is an Affirmative Action/Equal Employment Opportunity Employer that is strongly committed to ensuring that no persons are discriminated against or excluded from participation, advancement, or other privileges of employment due to age, ancestry, color, genetic information, learning disability, marital status, past or present history of mental disability, intellectual disability, national origin, physical disability, including, but not limited to blindness, race, religious creed, sex, including pregnancy, transgender status, gender identity or expression, sexual orientation, workplace hazards to reproduction systems, political belief, military or veteran status, or criminal record in accordance with §46a-60(a), (b)(7), (d) (1), 46a-80(b), or 46a-81(b)(c) of the Connecticut General Statutes. This provision is limited to the extent there is a bona fide occupational qualification or a superseding federal or state law. In addition, the Connecticut Fair Employment Practices Act, Connecticut General Statutes §46a-51 et seq., (CFEPA), not only prohibits discrimination based on actual physical disability, but also applies to discrimination based on perceived physical disability.

It is the policy and practice of the City of Middletown to ensure that no person will be discriminated against or be denied the benefits of any activity, program, or employment process in the areas of recruiting, advertising, hiring, reclassifying, promoting, transferring, demoting, layoffs, terminations, rehiring, rates of pay, benefits, discipline, and service. It has been the policy and will continue to be the strong commitment of the City of Middletown and all contractors and subcontractors who do business with the City to provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability, and merit.

DEFINITIONS:

“Equal Employment Opportunity” is the right of all persons to work and to advance on the basis of merit, ability, and potential. Equal Employment Opportunity is the purpose and goal of Affirmative Action under 46a-68-75 through 46a-68-114 of the regulations of Connecticut General Statutes, and of applicable federal legislation.

“Affirmative Action” is a program of positive action undertaken to achieve full and fair participation of protected groups within the City’s workforce. There is a difference between affirmative action and equal opportunity employment. “Affirmative Action” is the positive action taken with conviction and effort, to overcome the present effects of past practices, policies, and barriers to equal employment opportunity and to achieve the full and fair participation of any protected group found to be underutilized in the workforce and affected by policies or practices having an adverse impact upon their ability to participate fully in all activities connected to employment, promotion, training, transfer, and career advancement or other privileges of employment. In addition, the City of Middletown recognizes the difficulties experienced by persons with disabilities and by many older persons and will take appropriate action to provide equal employment opportunity.

For the City of Middletown, Affirmative Action plays a crucial role at all stages of the employment process. Our commitment to Affirmative Action requires that we make the good faith efforts that may be necessary in all aspects to ensure that the recruitment and hiring of underrepresented individuals reflect their availability in the job market, that the causes of underutilization are identified and eliminated, and that the terms, conditions, and privileges of employment are equitably administered.

DIVERSITY

Diversity is a concept by which value is placed on the difference of the people who make up our workforce. These differences include both primary dimensions (e.g. race, gender, age, religious creed, marital status, national origin, gender identity, sexual orientation, etc.), and secondary dimensions (e.g. geographic location, socioeconomic conditions, work background, etc.), which are characteristics of groups of people within an organization.

As our workforce becomes more diverse, we are both challenged by and have the opportunity to find ways of enabling people of many different backgrounds to provide valuable contributions to the City of Middletown. It is not enough to simply increase diversity in the workplace; we must learn to respect and appreciate people from diverse backgrounds. When individuals communicate and work effectively with each other, affirmative action and the diversity within our workforce will mutually support an equal opportunity environment.

INTERNAL COMPLAINT PROCEDURES:

If an employee believes that he or she has been discriminated against in any aspect of the City of Middletown employment process or practice, he or she should contact Ms. Faith M. Jackson, Director of Equal Opportunity and Diversity Management and Affirmative Action Officer, who administers the City of Middletown affirmative action programs, monitors the day-to-day related decisions and activities, and is responsible for addressing complaints of discrimination. Complaints should be submitted in writing and must be signed by the employee. Reported incidents will be investigated within ninety days of filing, except that an extension beyond the 90 days may be extended by the Mayor as needed. To the extent permissible by law, any reported incidents will be kept confidential. Ms. Jackson is located at 245 deKoven Drive, Middletown, CT 06457 and can be reached...
The City of Middletown will use viable affirmative action measures in all stages of the employment process as outlined in Section 46a-68-87 of the Connecticut State Regulations and the City's Affirmative Action Plan Programs in a fair and impartial manner. All department heads, supervisory personnel, and staff are directed to become familiar with and adhere to the policy. Each department of the City will be provided with a copy of the City's Affirmative Action Plan and will be responsible for supporting affirmative action goals and initiatives. Any comments or questions pertaining to the plan should be referred to Ms. Jackson. As a public document, the City of Middletown Affirmative Action Plan is available for review by City employees, candidates for employment, and the general public.

**COMMITMENT**

As Mayor of Middletown, I am personally committed to the effective implementation of the City’s Affirmative Action programs and initiatives and direct employees at every level to actively support the plan’s goals and objectives. This policy shall be posted and distributed annually to all employees of the City of Middletown.

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**AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENT**

It is the policy and practice of the City of Middletown to ensure that no person will be discriminated against or be denied the benefits of any activity, program, or employment process in the areas of recruiting, advertising, hiring, reclassifying, promoting, transferring, demoting, layoffs, terminations, rehiring, rates of pay, benefits, discipline, and service. It has been the policy and will continue to be the strong commitment of the City of Middletown and all contractors and subcontractors who do business with the City to provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability, and merit.

**EQUAL EMPLOYMENT OPPORTUNITY POLICY PURPOSE:**

The City of Middletown is an Affirmative Action/Equal Employment Opportunity Employer that is strongly committed to ensuring that no persons are discriminated against or excluded from participation, advancement, or other privileges of employment due to age, ancestry, color, genetic information, learning disability, marital status, past or present history of mental disability, intellectual disability, national origin, physical disability, including, but not limited to blindness, race, religious creed, sex, including pregnancy, transgender status, gender identity or expression, sexual orientation, workplace hazards to reproduction systems, political belief, military or veteran status, or criminal record in accordance with §46a-60(a), (b)(7), (c)(1)(11), 46a-80(b), or 46a-81(b)(c) of the Connecticut General Statutes. Unless provisions are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups, in any manner is prohibited by the laws of the United States or of the State of Connecticut and the City of Middletown. In addition, the Connecticut Fair Employment Practices Act, Connecticut General Statutes §46a-51 et seq., (CFEPA), not only prohibits discrimination based on actual physical disability, but also applies to discrimination based on perceived physical disability.

It is the policy and practice of the City of Middletown to ensure that no person will be discriminated against or be denied the benefits of any activity, program, or employment process in the areas of recruiting, advertising, hiring, reclassifying, promoting, transferring, demoting, layoffs, terminations, rehiring, rates of pay, benefits, discipline, and service. It has been the policy and will continue to be the strong commitment of the City of Middletown and all contractors and subcontractors who do business with the City to provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability, and merit.

**AFFIRMATIVE ACTION DEFINITIONS:**

"Equal Employment Opportunity" is the right of all persons to work and to advance on the basis of merit, ability, and potential. Equal Employment Opportunity is the purpose and goal of Affirmative Action under 46a-68-75 through 46a-68-114 of the regulations of Connecticut General Statutes, and of applicable federal legislation.

The Plan represents a program of positive action undertaken to achieve full and fair participation of protected groups within the City’s workforce. There is a difference between affirmative action and equal opportunity employment.

"Equal Employment Opportunity" is the right of all persons to work and to advance on the basis of merit, ability, and potential. Equal Employment Opportunity is the purpose and goal of Affirmative Action under 46a-68-77 through 46a-68-94 of the regulations of Connecticut General Statutes, and of applicable federal legislation.

"Affirmative Action" is the positive action undertaken, with conviction and effort, to overcome the present effects of past practices, policies, and barriers to equal employment opportunity and to achieve the full and fair participation of women, blacks, hispanics, and any other protected group found to be underutilized in the workforce and affected by policies or practices having an adverse impact upon their ability to participate fully in all activities connected to employment, promotion, training, transfer, and career advancement or other privileges of employment. In addition, the City of Middletown recognizes the difficulties experienced by persons with disabilities and by many older persons and will take appropriate action to provide equal employment opportunity.
For the City of Middletown, Affirmative Action plays a crucial role at all stages of the employment process. Our commitment to Affirmative Action requires that we make the good faith efforts that may be necessary in all aspects to ensure that the recruitment and hiring of underrepresented individuals reflect their availability in the job market, that the causes of underutilization are identified and eliminated, and that the terms, conditions, and privileges of employment are equitably administered.

DIVERSITY

Diversity is a concept by which value is placed on the difference of the people who make up our workforce. These differences include both primary dimensions (e.g. race, gender, age, religious creed, marital status, national origin, etc.), and secondary dimensions (e.g. geographic location, socioeconomic conditions, work background, etc.), which are characteristics of groups of people within an organization.

As our workforce becomes more diverse, we are challenged with the opportunity to find ways of enabling people of many different backgrounds to provide valuable contributions to the City of Middletown. It is not enough to simply increase diversity in the workplace; we must learn to respect and appreciate people from diverse backgrounds. When individuals communicate and work effectively with each other, affirmative action and the diversity within our workforce will mutually support an equal opportunity environment.

INTERNAL COMPLAINT PROCEDURES:

If an employee believes that he or she has been discriminated against in any aspect of the City of Middletown employment process or practice, he or she should contact Ms. Faith M. Jackson, Director of Equal Opportunity and Diversity Management and Affirmative Action Officer, who administers the City of Middletown affirmative action programs, monitors the day-to-day related decisions and activities, and is responsible for addressing complaints of discrimination. Complaints should be submitted in writing and must be signed by the employee. Reported incidents will be investigated within ninety days of filing, except that an extension beyond the 90 days may be extended by the Mayor as needed. Any reported incidents will be kept as confidential as possible except where there is a legitimate matter of public concern. Ms. Jackson is located at 245 deKoven Drive, Middletown, CT 06457 and can be reached at 860.638.4830. The City of Middletown will use viable affirmative action measures in all stages of the employment process as outlined in Section 46a-68-87 of the Connecticut State Regulations and the City’s Affirmative Action Plan Programs in a fair and impartial manner. All department heads, supervisory personnel, and staff are directed to become familiar with and adhere to the policy. Each department of the City will be provided with a copy of the City’s Affirmative Action Plan and will be responsible for supporting affirmative action goals and initiatives. Any comments or questions pertaining to the plan should be referred to Ms. Faith M. Jackson, Director of Equal Opportunity and Diversity Management and Affirmative Action Officer. As a public document, the City of Middletown Affirmative Action Plan is available for review by City employees, candidates for employment, and the general public.

COMMITMENT

As Mayor of Middletown, I am personally committed to the effective implementation of the City’s Affirmative Action Plan programs and initiatives and direct employees at every level to actively support the plan’s policies and objectives. This policy shall be posted and distributed annually to all employees of the City of Middletown.

BENJAMIN D. FLORESHEIM; DANIEL T. DREW, MAYOR

Date Approved

REVISED DRAFT from Office of General Counsel, dated May 15, 2020:

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENT

PURPOSE:

The City of Middletown is an Affirmative Action/Equal Employment Opportunity Employer that is strongly committed to ensuring that no persons are discriminated against or excluded from participation, advancement, or other privileges of employment due to age, ancestry, color, genetic information, learning disability, marital status, past or present history of mental disability, intellectual disability, national origin, physical disability, including, but not limited to blindness, race, religious creed, sex, including pregnancy, transgender status, gender identity or expression, sexual orientation, workplace hazards to reproduction systems, political belief, military or veteran status, or criminal record in accordance with §46a-60(a), (b), (7), (d), (1), 46a-80(b), or 46a-81(b) of the Connecticut General Statutes. Unless provisions are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups, in any manner is prohibited by the laws of the United States or of the State of Connecticut and the City of Middletown or a superseding federal or state law. In addition, the Connecticut Fair Employment Practices Act, Connecticut General Statutes §46a-51 et seq., (CFEPA), not only prohibits discrimination based on actual physical disability, but also applies to discrimination based on perceived physical disability.

-It is the policy and practice of the City of Middletown to ensure that no person will be discriminated against or be denied the benefits of any activity, program, or employment process in the areas of recruiting, advertising, hiring, reclassifying, promoting, transferring, demoting, layoffs, terminations, rehiring, rates of pay, benefits, discipline, and service. It has been the policy and will continue to be the strong commitment of the City of Middletown and all contractors and subcontractors who do business with the City to provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability, and merit.

DEFINITIONS:
“Equal Employment Opportunity” is the right of all persons to work and to advance on the basis of merit, ability, and potential. Equal Employment Opportunity is the purpose and goal of Affirmative Action under 46a-68-75 through 46a-68-114 of the regulations of Connecticut General Statutes, and of applicable federal legislation.

“Affirmative Action” is a program of positive action undertaken to achieve full and fair participation of protected groups within the City’s workforce. There is a difference between affirmative action and equal opportunity employment. “Affirmative Action” is the positive action taken with conviction and effort, to overcome the present effects of past practices, policies, and barriers to equal employment opportunity and to achieve the full and fair participation of women, blacks, hispanics, and any other protected group found to be underutilized in the workforce and affected by policies or practices having an adverse impact upon their ability to participate fully in all activities connected to employment, promotion, training, transfer, and career advancement or other privileges of employment. In addition, the City of Middletown recognizes the difficulties experienced by persons with disabilities and by many older persons and will take appropriate action to provide equal employment opportunity.

For the City of Middletown, Affirmative Action plays a crucial role at all stages of the employment process. Our commitment to Affirmative Action requires that we make the good faith efforts that may be necessary in all aspects to ensure that the recruitment and hiring of underrepresented individuals reflect their availability in the job market, that the causes of underutilization are identified and eliminated, and that the terms, conditions, and privileges of employment are equitably administered.

DIVERSITY

Diversity is a concept by which value is placed on the difference of the people who make up our workforce. These differences include both primary dimensions (e.g. race, gender, age, religious creed, marital status, national origin, gender identity, sexual orientation, etc.), and secondary dimensions (e.g. geographic location, socioeconomic conditions, work background, etc.), which are characteristics of groups of people within an organization.

As our workforce becomes more diverse, we are both challenged with and have the opportunity to find ways of enabling people of many different backgrounds to provide valuable contributions to the City of Middletown. It is not enough to simply increase diversity in the workplace; we must learn to respect and appreciate people from diverse backgrounds. When individuals communicate and work effectively with each other, affirmative action and the diversity within our workforce will mutually support an equal opportunity environment.

INTERNAL COMPLAINT PROCEDURES:

If an employee believes that he or she has been discriminated against in any aspect of the City of Middletown employment process or practice, he or she should contact Ms. Faith M. Jackson, Director of Equal Opportunity and Diversity Management and Affirmative Action Officer, who administers the City of Middletown affirmative action programs, monitors the day-to-day related decisions and activities, and is responsible for addressing complaints of discrimination. Complaints should be submitted in writing and must be signed by the employee. Reported incidents will be investigated within ninety days of filing, except that an extension beyond the 90 days may be extended by the Mayor as needed. To the extent permissible by law, any reported incidents will be kept as confidential as possible except where there is a legitimate matter of public concern. Ms. Jackson is located at 245 deKoven Drive, Middletown, CT 06457 and can be reached at 860.638.4830. The City of Middletown will use viable affirmative action measures in all stages of the employment process as outlined in Section 46a-68-87 of the Connecticut State Regulations and the City’s Affirmative Action Plan Programs in a fair and impartial manner. All department heads, supervisory personnel, and staff are directed to become familiar with and adhere to the policy. Each department of the City will be provided with a copy of the City’s Affirmative Action Plan and will be responsible for supporting affirmative action goals and initiatives. Any comments or questions pertaining to the plan should be referred to Ms. Faith M. Jackson, Director of Equal Opportunity and Diversity Management and Affirmative Action Officer Jackson. As a public document, the City of Middletown Affirmative Action Plan is available for review by City employees, candidates for employment, and the general public.

COMMITMENT

As Mayor of Middletown, I am personally committed to the effective implementation of the City’s Affirmative Action Plan programs and initiatives and direct employees at every level to actively support the plan’s policies and objectives. This policy shall be posted and distributed annually to all employees of the City of Middletown.

BENJAMIN D. FLORSHEIM Date Approved
ELECTRONIC MONITORING POLICY

The City’s e-mail system is a tool for internal and external communications; it is paid for and maintained by the City of Middletown. Pursuant to Connecticut General Statute, Section 31-48d and Public Act 98-142, An Act Requiring Notice to Employees of Electronic Monitoring by Employers, employers engaged in electronic monitoring are required to give prior notice to employees. City of Middletown employees should recognize that their work activities and communications might be subject to electronic monitoring.

“Electronic monitoring” is defined as “the collection of information on an employer’s premises concerning employees’ activities or communications by any means other than direct observation, including the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectric or photo-optical systems, but not including the collection of information (A) for security purposes in common areas of the employer’s premises which are held out for use by the public, or (B) which is prohibited under state or federal law.”

Employees may be subject to electronic monitoring or recording (including sound, voice, or video devices) while in City municipal facilities and other locations where City business is conducted, except Section 31-48b. C.G.S. prohibits any such monitoring or recording in areas designed for health or personal comfort of the employees or for safeguarding of their possessions, such as restrooms, locker rooms, or lounges.

Employees should understand that their activities involving City computer equipment and computer and/or electronic documents, data and communications, including voice, e-mail and Internet usage, are subject to being monitored, recorded, and reviewed. The appropriate use of City technologies, prohibited behaviors while using said technologies, and consequences of misuse are documented in the Information Technology and Equipment Use Policy. Furthermore, the City’s Sexual Harassment policy applies to the use of e-mail and unacceptable behavior in the workplace is also unacceptable in cyberspace.

Employees should be aware of the fact that “deleting” an item does not mean that the item cannot be monitored and reviewed. As a result, files, data, and messages in the system are subject to access and review and are not confidential, despite any information to the contrary in literature or instructions describing the systems. There is no reasonable expectation of privacy with respect to the use of these systems and information received or stored.

Employees will not be subject to electronic monitoring or recording of the content of their direct telephone conversations, except as may be permitted under state and federal law.

Section 31-48d prohibits an employer, except under limited circumstances, to electronically monitor without giving written notice to the employee. The only exception to this policy will be the telephone monitoring of policy investigative lines, which may only be monitored by sworn police personnel.

Personal recording devices that are used to record conversations with individuals without that person’s knowledge and/or consent are prohibited. Violation of this provision of this policy is subject to discipline, up to and including termination.

Employee questions about this policy can be addressed to Mr. Bryan Skowera, Director of Information Systems, at 860.638.4997. The Director of Information Systems and the Director of Office of Equal Opportunity and Diversity Management are responsible for the implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.

BENJAMIN D. FLORSHEIM

Date Approved

DRAFT from Office of General Counsel, dated May 8, 2020:

ELECTRONIC MONITORING POLICY

The City’s e-mail system is a tool for internal and external communications; it is paid for and maintained by the City of Middletown. Pursuant to Connecticut General Statute, Section 31-48d and Public Act 98-142, An Act Requiring Notice to Employees of Electronic Monitoring by Employers, employers engaged in electronic monitoring are required to give prior notice to employees. City of Middletown employees should recognize that their work activities and communications might be subject to electronic monitoring.

“Electronic monitoring” is defined as “the collection of information on an employer’s premises concerning employees’ activities or communications by any means other than direct observation, including the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectric or photo-optical systems, but not including the collection of information (A) for security purposes in common areas of the employer’s premises which are held out for use by the public, or (B) which is prohibited under state or federal law.”

Employees may be subject to electronic monitoring or recording (including sound, voice or video devices) while in City municipal facilities and other locations where City business is conducted, except Section 31-48b. C.G.S. prohibits any such monitoring or recording in areas designed for health or personal comfort of the employees or for safeguarding of their possessions, such as restrooms, locker rooms, or lounges.

Employees should understand that their activities involving City computer equipment and computer and/or electronic documents, data and communications, including voice, e-mail and Internet usage, are subject to being monitored, recorded, and reviewed. Anyone who abuses these resources by sending or receiving chain letters, pornography, or other materials unrelated to our business is subject to disciplinary action up to and including termination. Furthermore, the City’s Sexual Harassment policies apply to your use of e-mail and unacceptable behavior in the workplace is also unacceptable in cyberspace.
Employees should be aware of the fact that “deleting” an item does not mean that the item cannot be monitored and reviewed. As a result, files, data, and messages in the system are subject to access and review and are not confidential, despite any information to the contrary in literature or instructions describing the systems. There is no reasonable expectation of privacy with respect to the use of these systems and information received or stored.

Employees will not be subject to electronic monitoring or recording of the content of their direct telephone conversations, except as may be permitted under state and federal law.

Section 31-48d prohibits an employer, except under limited circumstances, to electronically monitor without giving written notice to the employee. The only exception to this policy will be the telephone monitoring of Police investigative lines, which may only be monitored by sworn Police personnel.

Personal recording devices that are used to record conversations with individuals without that person’s knowledge and/or consent are prohibited. Violation of this provision of this policy is subject to discipline, up to and including termination.

Employee questions about this policy can be addressed to Mr. Bryan Skowera, Director, Eldon Bailey, Acting Director of Information Systems, at 860.638.49974991. The Director of Information Systems and Office of Equal Opportunity and Diversity Management is responsible for the implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.

BENJAMIN D. FLORSHEIM
Date Approved

REVISED DRAFT from Office of General Counsel, dated May, 2020:

ELECTRONIC MONITORING POLICY

The City’s e-mail system is a tool for internal and external communications; it is paid for and maintained by the City of Middletown. Pursuant to Connecticut General Statute, Section 31-48d and Public Act 98-142, An Act Requiring Notice to Employees of Electronic Monitoring by Employers, employers engaged in electronic monitoring are required to give prior notice to employees. City of Middletown employees should recognize that their work activities and communications might be subject to electronic monitoring.

“Electronic monitoring” is defined as “the collection of information on an employer’s premises concerning employees’ activities or communications by any means other than direct observation, including the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectric or photo-optical systems, but not including the collection of information (A) for security purposes in common areas of the employer’s premises which are held out for use by the public, or (B) which is prohibited under state or federal law.”

Employees may be subject to electronic monitoring or recording (including sound, voice, or video devices) while in City municipal facilities and other locations where City business is conducted, except Section 31-48b, C.G.S. prohibits any such monitoring or recording in areas designed for health or personal comfort of the employees or for safeguarding of their possessions, such as restrooms, locker rooms, or lounges. Employees should understand that their activities involving City computer equipment and computer and/or electronic documents, data and communications, including voice, e-mail and Internet usage, are subject to being monitored, recorded, and reviewed. The appropriate use of City technologies, prohibited behaviors while using said technologies, and consequences of misuse are documented in the Information Technology and Equipment Use Policy. Furthermore, the City’s Sexual Harassment policy applies to the use of e-mail and unacceptable behavior in the workplace is also unacceptable in cyberspace.

Employees should be aware of the fact that “deleting” an item does not mean that the item cannot be monitored and reviewed. As a result, files, data, and messages in the system are subject to access and review and are not confidential, despite any information to the contrary in literature or instructions describing the systems. There is no reasonable expectation of privacy with respect to the use of these systems and information received or stored.

Employees will not be subject to electronic monitoring or recording of the content of their direct telephone conversations, except as may be permitted under state and federal law.

Section 31-48d prohibits an employer, except under limited circumstances, to electronically monitor without giving written notice to the employee. The only exception to this policy will be the telephone monitoring of policy investigative lines, which may only be monitored by sworn police personnel.

Personal recording devices that are used to record conversations with individuals without that person’s knowledge and/or consent are prohibited. Violation of this provision of this policy is subject to discipline, up to and including termination.

Employee questions about this policy can be addressed to Mr. Bryan Skowera, Director of Information Systems, at 860.638.4997. The Director of Information Systems and the Director of Office of Equal Opportunity and Diversity Management are responsible for the implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.

BENJAMIN D. FLORSHEIM
SEXY HARASSMENT POLICY STATEMENT

PURPOSE:
It is the policy of the City of Middletown that sexual harassment in the workplace is prohibited, illegal, and will not be tolerated. Federal and state law, including Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e-2(a)(1), and the Connecticut General Statutes §46a-60 et seq.,(8) prohibit various forms of discrimination and illegal harassment in employment and the workplace. All employees, managers, and non-supervisors as well as vendors, clients, and customers, alike must comply with this policy and are expected to avoid any behavior or conduct that could be interpreted as sexual harassment. In addition, employees and managers are responsible for ensuring that such conduct does not occur either within the workplace, at assignments outside the workplace, or at City-sponsored events. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy. Sexual harassment is illegal and prohibited.

DEFINITION:
Sexual Harassment is defined in Connecticut Statutes §46a-60(a)(8) as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature. It is illegal and improper if:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,

2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

3. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment refers to behavior that is unwelcome, is personally offensive, that debilitates morale, and therefore interferes with work effectiveness. Thus, no employee or anyone should be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal or physical, or be led to believe that an employment opportunity or benefit will in any way depend upon “cooperation” of a sexual nature.

Sexual harassment may include such conduct, but is not limited to the following: a) verbal conduct such as sexual innuendoes, “kidding,” “teasing,” jokes of a sexual nature, suggestive or offensive comments, lewd remarks, continued or repeated verbal abuse of sexual nature and sexual propositions, b) non-verbal conduct such as derogatory or pornographic displays, cartoons or drawings, sexual gestures, repeated offensive sexual flirtations, or leers or stares, c) physical conduct such as touching, kissing, patting, pinching, brushing up against someone, demands for sexual favors, assault, or retaliation for complaining about sexual harassment. Sexual harassment conduct generally is repetitious and persistent in nature towards another person. Sexual harassment does not refer to the occasional, socially acceptable compliment.

REPORTING SEXUAL HARASSEMENT:
The City of Middletown considers all sexual harassment complaints a serious matter. If an employee believes that he or she has been the victim of sexual harassment, he or she should report the conduct immediately or within 48 hours to his or her supervisor or next level of management above his or her immediate supervisor, and notify Faith M. Jackson, Director of Equal Opportunity and Diversity Management, at 860.638.4830 or the Mayor’s designee in her absence so that the appropriate action can be taken. Department heads and supervisors are to promptly look into or conduct an internal investigation into a complaint or incident unless such incident involves the department head or supervisor thus requiring the investigation to be conducted by the City’s Director of Equal Opportunity and Diversity Management. Department heads or supervisors are to document the outcome of the complaint or incident, which must be submitted to the Office of Equal Opportunity and Diversity Management for record. If the complaint is found to have merit, corrective disciplinary action and/or corrective action will be implemented. If the complaint is found to be without merit, all involved parties will be so notified. Failure of a department head or supervisor to report complaints or violations to the Director of Equal Opportunity and Diversity Management and or designee within a reasonable time such as 48 hours could result in disciplinary action, including but not limited to termination.

Complaints may be made in person or in writing. For clarity, all complaints should be reported in writing and signed. Complaints made in person or given verbally directly to the Director of Equal Opportunity and Diversity Management or to the Mayor’s designee in her absence will be committed to writing, which must be signed by the complainant, preferably before an investigation is conducted. The employee’s department head or supervisor will be notified when a complaint is submitted to the Director of Equal Opportunity and Diversity Management or to the Mayor’s designee in her absence. At the discretion of the Mayor, serious forms of sexual harassment that could result in termination or a substantial suspension of more than 15 days may be referred to an independent outside investigator hired by the City.

The employee suspected of violating this policy may be placed immediately on Administrative Leave pending the result of an investigation. Reported incidents are to be investigated within 90 days of filing, except that an extension beyond the 90 days may be extended by the mayor as needed. To the extent permissible by law, any reported incidents will be kept as confidential as possible except where there is a legitimate matter of public concern.

The City will not tolerate any retaliation against any employee who files a complaint in good faith and or participates as a witness and may subject an offending employee to disciplinary action, up to and including termination of employment. If a complaint is found to have merit, the employee may face discipline, up to an including termination. However, the City also recognizes that false accusations of sexual harassment or their unlawful conduct can be damaging to an accused employee or person and disruptive to the department
operations; knowingly making false accusations may constitute misconduct for which disciplinary action may be imposed.

It is not the City's intention to regulate social relationships that are freely entered into by employees. However, it is our duty to develop and maintain a workplace free of sexual harassment. The Office of Equal Opportunity and Diversity Management is responsible for the implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.

Benjamin D. Florsheim, Mayor

DRAFT from Faith Jackson, dated May 7, 2020:

SEXUAL AND OTHER HARASSMENT POLICY STATEMENT

PURPOSE:

It is the policy of the City of Middletown that sexual harassment in the workplace is unacceptable and will not be tolerated. It is committed to providing a work environment where all people are treated with respect and dignity. All employees are expected to participate in this effort. Federal and state law, including Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e-2(a)(1), and the Connecticut General Statutes §46a-60 et seq. (8) prohibit various forms of discrimination and illegal harassment in employment and the workplace. Harassment, including sexual harassment, is prohibited based on all protected classes including age, ancestry, color, genetic information, learning disability, marital status, past or present history of mental disability, intellectual disability, national origin, physical disability, including, but not limited to blindness, race, religious creed, sex, including pregnancy, transgender status, gender identity or expression, sexual orientation, political belief, military or veteran status, or criminal record. It is also a violation of City policy for any supervisor or employee, male or female, to engage in the acts or behavior defined below. Sexual Harassment is a type of sex discrimination. Harassment and Sexual Harassment are illegal.

The City shall not tolerate discrimination or harassment on the basis of a protected class by anyone. All employees, managers, and non-supervisors as well as vendors, clients, and customers, alike must be expected to comply with this policy and are expected to avoid any behavior or conduct that could be interpreted as sexual harassment. In addition, employees and the like are responsible for ensuring take appropriate measures to ensure that such conduct does not occur either within the workplace, at assignments outside the workplace, or at City-sponsored events or elsewhere. Appropriate disciplinary action will be taken against any employee who violates this policy. Sexual harassment is illegal and prohibited.

DEFINITION:

Harassment is defined as unwelcome conduct, whether verbal, physical, written, or graphic that is based upon a person’s inclusion in a protected class. The City will not tolerate harassing or bullying conduct that affects tangible job benefits, interferes unreasonably with an individual’s work performance, or creates an intimidating, hostile, or offensive working environment. Offensive behavior includes but is not limited to verbal taunting, i.e. racial and ethnic slurs, which in the opinion of the employee impairs his/her ability to perform the job.

Sexual Harassment is defined in Connecticut Statutes §46a-60(a)(8) as: “any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature. It is illegal and improper if:

(1) when (1) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

(2) (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

(3) (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.”

Sexual Harassment refers to behavior that is unwelcome, personally offensive, that lowers morale and therefore interferes with work effectiveness. Thus, no employee or anyone should be subjected to unsolicited and unwelcome sexual advances or conduct, either verbal or physical, or be led to believe that an employment opportunity or benefit will in any way depend upon “cooperation” of a sexual nature. Sexual harassment may include such conduct, but is not limited to the following: it does not refer to an occasional socially acceptable compliment.

Examples of Sexual Harassment conduct include, but are not limited to the following: a) verbal conduct such as sexual innuendoes, “kidding,” “teasing,” jokes of a sexual nature, suggestive or offensive comments, lewd remarks, continued or repeated verbal abuse of sexual nature, and sexual propositions, b) non-verbal conduct such as derogatory or pornographic displays, cartoons or drawings, sexual gestures, or repeated offensive sexual flirtations, or leers or stares, c) physical conduct such as touching, kissing, patting, pinching, brushing up against someone, demands for sexual favors, or assault or retaliation for complaining about sexual harassment, Sexual harassment conduct — Such conduct generally is repetitious and persistent in nature towards another person. Sexual harassment is not limited to the following: it does not refer to an occasional socially acceptable compliment.

Reporting Procedures:
REPORTING SEXUAL HARASSMENT:
The City of Middletown considers takes all sexual harassment complaints and reports of harassment or bullying serious matters. If an employee believes that he or she has been the victim of sexual harassment or bullying serious matters, he or she should report the conduct immediately or within 48 hours to his or her immediate supervisor, and notify Faith M. Jackson, Director of Equal Opportunity and Diversity Management, at 860.638.4830 or to the Mayor's designee in her absence so that appropriate action can be taken. If the complaint is found to have merit, the employee shall be subject to discipline, and reports of harassment or bullying serious matters of which the employee has knowledge shall be investigated. If the complaint is found to have insufficient merit, all involved parties will be so notified. Failure of a department head or supervisor to report complaints or violations to the director of Equal Opportunity and Diversity Management and or designee, within a reasonable time such as 48 hours, could result in disciplinary action and/or possible termination.

Complaints may be made in person or in writing. For clarity, all complaints should be reported in writing under oath. A sworn and signed affidavit complaint form may be obtained from the Office of Equal Opportunity and Diversity Management. Department heads and supervisors are to promptly look into or conduct an internal investigation into a complaint or incident unless such incident involves the department head or supervisor thus requiring the investigation to be conducted by the City's Director of Equal Opportunity and Diversity Management. Department heads or supervisors are to document the outcome of the complaint or incident, which must be submitted to the Office of Equal Opportunity and Diversity Management for record. If the complaint is found to have merit, the employee shall be subject to discipline, and reports of harassment or bullying serious matters of which the employee has knowledge shall be investigated. If the complaint is found to have insufficient merit, all involved parties will be so notified. Failure of a department head or supervisor to report complaints or violations to the director of Equal Opportunity and Diversity Management and or designee, within a reasonable time such as 48 hours, could result in disciplinary action and/or possible termination.

It is not the City's intention to regulate social relationships that are freely entered into by employees. However, it is our duty to develop and maintain a workplace free of sexual harassment, sexual harassment, and intimidation. The Office of Equal Opportunity and Diversity Management is responsible for the implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.

REVISED DRAFT from Office of General Counsel, dated May 7, 2020:

SEXUAL HARASSMENT POLICY STATEMENT

PURPOSE:
It is the policy of the City of Middletown that sexual harassment in the workplace is prohibited, illegal, and will not be tolerated. Federal and state law, including Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e-2(a)(1), and the Connecticut General Statutes §46a-60 et seq., (8) prohibit various forms of discrimination and illegal harassment in employment and the workplace. All employees, managers, and non-supervisors as well as must comply with this policy and any entity expected to avoid any behavior or conduct that could be interpreted as sexual harassment. In addition, employees and the like are responsible for ensuring that such conduct does not occur either within the workplace, at assignments outside the workplace, or at City-sponsored events. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy. Sexual harassment is illegal and prohibited.

DEFINITION:

Sexual Harassment is defined in Connecticut Statutes §46a-60(a)(9) as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature. It is illegal and improper if:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
(3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment refers to behavior that is unwelcome, is personally offensive, that debilitates morale, and therefore interferes with work effectiveness. Thus, no employee or anyone should be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal or physical, or be led to believe that an employment opportunity or benefit will in any way depend upon “cooperation” of a sexual nature.

Sexual harassment may include such conduct, but is not limited to the following: a) verbal conduct such as sexual innuendoes, “kidding,” “teasing,” jokes of a sexual nature, suggestive or offensive comments, lewd remarks, continued or repeated verbal abuse of sexual nature and sexual propositions, b) non-verbal conduct such as derogatory or pornographic displays, cartoons or drawings, sexual gestures, repeated offensive sexual flirtations, or leers or stares at another person, c) physical conducts such as touching, brushing up against someone, demands for sexual favors, assault, or retaliation for complaining about sexual harassment. Sexual harassment conduct generally is repetitious and persistent in nature towards another person. Sexual harassment does not refer to the occasional, all socially acceptable compliment.

REPORTING SEXUAL HARASSMENT:

The City of Middletown considers all sexual harassment complaints a serious matter. If an employee believes that he or she has been the victim of sexual harassment, he or she should report the conduct immediately or within 48 hours to his or her supervisor or next level of management above his or her immediate supervisor, and notify Faith M. Jackson, Director of Equal Opportunity and Diversity Management, at 860.638.4830 or to the Mayor’s designee in her absence so that the appropriate action can be taken. Department heads and supervisors are to promptly look into or conduct an internal investigation into a complaint or incident unless such incident involves the department head or supervisor thus requiring the investigation to be conducted by the City’s Director of Equal Opportunity and Diversity Management. Department heads or supervisors are to document the outcome of the complaint or incident, which must be submitted to the Office of Equal Opportunity and Diversity Management for record. If the complaint is found to have merit, corrective disciplinary action and/or corrective action will be implemented. If the complaint is found to be without merit, all involved parties will be so notified. Failure of a department head or supervisor to report complaints or violations to the Director of Equal Opportunity and Diversity Management and or designee within a reasonable time such as 48 hours could result in disciplinary action, including but not limited to and/or termination.

Complaints may be made in person or in writing. For clarity, all complaints should be reported in writing and signed. Complaints made in person or given verbally directly to the Director of Equal Opportunity and Diversity Management or to the Mayor’s designee in her absence will be committed to writing, which must be signed by the complainant, preferably before an investigation is conducted. The employee’s department head or supervisor will be notified when a complaint is submitted to the Director of Equal Opportunity and Diversity Management or to the Mayor’s designee in her absence. At the discretion of the Mayor, serious forms of sexual harassment that could result in termination or a substantial suspension of more than 15 days may be referred to an independent outside investigator hired by the City.

The employee suspected of violating this policy may be placed immediately on Administrative Leave pending the result of an investigation. Reported incidents are to be investigated within 90 days of filing, except that an extension beyond the 90 days may be extended by the mayor as needed. Any reported incidents will be kept as confidential as possible except where there is a legitimate matter of public concern. The City will not tolerate any retaliation against any employee who files a complaint in good faith and or participates as a witness and may subject an offending employee to disciplinary action, up to and including termination of employment. If a complaint is found to have merit, the employee may face discipline, up to and including termination. However, the City also recognizes that false accusations of sexual harassment or their unlawful conduct can be damaging to an accused employee or person and disruptive to the department operations; knowingly making false accusations may constitute misconduct for which disciplinary action may be imposed.

It is not the City’s intention to regulate social relationships that are freely entered into by employees. However, it is our duty to develop and maintain a workplace free of sexual harassment. The Office of Equal Opportunity and Diversity Management is responsible for the implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.

BENJAMIN D. FLORSHEIM, MAYOR

ZERO TOLERANCE POLICY STATEMENT

Harassment and Violence in the Workplace Prevention

PURPOSE:

The City of Middletown is committed to providing a safe work environment where all people are treated with respect, professionalism, and dignity. In addition, the City of Middletown is committed to working with its employees to maintain an environment free from violence, threats of violence, intimidation, and other disruptive behavior. Any acts of violence, threats, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously and dealt with appropriately. Employees deemed to be in violation of this Policy may face discipline, up to and including termination.
Prohibited Conduct:

Harassment is prohibited based on all protected classes including age, ancestry, color, genetic information, learning disability, marital status, past or present history of mental disability, intellectual disability, national origin, physical disability, including but not limited to blindness, race, religious creed, sex, including pregnancy, sexual harassment, transgender status, gender identity or expression, sexual orientation or civil union status, political belief, military or veteran status, or criminal record. Both Harassment and Sexual Harassment are illegal and prohibited in the workplace in accordance with Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e-2(a)(1), and the Connecticut General Statutes §46a-60 et seq., which prohibits various forms of discrimination and illegal harassment in employment and the workplace. The City of Middletown will not tolerate discrimination or harassment on the basis of a protected class by anyone. Employees, managers, and non-supervisors as well as vendors, clients, and customers alike are expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur in the workplace, at assignments outside the workplace, or at City-sponsored events. It is a violation for any supervisor or employee, male or female, to engage in the acts or behavior defined in this City policy.

Harassment:

Harassment is defined as unwelcome conduct, whether verbal, physical, written, or graphic that is based upon a person’s inclusion in a protected class. The City will not tolerate harassing or bullying conduct that affects tangible job benefits, interferes unreasonably with an individual’s work performance, or creates an intimidating, hostile, or offensive working environment. Offensive behavior includes but is not limited to verbal taunting which in the opinion of the employee impairs his/her ability to perform the job. Generally, harassment conduct is repetitious and persistent in nature towards another person.

Violence in the Workplace:

The City also affirms its dedication to foster a workplace that condemns all forms of racist expression or acts of intolerance. The City has zero tolerance with regards to substance abuse, violence in the workplace, drugs, alcohol, abusive, threatening, and offensive language or conduct directed at staff, co-workers, citizens, vendor, or visitors.

Prohibited conduct, except as may be required as a condition of employment, shall be as follows: no employee shall bring to the worksite any weapon or dangerous instrument as defined in this policy; no employee shall use, attempt to use, or threaten to use any such weapon or dangerous instrument; and no employee shall cause or threaten to cause death or physical injury to any individual. A weapon means any firearm, including a BB gun, whether loaded or unloaded, any knife (excluding a small pen or pocket knife), including a switchblade or other knife having any automatic spring release device, a stiletto, any police baton or nightstick, any martial arts weapon, or electronic defense weapon. A dangerous instrument means any instrument, article, or substance that, under the circumstances, is capable of causing death or serious physical injury. Any weapon or dangerous instrument at the workplace will be confiscated. There is no reasonable expectation of privacy with respect to such items being in the workplace. No employee shall commit any conduct, either verbal or physical, that is abusive, threatening, intimidating, or demeaning.
REPORTING HARASSMENT AND VIOLENCE IN THE WORKPLACE:

Emergency Situation: For an emergency situation, an employee who believes that there is a serious threat to his/her safety or the safety of others that requires immediate attention should contact 911. The employee must also contact his/her immediate supervisor and notify the Office of Equal Opportunity and Diversity Management at 860.638.4830.

Non-Emergency Situation: For a non-emergency situation, any employee who feels subjected to or witnesses violent, threatening, or intimidating behavior in the workplace should immediately document and report the incident within 48 hours to his/her immediate supervisor and notify the Office of Equal Opportunity and Diversity Management at 860.638.4830 so that the office may evaluate and advise the department head or supervisor on the appropriate action.

Department heads and supervisors are to promptly look into or conduct an internal investigation into a complaint or incident unless such incident involves the department head or supervisor thus requiring the investigation to be conducted by the City’s Director of Equal Opportunity and Diversity Management. Department heads and supervisors are to document the outcome of the complaint or incident, which must be submitted to the Office of Equal Opportunity and Diversity Management for record. Failure of a department head or supervisor to report such complaints to Faith M. Jackson, Director of Equal Opportunity and Diversity Management, at 860.638.4830 or to the Mayor’s designee in her absence within a reasonable time could result in disciplinary action, including but not limited to termination.

Complaints may be made in person or in writing. For clarity, all complaints should be reported in writing and signed. Complaints made in person or given verbally directly to the Office of Equal Opportunity and Diversity Management or to the Mayor’s designee in her absence will be committed to writing, which must be signed by the complainant, preferably before an investigation is conducted. The employee’s department head or supervisor will be notified when a complaint is submitted to the Director of Equal Opportunity and Diversity Management or to the Mayor’s designee in her absence. At the discretion of the Mayor, serious forms of misconduct that could result in termination or substantial suspension of more than fifteen 15 days may be referred to an independent, outside investigator hired by the City.

An employee suspected of violating this policy may be placed immediately on Administrative Leave pending the result of an investigation. If the complaint is found to have merit, an employee using violent, threatening, intimidating, harassing, or abusive conduct or actions towards another employee, citizen, vendor, or visitor shall be subject to discipline beginning with suspension up to and including termination. Any employee found to have knowingly or maliciously filed a false accusation may constitute misconduct for which disciplinary action may be imposed.

An appropriate complaint procedure has been established for the City of Middletown to ensure that the appropriate authorities receive, look into or investigate, and resolve complaints. The Office of Equal Opportunity and Diversity Management complaint process may appropriately be used to adjudicate accusations of racism, intolerant acts, or violent acts in the workplace that will not be tolerated. All reported incidents will be taken seriously and dealt with appropriately. The Office of Equal Opportunity and Diversity Management at 860.638.4830 or to the Mayor’s designee in her absence within a reasonable time could result in disciplinary action, including but not limited to termination.

To the extent permissible by law, any reported incidents will be kept as confidential as possible. The City will investigate the complaint or incident unless such incident involves the department head or supervisor thus requiring the investigation to be conducted by the City’s Director of Equal Opportunity and Diversity Management at 860.638.4830 or to the Mayor’s designee in her absence within a reasonable time could result in disciplinary action, including but not limited to termination.

DRAFT from Faith Jackson, dated May 8, 2020:

ZERO TOLERANCE POLICY STATEMENT

Harassment and Violence in the Workplace Prevention

PURPOSE:

The City of Middletown is committed to providing a safe work environment where all people are treated with respect, professionalism, and dignity. In addition, the City of Middletown is committed to working with its employees to maintain an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Any acts of violence, threats, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously and dealt with appropriately. The City of Middletown has adopted a Zero Tolerance Policy to address violence and other inappropriate behavior in the workplace as specified in this policy in accordance with Executive Order No. 16. The City also affirms its dedication to fostering a workplace that condemns all forms of racial expression or acts of intolerance. The City has zero tolerance with regards to substance abuse, violence in the workplace, drugs, alcohol, threatening and offensive language or conduct directed at staff, coworkers, citizens, vendor, or visitors. Such conduct in the workplace will be dealt with in an appropriate manner. The City is committed to achieving among its employees to work in a safe and secure environment that is characterized by respect and professionalism.

Prohibited Conduct:

Harassment is prohibited based on all protected classes including age, ancestry, color, genetic information, learning disability, marital status, past or present history of mental disability, intellectual disability, national origin, physical disability, including but not limited to blindness, race, religious creed, sex, including pregnancy,
sexual harassment, transgender status, gender identity or expression, sexual orientation or civil union status, political belief, military or veteran status, or criminal record. Both Harassment and Sexual Harassment are illegal and prohibited in the workplace in accordance with Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e-2(a)(1), and the Connecticut General Statutes §46a-60 et seq., which prohibits various forms of discrimination and illegal harassment in employment and the workplace. The City of Middletown will not tolerate discrimination or harassment on the basis of a protected class by anyone. Employee, managers, and non-supervisors as well as vendors, clients, and customers, alike are expected to comply with this policy and to take appropriate measures to ensure that such conduct does not occur in the workplace. At assignments outside the workplace, or at City-sponsored events. It is a violation for any supervisor or employee, male or female, to engage in the acts or behavior defined in this City policy.

**Harassment:**

Harassment is defined as unwelcome conduct, whether verbal, physical, written, or graphic that is based upon a person's inclusion in a protected class. The City will not tolerate harassing or bullying conduct that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Offensive behavior includes but is not limited to verbal taunting, i.e., racial and ethnic slurs, which in the opinion of the employee impairs his/her ability to perform the job. Generally, harassment conduct is repetitious and persistent in nature towards another person.

**Violent in the Workplace:**

In accordance with this policy, the City of Middletown has adopted a Zero Tolerance Policy to address violence and other inappropriate behavior in the workplace as specified in this policy in accordance with Executive Order No. 18. The City also affirms its dedication to foster a workplace that condemns all forms of racist expression or acts of intolerance. The City has zero tolerance with regards to substance abuse, violence in the workplace, drugs, alcohol, abusive, threatening and offensive language or conduct directed at staff, co-workers, citizens, vendor, or visitors.

**Prohibited conduct,** except as may be required as a condition of employment, shall be as follows: no employee shall bring to the worksite any weapon or dangerous instrument as defined in this policy; no employee shall use, attempt to use, or threaten to use any such weapon or dangerous instrument; and no employee shall cause or threaten to cause death or physical injury to any individual. A weapon means any firearm, including a BB gun, whether loaded or unloaded, any knife (excluding a small pen or pocket knife), including a switchblade or other knife having any automatic spring release device, a stiletto, any police baton or nightstick, any martial arts weapon, or electronic defense weapon. A dangerous instrument means any instrument, article or substance that, under the circumstances, is capable of causing death or serious physical injury. Any weapon or dangerous instrument at the workplace will be confiscated. There is no reasonable expectation of privacy with respect to such items being in the workplace. No employee shall commit any conduct, either verbal or physical, that is abusive, threatening, intimidating or demeaning.

**REPORTING HARASSMENT AND VIOLENCE IN THE WORKPLACE:**

**Reporting Procedures:**

**Emergency Situation:**

For an emergency situation, an employee who believes that there is a serious threat to his/her safety or the safety of others that requires immediate attention shall contact 911. The employee must also contact his/her immediate supervisor and notify the Office of Equal Opportunity and Diversity Management at 860.638.4830.

**Non-Emergency Situation:**

For a non-emergency situation, any employee who feels subjected to or witnesses violent, threatening, or intimidating behavior in the workplace should immediately document and report the incident within 48 hours to his/her immediate supervisor and notify the Office of Equal Opportunity and Diversity Management at 860.638.4830 so that the office may evaluate and advise the department head or supervisor on the appropriate action.

**Reporting Procedures: continued**

**Non-Emergency Situation: Continued**

Department heads and supervisors are to promptly look into or conduct an internal investigation into a complaint or incident unless such incident involves the department head or supervisor thus requiring the investigation to be conducted by the City’s Director of Equal Opportunity and Diversity Management. Department heads and supervisors are to document the outcome of the complaint or incident, which must be submitted to the Office of Equal Opportunity and Diversity Management for record. Failure of a department head or supervisor to report such complaints to Faith M. Jackson, Director of Equal Opportunity and Diversity Management, at 860.638.4830 or to the Mayor’s designee in her absence within a reasonable time such as 48 hours could result in disciplinary action and/or possible termination.

Complaints may be made in person or in writing. For clarity, all complaints should be reported in writing and signed under oath. A sworn affidavit complaint form may be obtained from the Office of Equal Opportunity and Diversity Management.

Complaints made in person or given verbally directly to the Office of Equal Opportunity and Diversity Management or to the Mayor’s designee in her absence which must be signed by the complainant, preferably before an investigation is conducted. The employee’s department head or supervisor will be notified when a complaint is submitted to the Director of Equal Opportunity and Diversity Management or to the Mayor’s designee in her absence. At the discretion of the Mayor, serious forms of misconduct that could result in termination or substantial suspension of more than fifteen (15) days may be referred to an independent, outside investigator hired by the City.

The employee suspected of violating this policy may be placed immediately on Administrative Leave pending the result of an investigation. If the complaint is found to have merit, an employee using violent, threatening, intimidating, harassing or abusive conduct or actions towards another employee, citizen, vendor, or visitor shall be subject to discipline beginning with suspension up to and including termination. Any employee found to have knowingly or maliciously filed a false accusation may constitute misconduct for which disciplinary action may be imposed. Claim of violation pursuant to this policy may be subject to disciplinary action.
An appropriate complaint procedure has been established for the City of Middletown to ensure that the appropriate authorities receive, look into or investigate, and resolve complaints. The Office of Equal Opportunity and Diversity Management complaint process may appropriately be used to adjudicate accusations of racism, intolerant acts, or violent acts in the workplace. Reported incidents will be investigated within ninety days of filing, except than an extension beyond 90 days may be extended by the Mayor as needed. Any reported incidents will be kept as confidential as possible except where there is a legitimate matter of public concern. The City will not tolerate any retaliation against any employee who files a complaint or participates as a witness. The Office of Equal Opportunity and Diversity Management is responsible for implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.

REVISED DRAFT from Office of General Counsel, dated May 13, 2020:

ZERO TOLERANCE POLICY STATEMENT

Harassment and Violence in the Workplace Prevention

PURPOSE:

The City of Middletown is committed to providing a safe work environment where all people are treated with respect, professionalism, and dignity. In addition, the City of Middletown is committed to working with its employees to maintain an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Any acts of violence, threats of violence, and disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously and dealt with appropriately. Employees deemed to be in violation of this Policy may face discipline, up to and including termination. The City has adopted a Zero Tolerance Policy to address violence and other inappropriate behavior in the workplace as specified in this policy in accordance with Executive Order No. 16. The City also affirms its dedication to foster a workplace that condemns all forms of racist expression or acts of intolerance. The City has zero tolerance with regards to substance abuse, violence in the workplace, drugs, alcohol, abusive, threatening and offensive language or conduct directed at staff, co-workers, citizens, vendor, or visitors. Such conduct in the workplace will be dealt with in an appropriate manner. The City is committed to achieving among its department heads, supervisory staff, and employees a workplace where they can work to achieve the goals and objectives of the City. In addition, the City recognizes the right of its employees to work in a safe and secure environment that is characterized by respect and professionalism.

Prohibited Conduct:

Harassment is prohibited based on all protected classes including age, ancestry, color, genetic information, learning disability, marital status, past or present history of mental disability, intellectual disability, national origin, physical disability, including but not limited to blindness, race, religious creed, sex, including pregnancy, sexual harassment, transgender status, gender identity or expression, sexual orientation or civil union status, political belief, military or veteran status, or criminal record. Both Harassment and Sexual Harassment are illegal and prohibited in the workplace in accordance with Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e-2(a)(1), and the Connecticut General Statutes §46a-60 et seq., which prohibits various forms of discrimination and illegal harassment in employment and the workplace. The City of Middletown will not tolerate discrimination or harassment on the basis of a protected class by anyone. Employees, managers, and non-supervisors as well as vendors, clients, and customers are expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur in the workplace, at assignments outside the workplace, or at City-sponsored events. It is a violation for any supervisor or employee, male or female, to engage in the acts or behavior defined in this City policy.

Harassment:

Harassment is defined as unwelcome conduct, whether verbal, physical, written, or graphic that is based upon a person's inclusion in a protected class. The City will not tolerate harassing or bullying conduct that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Offensive behavior includes but is not limited to verbal taunting, i.e., racial and/or ethnic slurs, which in the opinion of the employee impairs his/her ability to perform the job[B56]. Generally, harassment conduct is repetitive and persistent in nature towards another person.

Violence in the Workplace:

In accordance with this policy, the City of Middletown has adopted a Zero Tolerance Policy to address violence and other inappropriate behavior in the workplace as specified in this policy in accordance with Executive Order No. 16[B58]. The City also affirms its dedication to foster a workplace that condemns all forms of racist expression or acts of intolerance. The City has zero tolerance with regards to substance abuse, violence in the workplace, drugs, alcohol, abusive, threatening, and offensive language or conduct directed at staff, co-workers, citizens, vendor, or visitors.

Prohibited conduct, except as may be required as a condition of employment, shall be as follows: no employee shall bring to the worksite any weapon or dangerous instrument as defined in this policy; no employee shall cause or threaten to cause death or physical injury to any individual. A weapon means any firearm, including a BB gun, whether loaded or unloaded, any knife (excluding a small pen or pocket knife), including a switchblade or other knife having any automatic spring release device, a stiletto, any police baton or nightstick, any martial arts weapon, or electronic defense weapon. A dangerous instrument means any instrument, article, or substance that, under the circumstances, is capable of causing death or serious physical injury. Any
The Chair calls on Councilwoman Linda Salafia.

Councilwoman Linda Salafia asks how often these policies are updated. She asks why the policies were not reviewed through the General Counsel Commission.

Councilman Eugene Nocera offers a response, stating that these policies were approved by the Council Clerk.

Councilwoman Salafia states that it should be noted on the resolution that these policies were approved by Human Relations.

The motion carries.

The meeting adjourns.
Councilman Nocera adds that he does not believe, he would have to check, if Human Relations policies go
to General Counsel Commission. They will check it.

Councilwoman Salafia asks how often these policies are reviewed/revised. She asks if it is one every four
(4) years, every two (2) years.

Councilman Nocera asks if Faith Jackson, Director of the Office of Equal Opportunity & Affirmative Action
is on the line.

Director Jackson replies, that first a minor correction: it is not the Human Relations Commission that reviews
the City policies; rather it is the Affirmative Action Monitoring Committee as it is the City’s policies and
practices. That is why the policies go to that committee. She confirms that the documents did go through
the Affirmative Action Monitoring Committee as well as the General Counsel.

Councilwoman Salafia interjects, saying that the policies did not go to the General Counsel Commission
meeting.

Director Jackson replies that the policies never go to a meeting, rather, they go to the Counsel to make
sure that there are no glaring, anything that would subject the City insofar as it is clear with State and federal
regulations and Status goes here

Councilwoman Salafia asks that the date of review by the Affirmative Action committee should be added to
the resolution.

Director Jackson states that she gave that date, May 18, 2020. The members had to respond by the date
f there were any changes to their approval. She reiterates that she gave that date – May 18, 2020 – by
which they had to do that.

Councilwoman Salafia replies that she does not believe that he date is on the resolution.

Director Jackson reiterates that she gave that date, but sees that the resolution only mentions the
Affirmative Action Monitoring Committee. She thought it was revised.

The Council Clerk interjects, saying that perhaps she misunderstood, but recalls being told that the
information was distributed to the members by email and that there was no meeting. She reiterates that
she might have misunderstood.

Director Jackson relies that here was no meeting as they meet quarterly, but had to review the policy
statements and respond to her by a deadline date of May 18, 2020. She continues, stating that the policies
then went to General Counsel for review. They always go to legal for review.

Councilwoman Salafia thanks Director Jackson and notes that there should be an actual date on the
resolution, saying that they were given a deadline or that there was a meeting date so that there is some
sort of history to look back on. She requests that this information be added.

Director Jackson reiterates that she gave the date, but it was not incorporated into the changes on the
resolution.

Councilwoman Salafia suggests that the resolution be amended to ad that date n that Director Jackson
stated; that her language was reviewed electronically by the members of the committee with a response
date by May 18th. She offers this as a friendly amendment. Councilman Grady Faulkner seconds that
amendment.

Directors Jackson states that she tries to be sure that polices are reviewed every couple of years so they
are not too far out, noting that is why there is redlining. She also reformatted the policies for clarity and so
that they mirror these policies that the Department of Administrative Services has on the statewide level for
all policies. This put us in sync and we follow the statewide policies.

Corporation Counsel Daniel Ryan confirms that the amendment was seconded by Councilman Faulkner,
which the Chair affirms.

There being no further discussion on the friendly amendment to add the date, the Chair calls for a roll call
vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell aye
Councilwoman Carta aye
Councilman Faulkner aye
Councilman Darnell Ford aye
Councilman Edward Ford aye
Councilman Gennaro aye
Councilman Loffredo aye
Councilman Mangiafico aye
Councilman McKeon aye
Councilman Nocera aye
Councilman Pessina aye
Councilwoman Salafia  aye

The Chair states that the motion to approve the friendly amendment is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

The Chair asks if there is any further discussion on the underlying resolution, as amended. There being no further discussion, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell  aye
Councilwoman Carta  aye
Councilman Faulkner  aye
Councilman Darrell Ford  aye
Councilman Edward Ford  aye
Councilman Gennaro  aye
Councilman Loffredo  aye
Councilman Mangiafico  aye
Councilman McKeon  aye
Councilman Nocera  aye
Councilman Pessina  aye
Councilwoman Salafia  aye

The Chair states that the motion to approve the underlying resolution, as amended, is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

C. Approving that the anti-racism work heretofore performed by the Human Relations Commission shall henceforth be performed by a Permanent Taskforce on Anti-Racism; and that the Common Council shall approve membership of the Task Force at a future meeting of the Common Council at a date to be determined.

TABLED TO SPECIAL MEETING OF JUNE 11, 2020

WHEREAS, the City of Middletown joins the nation in mourning the unjust death of George Floyd at the hands of the Minneapolis Police Department, along with the deaths of countless other Black Americans as a result of white supremacist violence, and

WHEREAS, since the fall of 2017, the City of Middletown has been engaged in community-wide anti-racism work through the leadership and efforts of its Human Relations Commission, in partnership with other community organizations including the Middletown Racial Justice Coalition, and

WHEREAS, the work of the Commission on the matter of anti-racism in the City of Middletown, while fruitful and productive, remains unfinished, and

WHEREAS, the Common Council of the City of Middletown recognizes the importance of elevating anti-racism work, and aims to respond to the urgency of the current moment of civil unrest in our country by declaring such work as a top priority for the City, the Mayor, and the residents.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: that the Mayor’s Permanent Task Force on Anti-Racism be hereby established as a Committee of the City of Middletown.

BE IT FURTHER RESOLVED: that the anti-racism work heretofore performed by the Human Relations Commission shall henceforth be performed by said Task Force.

LET IT BE FURTHER RESOLVED: that the Common Council shall approve membership of the Task Force at a future meeting of the Common Council at a date to be determined.

Councilman Edward McKeon reads the proposed resolution in its entirety and moves to approve. Councilman Philip Pessina seconds the motion.

The Chair calls on Councilwoman Linda Salafia.

Councilwoman Linda Salafia asks if it is correct that this resolution is not looking to disband the Middletown Racial Justice Coalition and that special program that is proposed to receive $27,000 under the proposed FY20-21 budget. She asks if this is proposing another commission in addition to this group.

The Chair states that he will defer to Councilman McKeon, adding that he believes that the intention is to create a commission that will administer that work separate from the Human Relations Commission. It will continue that work by a separate commission.

Councilwoman Salafia replies that she doesn’t get it. The Human Relations Commission is partnering with the Racial Justice Coalition, which is subcontracted to them, that work will continue. In addition, there will then be another committee forming tonight.
The Chair replies that he believes that the intention is to have the partnership between the City and the Middletown Racial Justice Coalition, which is not a City entity. It would continue instead of with the Human Relations Commission, it would be with this new committee

The Chair calls on Councilman Eugene Nocera.

Councilman Nocera states that he serves on the Human Relations Commission and the diversity management work on anti-racism awareness since 2018 when he introduced that project along with former Councilman Carl Chisem and former Councilman Robert Blanchard. They went forward and were successful getting the resolution and project approved and getting funding. He offers a brief view of the work in perspective. Initially, under the leadership of Director Faith Jackson and Youth Services Coordinator Justin Carbonella and the Committee, they developed a needs assessment with the consultant, which took a considerable amount of time and effort. They developed training for City staff, including the police department. All that work has been done in a very professional way. The results were very positive. They then moved into Phase 2, the needs assessment focus groups, community conversation, broad-based. From that, they developed a needs assessment that was reported to the Common Council several months ago and the committee the five (5) goals, noting that these are all important: (1) criminal justice for all was right at the top as an action item for the community to move on; (2) employment opportunities and economic development opportunities for minority groups; (3) housing equity; (4) education equity; and (5) health services equity. These five (5) areas were identified in an extensive needs assessment by the very professional outside consultant, who worked without City staff. He firmly believes that the mechanism to move forward with this resolution is to fine tune the work that is already started, perhaps establishing a sub-group within this group to move on whatever issues we feel is important at the time, he urges his colleagues not to forget that all of this started in 2018 with the riots in North Carolina. When the Council unanimously did not support the White House response to what was occurring there, the blatant racism that we saw. The Council moved on this and the community supported it. He reiterates that these are the five (5) goals with criminal justice for all at the top. This was done by the needs assessment in this community, conducted in a very deliberate way.

The Chair adds, as a point of information, that another part of the conversation, recent past conversations with Director Jackson’s office, who is the staff liaison to the Human Relations Committee, about staffing constraints and to make sure that work is done and focused on appropriately. Perhaps the creation of this committee will benefit the collaboration between the Human relations Commission, Director Jackson, and the City. It has correctly been pointed out that this is a last minute addition to the agenda, but he notes that they have been in touch with Director Jackson today about it as well as the Chair of the Human Relations Commission. Details on membership has not yet been determined, adding that needs to be done in consultation with the Common Council and the public. Approval of this resolution would just to create the vehicle for that.

The chair calls on Councilman Edward McKeon.

Councilman McKeon states that he speaks fully in the conscience of being a while male in a society where white men have privilege. He does want to hear from his colleagues as well. He states that he is frightened. At the start of this meeting, a friend texted him, saying that he went out and took his dog for a walk and, when he came back, democracy was gone. The President has basically declared martial law. He is militarizing the peaceful response, and sometimes the not so peaceful response, to the death of an African American man, which was unwarranted. He has shown no remorse, no empathy for that death. Conical McKeon opines that we are at a very frightening time in the country, at a point where the issues of racism are at the forefront as we saw with the march on Saturday. It is important that we have an expedient response, a committee that can have the right people on it, not to diminish at all the work that has been done prior to this. He urges his colleagues to move expeditiously to make sure that the needs of the City’s minority population are addressed and that equity is pursued in the strongest terms and that we are protected from the hatred being spewed at the very top of this country. He reiterates that it is frightening, adding that it includes everything from addressing issues in our City government, in our Police Department, in our education system. He believes that the Council needs to make it pointedly our task to go after these problems immediately. We need to put resources behind them as far as we can address them seriously. He states that this is why he proposed this resolution, as a response to the reminder from Sacha Crockett, in her letter to the Council, which reminded us that this is what we ran on. This is how we campaigned, what we said we were going to do. We have not gotten to it, but the events in our country at this time are saying we need to get to it, and get to it now.

The Chair calls on Councilman Grady Faulkner, Jr.

Councilman Faulkner states that, looking at this resolution for the first time, he is trying to understand it. There is already a process, which is also budgeted into the year. The City also has an Affirmative Action Committee with Human Relations, is other questions is that there three is no reference to NAACP, so he wonders, with so many little things going on (inaudible). Where is the power? He asks if this proposed committee has access to funds, the ability to send something to the Common Council or to a department.

The Chair states this proposed taskforce came from conversations with Director Jackson and the Human Relations Commission, adding that it may be helpful at some point to house the work with a separate committee to be staffed by the Mayor’s Office. There is no funding attached to this to his understanding. They would pursue and be granted funding in the same manner by the Council. In conversations today, there is a sense of urgency to address this issue, to do something as soon as possible. The City’s response
in the community on Saturday was that we had, knowing that there were active conversations ongoing with the Human Relations Commission, the spirit of the resolution elevating this work. It is a great time to do so. Councilman Faulkner notes that another concern (inaudible), asking what the black community says about this proposal. He asks if anyone has met with the churches (inaudible). He asks if they have had any input.

Councilman Nocera interjects, explaining that, through the needs assessment that was conducted this past year, they identified the five (5) areas, the outcomes of the needs assessment, which he listed when he spoke earlier. There were extensive involvement with the black community in identifying these five (5) area, noting that they felt that the City needed to look at and plan for immediately.

The Chair calls on Councilwoman Linda Salafia.

Councilwoman Salafia states that, at this moment, she will abstain, because this is the second committee being formed by resolution. She notes that they did not form the other committee either. Until it is clear that the need is for the committee, its duties and how it will be made up, she will abstain. She adds that she certainly understands the desire to have a resolution discussing what is going on and to recognize the march last Saturday, but she doesn’t agree that this resolution is the way to do this. There are too many open ended questions, things that need to be straightened out before they have a committee. They were going to have a committee on Main Street and with the community and that has not yet been formed. She reiterates that, for these reasons, she will abstain.

The Chair calls on Councilwoman Jeanette Blackwell.

Councilwoman Jeanette Blackwell states that, first, to the members of the public, who spoke this evening, -- Robert Treloar and Sacha Armstrong Crocket -- thank you for your courage, your bravery. As she thinks about her own past involvement with the Human Relations Commission, she is deeply moved that they are putting forth this effort this evening. She is concerned that it appears that, although it is a good effort and they need to do it right. She asks if they have had any input.

Faulkner notes that he agreements with the points made by Councilwoman Blackwell, Councilwoman Salafia, and Councilman Faulkner. He is not against this resolution, but he does have concerns about the wording. As Councilwoman Blackwell stated, this needs to be done correctly. No one dislikes a bad cop than a good cop. He notes that he can speak for police officers. There are many police officers, who are getting ready to go to work tonight, put in the Commission’s current project, and they will be hated for the color of their uniform, for the color of their skin. The will kiss their families goodbye and, because of the actions of a bad cop, will be looked at as if they are no good, too. For the past 20 years, as a police officer, it hurts and it is hard to talk about for him, and for others. He agrees with many of the points raised. We cannot act on emotion, for doing things out of emotion too quickly, this happens, whether good or bad intended. He feels that the resolution should be tabled and that Council should work with this, all of us. We all need to get behind it, knowing that we can make a huge impact, much more than what is before us now. We need to do this right.

The Chair calls on Councilman Anthony Gennaro, Sr.

Councilman Anthony Gennaro states that he agrees with the points made by Councilwoman Blackwell, Councilwoman Salafia, and Councilman Faulkner. He is not against this resolution, but he does have concerns about the wording. As Councilwoman Blackwell stated, this needs to be done correctly. No one dislikes a bad cop than a good cop. He notes that he can speak for police officers. There are many police officers, who are getting ready to go to work tonight, put in the uniform, and they will be hated for the color of their uniform, for the color of their skin. The will kiss their families goodbye and, because of the actions of a bad cop, will be looked at as if they are no good, too. For the past 20 years, as a police officer, it hurts and it is hard to talk about for him, and for others. He agrees with many of the points raised. We cannot act on emotion, for doing things out of emotion too quickly, this happens, whether good or bad intended. He feels that the resolution should be tabled and that Council should work with this, all of us. We all need to get behind it, knowing that we can make a huge impact, much more than what is before us now. We need to do this right.

The Chair calls on Councilman Edward Ford, Jr.

Councilman Edward Ford, states that he appreciates this resolution and what it attempts to do. He thinks there is nothing wrong with defining the mechanism by which we do anti-racism work in the City. Having a more refined effort would be beneficial; however, as a current member of the Human Reactions Commission, he is concerned, which other Commissioners may share; that is, that all of the time and effort and resources put in the Commission’s current project would be forsaken and to included going forward. He states that we want to be certain, even if we do create another commission, that these members, that their participation is included. In the ongoing project. There is a history as Councilman Nocera explained, going back to events of 2018. There have been several meetings and we do not want these past efforts to go to waste. Second, as to Councilman Faulkner’s concerns, this does need to be a unified effort. We need to be sure that we’re doing everything that we can, literally dotting every “i” and crossing every “t,” not being too quick to move when we are not being effective. This work is now being done tirelessly by the Commission and, for the folks who may not see them, he assures them that they are doing the work. While the Council needs to act, they need to do it right. With that being said, personally, as a young, black man, seeing what is happening in this country, it is disgusting and hurts his heart. He wants to see this City make the needed progress, adding that he is glad that the City is committed to racial progress, but he wants it to be done correctly, to be done so that it is lasting. As Middletown resident Sacha Crocket said earlier in public comments, all that she listed, he wrote down what she said, reminding the Council that, whatever they do, they need to make long-lasting change. It cannot be change done today and forgotten tomorrow. These are his concerns. He asks that the Council take its tie and table this resolution tonight.
The Chair calls on Councilman Anthony Mangiafico.

Councilman Anthony Mangiafico states that he shares many of the same concerns as his colleagues. He presumes that, given the speed with which this item was put together, most members of the Council did not see the document until about five (5) minutes before this meeting began. He does not know who else in the community was involved in writing this document. He thinks it would be best to table this resolution tonight, adding that, if the Councilmembers want to discuss this further prior to the next regular meeting in July, then a special meeting can be convened later this month. Once the Council has a more intensive look at it and reaches out to the community, the Council can work to create the best document, not just a piece of paper, but an actionable plan.

The Chair calls on the Council Clerk.

The Council Clerk, for the benefit of the Councilmembers, reviews this month’s meeting calendar. There are currently two (2) special Common Council meetings already scheduled in June. On Thursday, June 4th, there is the public hearing on the budget at 6:00 PM, so, if a special meeting for this topic is desired, it could be held before or after that meeting. Similarly, on June 11th, Thursday next week, the vote on the budget is scheduled at a 7:00 PM special meeting, so if the Council’s pleasure is to have a special meeting, there might be another opportunity here to piggyback onto one those meetings, if needed.

The Chair calls on Councilman Philip Pessina.

Councilman Philip Pessina states that he agrees with his colleagues’ comments on this resolution. There are other meeting opportunities as just described by the Council Clerk. He views this resolution as an action item. He understands all of the principles of doing something quick, but he believes this is where the country has gotten it wrong. Talk about it, legislative, conferences, commissions, hear comments from others. Nothing gets done. If it is the wish of this Council that there be more clarity for the Black Live movement, what he suggests, respectfully, is that this resolution, as he reads it, top priority. He understands that the City is also dealing with COVID, but we are also dealing with something deeper, more needed right now. He thanks God for this community and the hard work that everyone has given to get the city to where it is today. He suggests that, if tabled tonight, the clock start ticking now and with two (2) meetings coming, at the 2nd meeting (June 11th), a more organized description of the Commission be done and the Council act. Over the years, he has seen items tabled and tabled again. This item is now something that has breached our souls. What happened here should never have happened and should never be condoned. If the Mayor is willing to take the mantle and the Commission together, and work together on a resolution in the manner requested by the Council, he respectfully asks that it be done expediently, noting that his is what the public -- black and Hispanic members of the community, all of us, in this diverse community -- is looking for. They are looking for action, not delay. He urges his colleagues to get it done.

The Chair calls on Councilman Grady Faulkner, Jr.

Councilman Grady Faulkner states that, in his conversations with people in the community, the most important thing that can be done is make a statement or a proclamation in reaction to the nationwide issue. When we are doing something like this, we need to have people be able to weigh in on what we are doing, to give them an idea of what we are looking at. In a meeting (inaudible). He is not originally from Middletown and there are a lot of people, whom he has spoken, who are he believes that would be good. He applauds the effort for doing this, for bring it forward, but we have to do it right (inaudible) a lot of stops and starts like that (inaudible).

The Chair calls on Councilman Edward McKeon.

Councilman Edward McKeon states that he takes the concerns of his colleagues under advisement, especially those of his African American colleagues, who can speak from experience, experience that he does not have. He states that he is in the same camp as Councilman Pessina; that is, he would prefer not to completely disregard this idea. He is impatient and he knows that people, with whom he has spoken, are impatient to see real change in the City, in City Hall, in all of our departments as to how the members of the public are treated. Taking all of these comments under advisement, he thinks that tabling this item may be the right procedure, adding that he would hate to see it dropped on as this is the issue that he now seeing. A problem that gets “solved” over many years as analytical and as careful as you can be sometimes does not get solved. We are in a dangerous place. We may not feel it in this City right now, but turn on CNN and don’t tell him that you don’t feel scared for this country, adding that he feels scared for this country at this moment. We are being led by a lunatic and he is leading us down a path of hatred and violence, which is frightening. That being said, he understands the concerns and the need for making sure that the right parties are on board. From his conversations, if you have meeting, you will find that the right voices in town will probably say that this is a good idea, although he cannot guarantee that. If it takes another couple of weeks, so be it.

The Chair call on Councilman Darnell Ford.

Councilman Darnell Ford states that he appreciates all that has been said tonight. He is deeply concerned. As Councilman McKeon has said, in the last part, there are the constant meetings. In his work with children, and how they deal with these issues is a great concern of safety and progress bringing changes to the community. It is usually bogged down in tactics, in meetings, waiting to get the perfect document, the perfect policy in place. He fully supports this resolution in its current form. He can also understand why people (inaudible) want to get a better document. As a Council candidate, we stood on certain campaign
issues. We sit on this Council because of these campaign issues. We need to be transparent and not have fear about dealing with these issues as they occur. He is fully ready and this Council can handle this issue and bring together something that is exactly what the people (inaudible) understand. It is necessary to hear as el know from knocking on doors. We already know what the issues are. The better we can deal with these issues and get them down to safety and the concerns that people have (inaudible), the better we are as a Council.

The Chair states that he shares an appreciation for wherever one is coming from, particle Councilmembers of color, noting that their feedback on the resolution and the structure of anything that is done in the future is going to be extremely helpful in moving the City forward. He extends his thanks to all. He states that, to clarify, he believes that tabling in the thing to do. He would be very happy to entertain a motion to table and to entertain this item at a social meeting in the near future or the next Council meeting. He points out that the work has been done, although it did come together quickly for this Council meeting, is something that staff of the committee that partners with the Racial Justice Coalition, has been suggesting and does come as a response to the suggestions that have been made by the folks doing this work. To Councilman Edward Ford’s point, it is not intended to be an erasure of the Human Relations Commissions work, but an extension of it, an elevation of it. It is very much something that is taking place, not just in response to the events of the past week, but a response to the feedback that City Hall has received to make sure that this work is being continued effectively. He offers this information as background.

The Chair calls on Councilwoman Jeanie Blackwell.

Councilwoman Blackwell states that she is in favor of tabling this resolution, but was hoping to hear from Director Faith Jackson before they conclude, if she is still available to speak.

Director Jackson states that she has heard the comments. She states that she was in touch with the consultant today. She has not yet received the final report from the consultant. Listening to these comments, she notes that, when the Mayor and his Chief of Staff approached her about the next steps moving forward, she thought that he taskforce would be a great next step. They have a nine (9) member Commission, noting that have done an excellent job. She goes back to what Councilman Ford said: we cannot dismiss any of the work that they have done because they did a lot of the leg work, chose the consultant, and a lot of process went into this, the grunt work. If there is going to be a taskforce, it needs to be a taskforce that works. Once staff person cannot drive that whole process, so you need staff to concentrate on that. It is a constant movement of coordinating information, research. There is a lot involved in the groundwork that they have to do in order for the consultant to move to the next level of conducting the workshop and the training. It’s all about behind the scenes and that falls on the staff. Depending on what it is, it may involve both her and her assistant. She explains that she has told the Mayor that they don’t have a problem as long as there are people to do the work, adding that it’s no sense to create a subcommittee and still the scenario stays the same. There would be more people involved and the same people doing the work. This is key. She states that the Commissioner and the Racial Justice Coalition came on board as a partner because the Commissioner can ask any other agency doing similar work to come on board to help on the project. She notes that this is what the Racial Justice Coalition did. They will be getting the final report with all the data on June 17th. It will be represented to the Human Relations Commission. After that presentation, another presentation needs to be made to the Common Council on the outcome of the community conversations, the focus groups, the general themes that are running through based on outcomes: education equity, overall racial climate in Middletown, labor equity. Residents have identified the need for more representation of people of color in City leadership at town hall and at higher levels. Sometimes that is not easy to do because we have a young workforce. When an employer has a young workforce, they will be here for 25 years so how to you get that unless somebody leaves. We have unions, so when a vacancy opens, it gets posted internally. There is a lot of internal movement before a position is opened outside. There are a lot of things that need to be addressed and need to be worked on over the long haul. That is her input. They are working and she does not want to see this work go by the wayside. Whether she or someone else is here, whether the Mayor or someone else is in place, this work has to continue because the big issue is that we start things and we stop. It has to become a priority. She commends the City for actually getting ahead of the curve, having started this in September 2017 over an issue that happened with the Confederate flag. Now, we are looking at the same thing, adding that she feels that she is back in the 1960s and 1070s with rioting. She prays that no one comes here and starts...
The Chair calls on Councilwoman Linda Salafia.

Councilwoman Linda Salafia asks if the Mayor is now looking for or a motion, or would he entertain a motion, to postpone this resolution to the Council's meeting on Thursday, June 11th or to a meeting on June 11th either prior to, or after, the budget adoption meeting. Councilwoman Salafia moves.

The Chair asks if that is June 4th or June 11th.

Councilwoman Salafia replies that she believes that they need more than two (2) days. She adds that she is not available for the next three (3) days. So she moves for June 11th either before or after the Council budget adoption meeting. Councilman Vincent Loffredo seconds the motion to postpone.

The Chair calls on Corporation Counsel Daniel Ryan, Esq.

Corporation Counsel Ryan states that he appreciates someone making a formal motion to table. He understands this to be a motion to table this reposition to a date specific – June 11th – a special meeting at 7:00 PM.

Councilwoman Salafia concurs.

The Council Clerk interjects, explaining that on June 11th at 7:00 PM, the Common Council is holding its budget approval meeting. If they want to have special meeting with a block of time, they might want to start at 5:30 PM, giving 1½ hours for this special meeting depending on how complicated the budget approval is, they could hold the special meeting immediately after the budget approve meeting.

The Chair suggests that the Council to make the meeting to a date specific – June 11th -- at a time to be determined.

The chair calls on Councilman Grady Faulkner, Jr.

Councilman Faulkner states that, listening to Director Faith Jackson, it sounds like there will be a wealth of information in June he would like to take it, but if we want to do something, we can make a statement on behalf of the City as to what we are seeking, advising the City that it is our intention. When we have everything in order, we have a meeting with the community. We will be in much better shape, adding that the Council has a lot on its plate.

The Chair calls on Councilman Edward McKeon.

Councilman McKeon states that, on the issue of tabling, he urges his colleagues to pick up this issue as soon as possible and not to push it off to some future date because that is exactly one of the reasons that motivated him. Hearing the voices of the people with whom he has talked, that is what is always said: let’s push it off. He notes that a specific date is important and is essential to move on it.

The chair calls on Councilman Eugene Nocera.

Councilman Nocera states that he appreciates that Councilman Faulkner mentioned the report that they will soon have and -- from the consultant, who did fine work – and perhaps get an executive summary to look at on June 11th. Director Jackson will be meeting with the Committee soon after that. We can certainly request the Executive Summary for June 11th to look at things holistically and discuss their plan for a taskforce.

The Chair Calls on Councilman Philip Pessina.

Councilman Pessina states that, in conjunction with Councilman Nocera suggestion, regarding the Executive Summary, he would be happy with that, but would also need a timeline as he does not know if this commission meeting after June 11th. He adds that surely I needs to be done within one to two weeks after we get that summary because, as Councilman McKeon mentioned, they want movement: Don’t give us words; show us deeds. This is what they up against in the present situation. He would be happy to have a timeline and get this work done.

The chair calls on Corporation Counsel Daniel Ryan.

Corporation Counsel Ryan states that he understands that Councilwoman Salafia has made a motion to table this resolution to June 11th. Assuming that gets a second . . .

The Chair states that the motion has been seconded by Councilman Loffredo.

Corporation Counsel Ryan states that he Council now needs to vote on the motion to table.

The Chair states that there is motion – made and seconded – to table the resolution to a special meeting on June 11th. It has been suggested but Councilman Nocera that we try to provide the Executive Summary, as provided by the consultant, findings as to what has happened so far, by that date. If we can make that happen we should do that.
The chair asks if there is further discussion. The Chair calls on Councilman Grady Faulkner.

Councilman Faulkner asks if it is possible to have (inaudible) a meeting of community leaders before that.

The chair replies, "Yes."

There being no further discussion on the motion to table Item 12C to a special meeting on June 11th, the Chair calls for a roll call vote, asking that the Council Clerk read the roll.

Councilwoman Blackwell aye
Councilwoman Carta aye
Councilman Faulkner aye
Councilman Darrell Ford aye
Councilman Edward Ford aye
Councilman Gennaro aye
Councilman Loffredo aye
Councilman Mangiafico aye
Councilman McKeon aye
Councilman Nocera aye
Councilman Pessina aye
Councilwoman Salafia aye

The Chair states that the motion to table to June 11th, time to be determines is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved.

The Chair thanks the Councilmembers for their thoughtful discussion. He appreciates the Council’s impute and believes that everyone is more comfortable with this platform and future conversations.

13. ADJOURNMENT

There being no further business, the Chair calls for motion to adjourn.

Councilman Edward Ford moves to adjourn. Councilman Vincent Loffredo seconds the motion.

There being no discussion, the Chair calls for a vote on the motion to adjourn. The Chair states that the motion to adjourn is approved unanimously with 12 aye votes (Councilmembers Blackwell, Carta, Faulkner, D. Ford, E. Ford, Gennaro, Loffredo, Mangiafico McKeon, Nocera, Pessina, and Salafia). The Chair states the matter is approved. The meeting is adjourned at 9:30 PM

ATTEST:

LINDA S.K. REED,
COMMON COUNCIL CLERK

K: review/ minutes 20 June 01 – regular meeting minutes—01 June 2020