



REGULAR COMMON COUNCIL MEETING
FEBRUARY 2, 2009
7 P.M.

- Regular Meeting** The Regular meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, February 2, 2009 at 7 p.m.
- Present** Mayor Sebastian N. Giuliano, Council Members Thomas J. Serra, Vincent J. Loffredo, Ronald P. Klattenberg, Robert P. Santangelo, Gerald E. Daley, Hope P. Kasper, Joseph E. Bibisi, Grady L. Faulkner, Jr., Philip J. Pessina, James B. Streeto, David P. Bauer, Earle V. Roberts, Jr., Corporation Counsel William Howard, Sergeant-at-arms Police Chief Lynn M. Baldoni, and Common Council Clerk Marie O. Norwood.
- Also Present** Eighty-Five members of the public.
- Meeting Called to Order** The Chair calls the meeting to order at 7:19 p.m. and asks Councilman Loffredo to lead the public in the Pledge of Allegiance.
- Call of Meeting Read** The Call of the meeting is read and accepted. The Mayor declares this call a legal call and the meeting a legal meeting.
- Motion to Accept Agenda** Councilman Serra moves to waive the rules to accept the amended agenda which has the following changes:
- Adding agenda item:
- 11-13 Approving a two-year extension of the energy agreement with Constellation New Energy with the same terms and conditions.
- 12 Mayor's Appointments
- Substituting agenda item
- 11-7 authorizing the Mayor to sign the agreement with JDS Holding Co, LLC for 82 North Main Street.
- I so move your honor. Councilman Streeto seconds the motion.
- Councilman Serra states he knows that you would like to put the 466 Contract on; the eight majority Council individuals would like to have a special meeting on the proposal so that everyone knows it will be done at a special meeting and within the parameters of 30 or 44-day rule. It will be a special meeting.
- Councilman Roberts states through the Chair, he asks a question on agenda item 11-11, the Buckeye Resolution. This request the easements and costs which are relevant and have not gone to Inland/Wetlands and the Planning and Zoning meeting. It would be wise to hear it after the input from the other two agencies. His question is to the Corporation Counsel and our past practice in taking advice and are we improper in order in listening to this because they haven't been through these commissions. Councilman Roberts states Bill Warner talked with the City Attorney; is it out of order to listen to this resolution. Corporation Counsel Howard responds the question is whether it should go to Wetlands first. Councilman Roberts responds yes, it went through Planning and Zoning and recommended to Wetlands. It was thought to go through Wetlands then Planning and Zoning before coming here. If issues change, it may have an effect on how we talk about this issue. Councilman Serra states why don't we wait; Bill would have the answers to that. We will follow his lead and you may have a point. Councilman Daley states Bill Warner sends us a very good memo about the items that concern him and gives us supplemental information and with respect to this resolution, he wrote that he confirmed with the City Attorney that it can be approved prior to Planning and Zoning. Councilman Roberts states the point is he doesn't disagree. The Chair states Planning and Zoning and Inland Wetlands administer our zoning. Their review of the matter is independent and nothing we do will bind them. Councilman Roberts states people with strong interest on Wetlands and Planning and Zoning, it seems relevant the configuration we will be debating and settlement costs could change entirely. Would we have to come back. The Chair responds they are land use regulatory bodies. Nothing we do here will prejudice that process. The Chair states it is properly on the agenda and if

the majority of the Council doesn't believe it should be approved, they can do so when the item comes up.

Councilman Bauer states he will vote no against waiving the rules because the majority leader has not moved forward the Union agreement and he was prepared to deal with it. It is an issue and we are going into a difficult budget time and it puts this Union on the same footing as the other unions. Councilman Klattenberg states the Governor will make her announcement on her budget on Wednesday and a two-week delay until we know what the Governor will do, it would be more appropriate in two weeks. Councilman Daley states a couple points need to be made. He has heard Councilman Bauer but the reality is our Council packets are issued by Charter a week before the regular meeting and this was added after that date and the Council has not had the time to make a thorough review and the driving point is there is no urgency because the current contract doesn't expire until June and we can consider this thoroughly and fairly and he wants to be fair with City employees and we have an obligation to not make hasty decisions. If you can tell me why this has to be made, he will consider it. They have 30 days to consider it and they are being asked to act within five days from its ratification. He also takes the opportunity to say he is puzzled and was a bit put back on the comments about the gathering that took place last Friday. There was never any call for a meeting and the Democrats were not coming and it was not called as a meeting. He did not come because it was held in the middle of a work day and he was not convinced it was a proper thing to do. There should have been a meeting in executive session. He did not like the comment about hiding in the bushes. He is not hiding. He is confused because you are proposing a contract settlement in a hasty manner and on the other hand you had a get together to talk about give backs. It is confusing and when you add it up, we should take the proper time. We should have a briefing from you for the savings and projections for this year and next year. We are not in ordinary times. We should act judiciously and cautiously. It is not the popular thing to hear, but it would not be doing our jobs the way we should do them if we acted hastily on this tentative agreement.

Councilman Pessina states he will not support the waiving of the rules; he keeps hearing five days and he has a communiqué that the majority and minority leaders were notified on January 14 at 3:45 p.m. about the contract negotiations. It is a good one and he will support it. In relation to all the other contracts, the City employees stepped up to the plate. This was January 14 and this is February 2. Councilman Loffredo states regarding this matter, along with other members, he did not receive notice from the leadership that there was an agreement, and it was ratified by one of the parties on Thursday. Earlier, the Minority Leader talked about procedural matters and he believes that this should be before Personnel Review and Government Finance and Operations for review as well. The Governor did an extraordinary thing this evening, warning citizens about the serious budget time they are in and she will release the budget on Wednesday. By law the negotiations did not have to occur until 125 days before the end of the contract. Other people have other agendas and he takes his responsibility seriously. You need full deliberative processes for this contract. Councilman Bibisi states he will not support the waiver; Local 466 has stepped up to the plate and has shown some consideration for our crisis. By giving up the step increment, they are giving up over \$200,000 and they are only asking for 2-1/4%. He will not support the waiver. Councilman Roberts states relative to the same question; whether it is on the agenda now or three months ago, the issue becomes economics and how we felt about the contracts. As the barometer dipped, we should be acting separately on what is in front of us and we will be dealing with these non-meetings and he was disappointed that everyone wasn't there. Everyone else had a contract that was voted on. The economy got worse. We are getting a grant to hire firefighters. We should act on this tonight and what happens after, we may have them back and talking about other issues. Councilman Serra states it is an assumption that there is no support here and that should not be held. The bottom line, it is procedure. We have discussed due diligence and we will do it on this issue. At the special meeting, individuals will have the right to speak. There is an executive branch and a legislative branch and it is the executive branch that brings the budgets to the Legislative Branch and then we are together to make a budget. The Mayor is a full time individual and he is charged by Charter to do that.

Point of Order

Councilman Loffredo states in reviewing the statute regarding the ratification time line, he called upon the Corporation Counsel to look at the statute and asks about the time line.

Corporation Counsel Howard responds the matter is Section 7-474B of the Statutes and it says once an agreement is reached, it must be given to the Legislative body within 14-days and thereafter the request is considered approved if the legislative body fails to vote within 30 days at the end of the

14 days. The key principle is determination of when the agreement is reached. It seems to indicate the commonly used point is ratification by the bargaining unit and that would be the beginning point of the counting. Councilman Serra asks if it is 30 or 44 days. Corporation Counsel Howard states the request shall be considered approved if they don't act within 30 days at the end of the 14 days. The Chair states there is nothing that says they can't act on it now. Corporation Counsel Howard responds that is true. The Chair states they brought it forward because the Board of Education and the Library budgets hinge on this. They have to get it to the City in time for us to propose a budget. The sooner they have a hard number, the sooner they can propose a hard number. Given what we are facing, to be able to go in with a non-variable and this is simple. It is not precipitous or complicated. If you need 44 days to do this, he doesn't know what you will need when the entire contract is negotiated. We need to move on stuff that is not complicated. We are acting prudently on a relatively minor point. It is your prerogative to do it tonight or use everyday the Statute gives you.

Councilman Serra states you are making light of this. We will entertain this in a couple of weeks. In other contracts, for example, the Police, millions were saved and what came out was fair. The Chair states it created a \$2.8 million hole in the budget. Councilman Daley states you are not to engage in debate. Councilman Serra states we had to pay what was arbitrated but we paid much less. We will deal with it in a timely fashion.

Motion to Call

Councilman Serra moves to call the question and is seconded by Councilman Bauer. The Chair states the vote is to accept the agenda as amended; Councilman Loffredo states it is to move the question. The Chair states the motion is to move the question. The vote is twelve aye votes. The Chair states the motion carries unanimously.

The Chair calls for the vote on amending the agenda. it is eight aye votes by Council Members Serra, Loffredo, Klattenberg, Santangelo, Daley, Kasper, Faulkner and Streeto and four nay votes by Council Members Bibisi, Pessina, Bauer, and Roberts. The Chair states the agenda stands as originally presented.

Agenda Item 3
Description Presentations

Agenda Item 3-1

The Chair recognizes Councilman Loffredo who asks City Attorney, Trina Solecki to come forward. She has completed 23 years of service to the City of Middletown. He reads the resolution and offers his congratulations. Councilman Serra seconds the motion and asks to speak to it. The vote is called and it is unanimous to approve with twelve aye votes. Councilman Serra states it was a privilege to vote for you and you did a great job and we will miss you. We have watched you work and mature to an outstanding City Attorney. Councilman Klattenberg says in all the years he has been on the Council, your judgment has been excellent. The attorneys he has spoken to and when your name comes up, they say she is really a good attorney. Your reputation goes well beyond the City. You have done a tremendous job and he hopes you have luck and success. Councilman Pessina sends his best to Attorney Solecki; he remembers when she came to the City and as the former Deputy Chief of Police and the legal dealings, he knew he would count on her. He thanks her for her expertise and personal friendship. Councilman Streeto offers his congratulations and states you can go home now.

Resolution No. 25-09
File Name ccsolecki.doc
Description Honoring Trina Solecki, City Attorney, upon her retirement.
(Approved)

WHEREAS, Attorney Solecki was first hired as the Assistant City Attorney in December, 1985; she was promoted to Deputy City Attorney in 1987; and

WHEREAS, Trina A. Solecki was appointed as City Attorney in December, 1988 and is retiring on January 31, 2009; and

WHEREAS, Trina attended North Haven High School, graduating in the top ten of the Class of 1973; she attended Mount Holyoke College and transferred to Southern Connecticut State University, graduating in 1977 with a Bachelor of Arts in French and minors in Russian and English; and

WHEREAS, she continued her education at the University of Bridgeport School of Law, graduating Juris Doctor on June 8, 1980; she was admitted to the State of Connecticut Bar, the United States District Court in 1982. She was admitted to the United States Court of Appeals, 2nd Circuit in June, 1993, the United States District Court, District of Rhode Island and the State of Rhode Island in 1994; and

WHEREAS, Trina worked for the Connecticut Superior Court, Judicial District of Middlesex as its Assistant Clerk, responsible to the Administrative Judge as well as supervising and assigning work for the Temporary Assistant Clerks; she was in charge of this office in the absence of the Chief Clerk; and

WHEREAS, Trina joined the City's staff to represent staff, employees, officials, boards, agencies and commissions in both the State and Federal Courts as well as assisting defense counsel for the City; she has worked with many agencies including Freedom of Information, the Commission on Human Rights and Opportunities, the State Labor Board, Worker's Compensation Commission, the State Board of Mediation and Arbitration; and

WHEREAS, as City Attorney, Trina has been responsible for the City's Legal Department as well as the Self-Insured Worker's Compensation Program, the Health Benefits program, Property and Casualty (self-insured) Program, negotiations with Collective Bargaining Agreements, as well as handling many personnel matters through grievance arbitrations and litigation; she has represented seven Mayors during her tenure with the City Attorney's Office.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we congratulate Attorney Trina A. Solecki upon her retirement; on behalf of the residents, we thank Trina for her twenty-three years of service to Middletown; and we offer our appreciation for her dedication to the Mayor, staff, boards, commissions and agencies for which she has represented and rendered service.

Agenda Item 3-2

Councilman Faulkner states he is happy to present this resolution and asks the President of the Local NAACP, Roxanne Selph to come forward. He reads the resolution congratulating the NAACP on its 100th Anniversary and moves it for approval. Councilman Serra seconds the motion and the vote is unanimous with twelve aye votes. The Chair declares the matter approved. Councilman Faulkner states he is happy to present this resolution to the local chapter and thanks his colleagues for letting him bring this resolution forward. It is his hope that the organization will continue its work and expand some of its missions and activities to rebuilding our community. We have new opportunities to do some work. Advocacy must continue, but building community must be done as well. He thanks the Council. Ms Selph states she is honored to receive this on behalf of the organization. Back in 1909, it was started by two white women in New York City and two black men who sat down to look at what they could do. It is a proud organization and it is the strongest civil rights organization in the world. They have laid the ground work for many things. She thanks the Council for this recognition. The Chair states 100 years is good, but 63 in Middletown is not shabby. He congratulates the NAACP.

**Resolution No.
File Name
Description
(Approved)**

**26-09
ccnaacp100anniversary2-2009.doc
Honoring the NAACP upon its 100th Anniversary.**

WHEREAS, The National Association for the Advancement of Colored People (NAACP) is the nation's oldest pre-eminent civil rights organization; and

WHEREAS, The NAACP was founded on February 12th 1909 by a multiracial group of activists originally formed as the National Negro Committee to address the social, economic and political rights of Colored People (African Americans); and

WHEREAS, the NAACP has a history of advocating for African Americans to be commissioned as officers in World War I, preventing States from restricting and officially segregating African Americans into residential districts, protesting Supreme Court justice nominees who favored discriminatory laws; and

WHEREAS, the NAACP has a legal legacy of fighting to win social justice for African Americans and indeed, for all Americans in the areas of Admission to Universities, the right to attend integrated Public Schools, as well as passage of the Equal Employment Act; and

WHEREAS, this “equalization strategy” ignited protests leading to the enactment of the Civil Rights Act, the Voting Rights Act and the Fair Housing Act; and

WHEREAS, in 1946, residents from Middletown and Portland organized an official Chartered Middlesex County Branch of the NAACP with one of its earliest causes, a demonstration for affordable housing in Middletown resulting in the opening of shelters within Middlesex County; and

WHEREAS, the NAACP today continues its mission to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination; it has established the Martin Luther King, Jr. Day Celebration, a training program for new business owners entitled “Side Street to Main Street”, and has awarded over \$25,000 in scholarships to high school students attending college.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That on behalf of the citizens of Middletown, we congratulate the National Association for the Advancement of Colored People on its 100th Anniversary; and

BE IT FURTHER RESOLVED: That we celebrate and honor the NAACP, both the national organization and the local branch for their achievements to bring understanding among the diverse populations in this Country and in Middlesex County; and

BE IT FURTHER RESOLVED: That we appreciate the many contributions the NAACP has made to the Nation and locally to raise the public’s awareness of the adverse effects of racial discrimination and its efforts to remove the barriers of discrimination through the democratic process.

Agenda Item 3-3

The Chair recognizes Councilman Santangelo who asks Deborah Shapiro, President of the Russell Library Board and Board Members Hortense Kabel, Diane Rubacha, Louise Russo, Susan Spaeth, Carolyn Shaw, Friends of the Library Cheryl Jackson, Lisa Santangelo, Marcia Meyers, Art Meyers, Director and Vince Jiuliano, Deputy Director. Councilman Santangelo reads the resolution and moves it for approval. It is seconded by Councilman Serra. The vote is unanimous to approve with twelve aye votes. The Chair states the matter is adopted unanimously and he congratulates the Russell Library on the award. Councilman Santangelo states this effort is what the whole library does; it is a jewel in Middletown. It brings a lot of people to our downtown; it gives to us. You walk into the library and there is a wealth of thing; if you travel there is information. They have books on tape. Our library is probably the best in service in the State. Ms Shapiro thanks the Mayor and Council for this wonderful honor. We could not do the services we do without your support and the wonderful employees. They go above and beyond their duty and we have a wonderful Friends group. They provide the extras that can’t come out of the budget. She mentions their thanks for the Council’s approval of LoCIP funds for work on the elevator and it came in under budget and on time. In the first six months, they have had a 27% increase in circulation and a 10% increase in their door count. A lot more people come to the library during hard economic times. They will continue doing these programs.

Resolution No.

File Name

Description

(Approved)

27-09

ccrussellibcongrats.doc

Honoring the Russell Library for receiving a State award for programs and services.

WHEREAS, Russell Library has been chosen by the Connecticut Library Association and the Connecticut State Library as a winner of the 2009 Excellence in Public Library Service Awards; and

WHEREAS, this award’s criteria is service to the community; creativity and innovation in developing programs; leadership in creating programs that may be emulated by other libraries; and service that affects the future of the library and the community; and

WHEREAS, Russell Library lives its motto “A Gateway to the Future of Middletown,” through such innovative and creative programs as Green Children, Career Services, and Older Adult Programs; and

WHEREAS, each of these programs engages a unique population: Green Children learn about ecology in their own back yard; Career Services offers help in these tough economic times for those unemployed or wishing to

change careers by developing the skills needed to transition into the workforce; Older Adult Programs give seniors access to program and materials by housing materials at senior care facilities as well as conducting book discussions at two senior apartment complexes as well as at the Library; and

WHEREAS, Russell Library has an outstanding record of providing services for its community by utilizing its resources for the benefit of the community through its computer center, book and magazine collection, downloadable audio books and DVD's, and its website; and

WHEREAS, it has become a haven for many citizens, welcoming over 281,000 patrons during 2007 – 2008.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we congratulate the Russell Library, its Staff, Board of Directors and Friends of the Library for all their efforts to bring needed services to our community.

Minutes Approved

The minutes of the regular Common Council meeting of January 5, 2009 and special meeting of January 5, 2009 at 6 p.m. having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Serra moves them for approval and is seconded by Councilman Streeto.

The Chair asks for corrections, deletions, or changes. Councilman Bauer states that there was a lengthy discussion on the Kolman Farm with input by Guy Russo, Director of Water and Sewer and Bill Russo, Director of Public Works. He would like the minutes to indicate who was speaking. It is confusing. The Chair asks the clerk if that can be done; the clerk responds yes. The Chair states with that correction, he asks if there are any others. Hearing none, he calls for the vote on approving the minutes with the correction as stated. It is unanimous to approve with twelve aye votes. The Chair states the matters are adopted.

Public Hearing Opened

The Chair opens the public hearing on items on the agenda at 8:22 p.m. He states those wishing to address the Council in under five minutes to come forward first; those wishing to address the Council for more than five minutes to wait until those speaking for less than five minutes are done.

William Corvo comes forward to address agenda item 11-11 regarding the Buckeye pipeline and negotiated agreement. He is here to answer questions if you have any. It is an integral part of the Kleen energy project. When they turn on ultra fuel oil and replacing it is not realistic because it would be 43 truck deliveries per day. They have the Buckeye pipeline and it runs through Rapallo Avenue and runs north through the old Riverside Restaurant and they were going to take a pipe from there and go down deKoven Drive into River Road and out to their facility. They thought that in 2002 and changes in circumstances and in sensitivity to environmental issues, they had to move the pipeline. It brings advantages to the City because it goes from the station north of Arrigoni Bridge and comes out and surfaces in Green St. and they will use a small piece of property as their staging area and then it goes across deKoven and stays in the railroad right of way and out of the deKoven Drive because of infrastructure. They go towards River Road and will go under the brook just after the Route 9 bridge. They will stay in the road on Eastern Drive to Bow Lane to Silvermine Road through property transferred from the State to Middletown. They will remove the old house on the property along with an additional house at their cost and the understanding is they would take care of them. The pipeline will follow the periphery of that property and that area of the property off Bow Lane and heading north will stay at the edge until they get to the project property to their storage tanks. They have the ability to burn the oil and keep 30 days of oil on the property. Using the pipeline, they will deliver the oil safely; this line has not had any leaks in 30 years in Middletown. They won't have to run trucks through a sensitive area in the winter. The pipeline goes further to avoid the aquifer protection area. The advantage is it allows clean energy in emergency situations to allow the project to stay on-line because it will provide electricity for 675,000 homes. If everything else collapses due to the lack of natural gas, this project will stay on line on ultra low sulphur oil. Our air permit, we were requested to go the extra mile on particulate emissions. The schedule was 10 parts per million and they wanted us to step up the standard and they spent additional money and they achieved a reduction to 2.5 parts per million. This is clean and sets new technology standards so everyone else has to do it too. It eliminates pollution in the greater New England area. He has their attorney with them to provide a brief clarification so that you know you could take action this evening. We have reviewed them with EDC and

are available to answer any questions. Attorney Hoffman comes forward. The reality is the project has approval to run a pipeline down River Road; and in 2006, the City and DEP identified the aquifer protection area and one of them directly intersects the pipeline. The project rerouted the line for an additional 1.7 miles. The property rights need to be negotiated for that 1.7 miles so that the pipeline has the right to operate underground and it needs the approval process. The City is the landowner if they grant the easement and they need to be compensated for the impact. With these easement negotiations, there needs to be approvals. It already has Siting Council approval and they will get the route reapproved under CT General Statutes. Inland/Wetlands and Planning and Zoning have a right in being consulted and having their say before the Siting Council. The processes will happen and those approvals do not have anything to do with the easements and the costs. If Planning and Zoning changes the route, those negotiations may change. Those processes will only impact the dollars.

Mr. Stackowski neighbors from Bow Lane states they are impacted by this pipeline. He lives at 535 Bow Lane and is impacted on two sides. You may know we don't have public water and sewer. Buckeye's never had a pipe break but the same has been said about the gas line in New Haven. He has concerns and we are here to sign a contract for the easements. He will walk out less stressed if the Council did not do that right now and waited until Inland/Wetlands and Planning and Zoning give their answers first. He thinks the trucking of oil in and out would be expensive and cumbersome but they have not looked at barging it in. They have not looked at options with Pratt and Whitney. They avoid the aquifer but it does not take into consideration the people. It is four feet down and he doesn't know what will happen in the future if something happens to get City facilities.

Joan Inglis 963 Bow Lane she is a commissioner on Inland/Wetlands and is upset to see this on the Council agenda before they have their meeting on Wednesday.

Doug (Inaudible) 538 Bow Lane has concerns about his well and septic system and he called the Health Department to look at the pipeline in relation to his well and they couldn't tell him how far away it would have to be. He is nervous about the pipeline. The energy plant down the street went from oil to gas and it looks like this gas plant is going to oil.

Stan Sacks 431 Bartholomew Lane states he is disappointed in the process of this not going forward to Inland/Wetlands and not reviewing the route of the pipeline as well as looking at the brook that has to be crossed as it joins the aquifer protection area. The most important aspect is the aquifer and it should not be overlooked. It is a change to hear about the extent oil can be used. It was sold as clean and gas and looks like they will be using oil as much as they can and to refill the storage on site should not be difficult and he wonders if all the options have been heard. He hopes they will reconsider before signing any contracts.

William Corvo comes forward. Councilman Klattenberg makes a motion to waive the rules so the Council has an opportunity to ask questions. Councilwoman Kasper seconds the motion. Councilman Bauer states we jumped the tracks last month and this is the public's chance; we should allow the members of the public to speak first. The Chair states we can waive the rules during questions to directors. Councilman Klattenberg withdraws his motion.

Public Hearing Closed

The Chair asks for members of the public who wish to address agenda items to come forward. Seeing none, the Chair closes the public hearing at 8:42 p.m.

Motion to Waive Rules

Councilman Klattenberg moves to waive the rules to ask questions to Mr. Corvo. There is no objections from members of the Council.

Councilman Klattenberg states residents have concern regarding the pipeline. You are redirecting the pipeline 1.4 miles to avoid the recharge area for the aquifer. In this new route is there soil types that are problematic. Have you had your engineers look at soil conditions. Putting pipes in rocky soil can be more concern than in loam. Will there be monitoring of the pipe. Mr. Corvo replies yes; his engineer is available to respond to that. The issues were raised to alternative strategies. A barge is unacceptable because there is a joint water development on the property and you don't want an oil barge near potential future potable water area. They looked at using existing storage in Portland and it still requires a pipeline and those facilities are older and leakier. What we opted was for the cleanest most optimal pipeline. Steve Shorey, engineer designing this system for Buckeye comes forward and states Buckeye's pipelines are designed to exacting federal standards and it is welded steel and every joint will be x-rayed and it is continually monitored. Buckeye monitors pressure to determine if there is

a leak and they do smart digs along the line to see about erosion and damage to the pipeline. Councilman Klattenberg asks if there are any unique soil types or geological features. Mr. Shorey responds there are varying soils but there is nothing that they have seen so far and they have not completed the technical evaluation and there is nothing they have seen so far that cannot be handled. The standards for which the pipeline is designed takes into consideration all those variables. Councilman Klattenberg asks if the DEP or Siting Council approves the location. Mr. Shorey replies the Siting Council. Attorney Hoffman states they have to present to Inland/Wetlands and the Planning and Zoning Commissions first and then present to the Siting Council. Councilman Klattenberg states once you go through local approval, you move forward. Councilman Klattenberg asks Mr. Corvo if this pipe cannot be sited, what delay does that cause. Mr. Corvo states you are creating an environmental situation and oil has to be in the pipeline according to agreements with CT. You need 1 month of oil on your campus at all times. They use 32,000 gallons per hour and this is the most economic way to deliver fuel. The bulk of the time it will run on natural gas. The strategy is to have fuel available at all times for an emergency situation. This plant is the backbone of the grid. If they deliver by truck, it doesn't mean it is less polluting. He is confident in the pipeline. It is not an unknown pipeline and they have safeguards within the pipeline and will not be used every day like the regular line. It will be used at a critical time if they fire oil and on a once per week basis. The long term contracts show it is cheaper to use gas and they have to be ready to use oil if necessary. When Kleen energy turns out, it will flatten out the prices for everyone in CT. It is critical to our project. Councilman Klattenberg states when we spoke, his question was what was the tax revenue for the City and what he learned is that in year one it is \$867,000 and year 2 – 10 it moves around \$878,000 – \$922,000. Mr. Corvo states it moves to a million and it doesn't include the Buckeye pipeline. Councilman Klattenberg states yes, it will be more and the extension will change the value to the City. The City will receive \$45,000 additional dollars. Mr. Corvo comments they did not hesitate to move the pipeline. This will be one of the cleanest plants in the country and everything they do is adding environmental value. We are going to be doing this because we said let us contribute more. They won't do anything that will hurt anyone. The Chair states it is \$867,000 every six months. Mr. Corvo responds yes, it is \$1 million a year.

Councilman Loffredo asks Mr. Corvo clearly you recognize a need to avoid the City's aquifer. However, you will be going by homes that depend on wells and they would like some assurances. You don't want to hurt anybody and your project has attempted to be positive on the City; what if there is a problem. What steps do you take or can take to avoid negative impact around the homes you go by. Mr. Corvo states it is the least impacting route; the alternative was to run it up Bow Lane to the entrance to their plant but that is not the right way to do it. They found the least invasive methodology. We would love to run it down Silvermine Road but the problem is the aquifer area jogs into that road. He asks the engineer the normal pressures they normally operate on. Mr. Shorey responds Buckeye's main line runs at pressures in excess of 1,000 PSI; the max pressure here is 275 PSI. It is relatively low to their normal daily pressure. Councilman Loffredo asks the standards it is being built on. Mr. Shorey replies it is the same; you build the pipe wall thickness designed on the pressure. Councilman Loffredo states it is being built to handle 1000 PSI. Mr. Shorey responds no it is for 275 PSI. Councilman Loffredo states the issue that came up whether it is appropriate to be before us this evening and he heard your Counsel say you have to have Inland/Wetlands and Planning and Zoning Commission approvals. Is that a proper representation. Attorney Hoffman responds that is ideal but if not, they go before the Siting Council and have them work it out. The Siting Council will sit the City and Kleen Energy down to resolve issues. Councilman Loffredo states they approve contingent upon Planning and Zoning and the Siting Council; would their be a problem. Attorney Hoffman responds no, if approvals are denied by the City and the Siting Council, the contract is invalid. Councilman Loffredo states if they indicate they recognize the other agencies need to approve this it would be okay.

Councilman Serra asks Mr. Warner, Director of Planning, Conservation and Development to come forward regarding the protocol. Mr. Warner states this is a Siting Council issue and Planning and Zoning and Inland/Wetlands are advisory. The Council is here for consideration for the use of the land. Wetlands are there for one area that is near the wetlands. They are getting a permit to do that work. Planning and Zoning is locational and can tell the Siting Council if there are questionable areas. You can vote before Planning and Zoning and the 8-24 Statute allows the Council to act first and the Deputy City Attorney agrees. If it goes to Planning and Zoning next month and they deny the 8-24 report, before we can grant the easements, the Council would have to override the 8-24 report. The wetlands is after you and it is for the activity of putting in the pipeline. Councilman Loffredo states doesn't 8-24 come first. Mr. Warner states yes; their meeting was cancelled.

Councilman Loffredo asks if they can roll it to a meeting after Planning and Zoning; Mr. Warner responds you would have to ask the applicant what their timetable is.

The Chair recognizes Councilman Streeto and he states not for these gentlemen. Councilman Santangelo states his concern is he hears someone say it encroaches his backyard and he did not recognize from the EDC meeting that it was a backyard. The Owner states it is adjacent to the property. Councilman Santangelo states it is near your well. The Owner states yes. Councilman Santangelo states what happens in the event there is a fault and it leaks. What happens to the well. Mr. Shorey states if there was a leak, Buckeye has people dedicated to respond to those situations. The pipeline is shut off and then they determine where the leak is and clean it up. Councilman Santangelo asks about response time. Mr. Shorey states that is a big variable. He calls a Buckeye representative forward. Mr. Corvo states this is not running the same way the regular pipeline runs; they use oil 30 days out of the year and they run the oil 4-days out of the year. Dave Banter, Area Supervisor, states he has 28 years and all people trained to respond to this type of incident. They have more in South Windsor. They have a contract with Environmental Services. The first thing is to shut down the pipeline and odds for a release are very slim. There are new tools and technologies. They run a computer through the lines to get readings to see if there are problems. Councilman Santangelo states the response time; the response is they will train with the Fire Department. Councilman Santangelo asks how soon it would be detected. Mr. Banter states it would run 2-3 weeks to fill it up and the power plant could run longer. Once the tanks are full they will shut down the line. They have men watching computers 24 hours a day and if a change occurs, they call us immediately. The only concern is the contractor getting in there. Councilman Santangelo states it would happen quickly. Mr. Banter states when they see pressure drop; it depends what time of year it is. But we are notified when pressure changes and they look for leaks. Councilman Santangelo states what happens to the home owner. Mr. Banter responds Buckeye would come in and work with the homeowner.

Councilman Roberts states what he hears we are raising questions. He states he did not get a copy of the legal agreement. He didn't get a copy and he only has the resolution. Councilman Daley states this is period for questions to directors. Councilman Roberts asks why he didn't have the document. Mr. Warner states the resolution is authorizing the Mayor to negotiate the agreement. Councilman Roberts states normally we get the agreement. Mr. Warner states it has not been structured. Councilman Roberts states he doesn't know the routing. Mr. Warner states the routing is under the purview of Planning and Zoning and the Council has charge of the easements. You don't have jurisdiction on the route. Like a power line or gas line, you are here to give easements, not the full route of this line. That is Planning and Zoning to the Siting Council. Councilman Roberts states it is only on City property and they have the use of the rest. Mr. Warner responds there are temporary areas. Councilman Roberts asks if it is a right of way through Bow Lane. Mr. Corvo explains they could. Councilman Roberts asks if they will mitigate wetlands impact. Mr. Corvo responds yes. Councilman Roberts states is hearing form the public concerns about wells and the distance from them. They have concerns if the pipe contaminates their property. The question does this pipe go over or near a public water supply. Mr. Corvo states they are going around public water supply. Councilman Roberts is talking about the CVH area. Mr. Corvo replies no. Councilman Roberts asks about failure what assurance do they have. Atty. Hoffman states the 2004 legislature asked municipalities to delineate their aquifer and the City did that in 2006 and the result was the proposed pipeline was surrounded by the recharge area. That is what changed. Councilman Roberts states the mapping in 2006. He is curious that in 2002 it was applied to the Siting Council that that was the City aquifer. Atty. Hoffman can't argue that point and the City of Middletown was active throughout the Siting Council and that is what was agreed upon and even though the license exists it is not a prudent use of the land. Councilman Roberts states CVH has water pipes in the area. Mr. Corvo states you know more about the area. We gave CVH a physical file about the property and you know we gave them the layout of the pipe and their reservoirs are upland. You know where the pipeline is going and you were at the EDC meeting. They stayed away from CVH. Councilman Roberts states he was referring to your pipe on Bow Lane and CVH has pipes that supply the water along Bow Lane and your pipeline crosses those pipes and his question was what will you do to safeguard that supply. Mr. Corvo states so I don't misunderstand, you are worried about the pipe we are building crossing the pipes from CVH. They work with CVH and they know how we will dig around those pipes. Councilman Roberts asks the safety of your pipe and why it can't go through River Road. Mr. Corvo responds he is not sure I understand your question. Councilman Roberts states that is considered a water supply not an aquifer; why can't that technology be supplied at the City's aquifer. Mr. Corvo states

it is a DEP issue. Councilman Roberts asks why it is a DEP issue. The Chair states he is wondering why a pipe is like a recharge aquifer. The Chair states we have water supply pipes that cross sewer pipes. Councilman Roberts asks if it begs of any concerns. He was told they would do everything to make sure that doesn't happen. Mr. Shorey asks if he is referring to the private wells. Councilman Roberts states he is referring to Bow Lane. Mr. Corvo states the question you raised if we cross a pipe that has CVH water are we doing it in proper technical fashion. He states of course. We have an on-going discussion because we cross City water pipes and they tell us how to do that. Councilman Roberts states bottom line is you do make changes for those concerns. Mr. Corvo states it is properly designed up front. We have had extensive discussions with CVH and the City Water Department has told us where they want the pipe. Councilman Roberts asks on the aquifer under that law you cannot go in that region. Atty. Hoffman states it is not a question that you can't it is prudence. If you contaminate a drinking water well, it is possible to dig new ones and pipe water into homes and treat the wells. If you contaminate an entire aquifer it is harder to treat that. And the City would have to come up with a new water supply for the short term. The State law is clear; if you contaminate drinking water, you have to alleviate it. Councilman Roberts asks if that is carte blanche.

Point of Information

Councilman Serra states this is authorizing easements; questions should be germane to that.

Councilman Daley asks the Attorney, if I understand you right, your answer to us is it would be irresponsible putting it in the aquifer than down Councilman Robert's street. It is less risky. The worry is not his street but the City's aquifer. Attorney Hoffman responds yes. Councilman Daley asks from Bill Warner about the normal course of business going through Sec. 8-24; is it unprecedented that we vote first. Mr. Warner states you have overridden before. It usually is a time problem. Councilman Daley states you did clarify from the City Attorney's office that the Statute is the Council has the authority to act first. Mr. Warner states if Planning and Zoning vote on February 11 and votes it down, it has to come back here to override or not. Councilman Daley states the Planning and Zoning action is not the whole plan. Mr. Warner states you can't grant an easement until you get an 8-24 and they are also acting as agency to give approval to the Siting Council. Councilman Daley states the Section 8-24 is the easement. Mr. Warner responds yes; they will report to the Siting Council like they did for the plant.

Councilman Bauer asks for Director Warner. He asks for the record Buckeye treated us better than the Alaskan pipeline. He asks Mr. Warner his role in bringing this before the Council. Were you the negotiator. Mr. Warner states it went through EDC and he is staff for that. They asked for information from the Assessor and the offer made by Buckeye is more than their worth according to the Assessor and the additional work was recommendations from the Mayor. Councilman Bauer asks if it was negotiated. Mr. Warner states the costs came through the Mayors office. Councilman Bauer states the pipeline is a public utility and they have the right to follow streets and they could save the sum of \$37,000 if they followed this up Bow Lane. Mr. Warner states they could but they would have to incur more expense because they would hit rock. Councilman Bauer states usually both parties get something favorable on each side and his question is they could have avoided the easements going on the public way and why didn't you analyze the extra expense going up Bow Lane and ask to split the difference. He is getting to the bottom of what kind of negotiation they did. This plant is a \$1 billion project. Mr. Warner responds it is \$300 million. They proposed a route and we came up with what the easements are worth and they are not taking away the use or value of the property. The Assessor, our side said what they were worth and they made an offer for more than what it was worth. They added in pulling down two houses and the cost of a basketball court. They are getting value for more than the easements are worth. Mr. Warner states there is no leverage. They looked at every feasible route and they found Bow Lane was not feasible. They looked for the most economical route. We are getting far more than what they are worth.

Councilman Bauer asks what are the characteristics of an easement. This land that has been turned back to us and we really haven't come up with much about what to do with the land. What control do they have over this parcel. Mr. Warner states it allows them to run a pipe through the easement area and go into it to fix and maintain it and how it is drafted tells them how we use the land. Councilman Bauer states we maximize the potential use of the land and get them to change the covenant of the deed; what leverage do they have to tell us what we can or cannot do with the land. Mr. Warner responds it hugs the property line; it can only be used for active and passive recreation and we have not split the land; it only bisects the property in only one location. Councilman Bauer asks on Norpaco; when was the \$25,000

the City will give from the Economic Development fund approved by EDC. Mr. Warner responds we talked about it at end of the presentation and they did not want to give a figure until they spoke with the DECD. There was no relocation money and he made it clear that he would like to add it so it would not have to come back a month later. Councilman Bauer states it was not approved. Mr. Warner responds it was discussed. Councilman Bauer asks 82 North Main Street, the record is the City purchased this property 11 years and 11 months ago for \$40,000. Can you walk me through the maintenance and marketing the City has done in the 11 years and 11 months. Mr. Warner states it seems longer ago; they purchased it with State money and the intent was to demolish it and improve the industrial corridor in the North Main Street area. It was to clean up the area. The City made a conscious decision to take the State money and change the focus and acquire the Remington Rand property. It did not make sense to dress up the corridor without fixing up the area. Councilman Bauer states we haven't done anything with the property. Mr. Warner responds no we haven't

Councilman Streeto asks about 82 North Main Street, what is the property worth. Mr. Warner responds \$23,000. Councilman Streeto asks how much improvement it needs to be used for any purpose. Mr. Warner states they will spend over \$40,000 to make it a small office building. It will take over \$25,000 to tear it down. Councilman Streeto states JDS Holding is to turn it into an office. Mr. Warner responds yes; it will bring in tax revenue. It is a blighted structure. Councilman Streeto thanks Mr. Warner and states he has questions to other directors.

Councilman Bibisi asks if that building is on the blighted list. Mr. Warner replies yes; it is on the draft report. Councilman Bibisi asks the cost to demolish it. Mr. Warner states it has asbestos and will cost \$25,000. Councilman Bibisi states we have the opportunity to take 3 buildings from the blighted list. Mr. Warner responds yes, three buildings.

Councilman Faulkner asks about the inclusion of Green Street and is it new to this project. His concern is disruption to Green Street residents. Mr. Warner responds the pipeline is coming up at Green Street and crosses deKoven Drive and there will be some inconvenience. They will use the playground as staging area and they asked for an improvement. So they have added a basketball court to provide a place for kids to be. We should have discussions as to what it should be and include NEAT.

The Chair states the blighted list contains quite a few properties including privately owned properties. Mr. Warner comments it is hard to come out with the list when the City has blighted properties.

Councilman Roberts states he had a follow up for Bill Warner. The one question not asked was who is the sole end use of the pipeline. Mr. Warner responds they are the sole users. Councilman Roberts asks if he has knowledge to other ventures out there. Mr. Warner states he never asked the question. Councilman Roberts states relative to 11-6. The Chair states you asked your question and recognizes Councilman Streeto. Councilman Streeto asks the Chair this body requested formation on senior tax relief. The Chair states it is time for questions for items on the agenda. Councilman Streeto states he will wait until the end of the meeting.

Councilman Loffredo asks for Gary Ouellette and Deputy Chief Kronenberger to come forward. He asks the City through your efforts was able to get a significant grant, starting February 1 through April 14, 2014. Deputy Chief Kronenberger responds it starts April 8 this year. Performance starts April 8 and runs five years. Councilman Loffredo asks when they will receive money. Dep. Chief Kronenberger replies that it is quarterly and starts in July. Councilman Loffredo asks how this will be phased in and how it will impact the fire services resources. Dep. Chief Kronenberger states it was applied for because of the contract and it is to help the wear and tear on apparatus. We identified key areas we need to concentrate on for response time. These go hand in hand and if we could get the SAFER grant which is difficult it would help us offset the cost of our objectives. Councilman Loffredo states have the three districts been set up. Dep. Chief Kronenberger states we are doing that and they set up March 1. Councilman Loffredo asks if Mile Lane is the second and who will run it. Dep. Chief Kronenberger states it will be a stand alone engine out of the Main Street station. The first period will be April 8 and the total cost is \$172,000 for the first 12-month period and cost is \$17,000 to Middletown. The share escalates during the next 5 years. The City assumes the full share in 5 years. Councilman Loffredo asks how competitive is the grant. Dep. Chief Kronenberger responds we are only one in the State to receive it.

The Common Council Clerk reads the following:

employed the \$18 million plus to refurbish transportation and parking and the intermodal structure, it will help the grand list and there is some jeopardy that investing this money will cover. It has been appropriated over many fiscal years and some are behind us and we need the cooperation of these offices that we have to make sure our message is delivered properly. This is like insurance money. The Chair, hearing no further discussion, calls for the vote. It is eleven aye votes by Council Members Serra, Loffredo, Klattenberg, Santangelo, Daley, Kasper, Bibisi, Faulkner, Pessina, Streeto, and Bauer; and one nay vote by Councilman Roberts. The Chair states the matter passes with one in opposition.

**Planning, Conservation
And Development
(Approved)**

**\$18,000, Account No. 1000-27000-55400-0704-35150, Panuzio and
Giordano Lobbying, General Fund.**

Agenda Item 9
Description

Petitions, Communications, etc.

Councilman Serra reads and moves that all petitions and communications be adopted; his motion is seconded by Councilman Klattenberg

Councilwoman Kasper states she is speaking to 9G under communications. She sent a letter to the Mayor to investigate a letter that was sent in regard to the election and she was disappointed in the response she received from the Mayor. The Union coalition sent a letter using the City's address as a return address. There was no mention of who paid for the postage, paper and envelopes. It was mailed to Union and non-Union members. She states you need to rethink your response. As a former officer of Local #466, they used the address of the Council and not the City of Middletown and the Department. How do you differentiate. She reads from the State Statutes regarding classified employees and political activities. What she is asking is that the Mayor further the investigation with this section of the Statute in mind. Hearing no further discussion, the Chair calls for the vote on the items under 9, Petitions, Communications. It is unanimous to approve with twelve aye votes. The Chair states the matters are adopted.

**9A
(Approved)**

City and Town Clerk's Certificate

January 30, 2009

I, Sandra H. Russo, 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 held January 5, 2009 at 7 p.m. and special meeting on January 5, 2009 at 6 p.m. have been advertised in the local newspaper.

Attest:
SANDRA H. RUSSO
City and Town Clerk

**9B
(Approved)**

Monthly Reports

Finance Department – Transfers Report, January 23, 2009
Public Works – December, 2008, Highway with all Bldg. Permits

**9C
(Approved)**

Grant Confirmation and Approval – Board of Education

Name of Grant: As Listed Below
Amount Requested: \$13,870.00
Code: 2450-33000-59405
Grant Period: **From:** 7/1/2008 **To:** 6/30/2009
Type of
Amount Loaned from General Fund: \$0.00

Department Administering Grant: Board of Education
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:

810/900 - IDEA-Part B, Section 611 Grant \$13,870.00. A minor recalculation of the 2008 IDEA grant which increased the budget for this grant which ends June 30, 2009. Total Grant Commitment Amount Through 6/30/2009 was \$903,286.80 ADDITIONS \$13,870.00 New Grant Commitment Amount Through 6/30/2009 \$917,156.80
Requested by: Michael J. Frechette, Ph.D.

**9D
(Approved)**

Grant Confirmation and Approval – Board of Education

Name of Grant: As Listed Below
Amount Requested: \$192,068.83
Code: 2450-33000-59405
Grant Period: **From:** 7/1/2008 **To:** 6/30/2009

Type of

Amount Loaned from General Fund: \$0.00

Department Administering Grant: Middletown Board of Education

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:

765 - EASTCONN-Demo-Lawrence School 6/30/09 \$18,701; 766 - EASTCONN-Demo-W.W.M.S. 6/30/09 \$7,600; 838 - EASTCONN-Demo-Lawrence School 9/30/08 (\$23,690.66); 867 - Title III Part A-English Language Acquis. \$20,463; 873 - Unified Sports Grant \$3,650; 875 - Hartford Symphony Challenge \$17,500; 881 - School Heating Assistance \$60,215; 700 - Food Services Receipts \$23,960.43; 801 - Cigna Certified & Paras \$52,969.38; 803 - Workers' Compensation \$1,061.78; 804 - Preschool Program Fees \$1,806; 807 - Cigna Classified \$12.92; 809 - Maintenance/Rentals \$5,707.48; 833 - Adult Education Receipts \$1,920; 893 - Fingerprinting Receipts \$192.50 Total Special Programs Through 12/19/2008 \$8,592,851.26 ADDITIONS \$192,068.83 Total Special Programs Through

Requested by: Michael J. Frechette, Ph.D.

**9E
(Approved)**

Grant Confirmation and Approval – Fire Department

Name of Grant: SAFER (Staffing and Adequate Fire and Emergency Response)
Amount Requested: \$433,009.00
Code: 3031-50000-51115
Grant Period: **From:** 2/1/2009 **To:** 4/14/2014

Type of Federal

Amount Loaned from General Fund: \$0.00

Department Administering Grant: Fire Department

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 is a matching FEMA Grant specifically for the increase of fire department staffing. We were awarded four firefighter positions with this grant. The Fire Department's share of this grant is \$494,727. Total grant equals \$927,736.

Requested by: Gary Ouellette, Fire Chief

**9F
(Approved)**

Emergency Purchase, Water and Sewer – Flow Tech, Roth Well Field Pumps

**9G
(Accepted)**

Retirement Board Election Communication

**Agenda Item
Description
(Approved)**

10

Payment of All City Bills

Councilman Serra moves for approval all City bills that have been properly approved; Councilman Streeto seconds the motion. The vote is called and it

is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Agenda Item 11
Description **Resolutions, Ordinances, etc.**

Agenda Item 11-1

Councilman Bibisi reads and moves for approval agenda item 11-1; his motion is seconded by Councilman Bauer. Councilman Bibisi states on behalf of the Council, they thank Cynthia Jablonski for sitting on the commission. The appointments of Ron Borelli and Andrew Rak bring experience to that Commission and should be a benefit to the Commission and Middletown citizens. Councilman Streeto echoes these comments.

The Chair, hearing no further discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No. 28-09
File Name ccpandzjablonzki-borelli-rak.doc
Description **Approving the appointment of Ronald Borelli as a regular member of the Planning and Zoning Commission with term to November 10, 2009 to fill the vacancy created by the resignation of Cynthia Jablonski and approving the appointment of Andrew Rak to fill the vacancy of Ronald Borelli as an alternate member to November 10, 2009.**

(Approved)

Whereas, Cynthia Jablonski has resigned as a member of the Planning and Zoning Commission on January 21, 2009 and there is a vacancy in Office.

Now, Therefore, Be it Resolved by the Common Council of the City of Middletown: That Ronald Borelli be appointed to replace Cynthia Jablonski as a regular member of the Planning and Zoning Commission with term to November 10, 2009; and

Be It Further Resolved: Upon Mr. Borelli's appointment as a regular member and resignation as an alternate, Andrew Rak be appointed as an alternate member to November 10, 2009.

Motion to Waive Rules

Councilman Streeto moves to waive the rules to allow directors to leave at this time; his motion is seconded by Councilman Bibisi. The Chair asks Deputy City Attorney to stay to respond to a question. Councilman Streeto states due to the lateness of the hour, he will leave the question to another time.

Councilman Serra states the public needs to know that in case there are questions that directors need to be in the audience. The directors work 35 hours and get paid 40 hours and it irritates him that this is done at every meeting.

The Chair, hearing no further discussion, calls for the vote. It is six aye votes by Council Members Loffredo, Kasper, Bibisi, Faulkner, Pessina, and Streeto; and six nay votes by Council Members Serra, Klattenberg, Santangelo, Daley, Bauer and Roberts. The Chair states nine votes are needed the motion fails to waive the rules.

Agenda Item 11-2

Councilwoman Kasper reads and moves agenda item 11-2 for approval; her motion is seconded by Councilman Streeto. There is no discussion. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the ordinance is adopted unanimously.

Ordinance No. 03-09
File Name sec14-49 – 14-53.doc
Description **Adding a new Article XVI, Temporary Committees and Task Forces including Sections 14-49 Appointment; Purpose; Section 14-50 Duties; Section 14-51 Notice and Agenda, Minutes; Section 14-52 Procedural Rules; and Section 14-53 Staff; to Chapter 14 of the Middletown Code of Ordinances.**

(Approved)

Be it ordained by the Common Council of the City of Middletown: That a new Article XVI. Temporary Committees and Task Forces. Sec. 14-49. Appointment; Purpose ; Sec. 14-50. Duties; Sec. 14-51 Notice and Agenda; Minutes; Sec. 14-52. Procedural Rules; and Sec. 14-53. Staff . be added to Chapter 14 of the Middletown Code of Ordinances to read as follows:

Sec. 14-49. Appointment; Purpose

There shall be such temporary committees or task forces of limited duration that the Mayor and the Common Council may deem necessary and appropriate. Said temporary committees and task forces shall be appointed by the Mayor with the consent of the Common Council.

Sec. 14-50. Duties.

Temporary committees and task forces shall undertake and perform studies and specialized work of a short-term nature and report their findings back to the Mayor and Common Council. The nature and duration of the tasks shall be set out by ordinance.

Sec. 14-51. Notice and Agenda; Minutes.

Temporary Committees and Task Forces shall comply with all applicable requirements of the Connecticut Freedom of Information Act.

Sec. 14-52. Procedural Rules.

Temporary Committees and Task Forces shall be governed by Robert's Rules of Order.

Sec. 14-53. Staff.

Temporary Committees and Task Forces shall utilize such City employees as staff as may be designated in the ordinance creating such committee or task force.

Agenda Item 11-3

Councilman Streeto reads and moves agenda item 11-3 for approval and is seconded by Councilman Pessina. There is no discussion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the ordinance is adopted unanimously.

Ordinance No.
File Name
Description

04-09
sec23-8.doc
Approving the amending of Section 23-8 Finance and Government Operations Commission of Chapter 23 of the Middletown Code of Ordinances authorizing the Committee to form sub committees.

(Approved)

Be it ordained by the Common Council of the City of Middletown: That Sec. 23-8. Finance and Government Operations Commission. of Chapter 23 of the Middletown Code of Ordinances be amended to read as follows:

Sec. 23-8. Finance and Government Operations Commission.

A. Membership; appointment. There shall be a standing commission of the Common Council to be known as the "Finance and Government Operations Commission." Said Commission is a consolidation of the previously existing Finance and Budget Committee and the Government Operations and Program Review Committee. Said Commission shall consist of five members of the Common Council, not more than three of whom shall be members of the same political party, to be appointed by the Common Council to serve during their term of office. The Finance Director or his designee shall serve as staff to the Commission. The Tax Collector shall report to the Commission.

B. General purpose; duties. The Finance and Government Operations Commission shall act on all matters referred to it by the Council. The Commission shall have jurisdiction of all matters pertaining to the finances and expenditures of the City, shall work to improve the effectiveness, efficiency, and quality of municipal services and programs, and may make appropriate recommendations to the Mayor and Common Council concerning the same. The Commission shall take an active role in the periodic review of the budget as well as any requests to amend the budget approved by the Common Council, including but not limited to reviewing and advising the Mayor and Common Council, prior to the budget hearings before the Common Council, of the preparation of the various departmental budgets. The Commission shall review and approve for payment, where warranted, all bills and obligations of the City, the review and approval of which is not within the jurisdiction of any other municipal authority. The Commission shall also review, and approve where warranted, requests for abatement of taxes or interest, assuming that the same are not contrary to

federal or state statutes. **The Commission may establish sub-committees.**

C. The Commission shall study and evaluate the operation of municipal departments, agencies, and programs. Such study and evaluation shall include, but not be limited to, consulting with department directors and other City staff as well as with relevant boards, commissions and committees. The Commission may, through the Mayor, request assistance in conducting such studies, including but not limited to the establishment of task forces of City staff and/or citizens to study particular areas of municipal government operations, assignment of administrative and clerical staff to the Commission, and/or outside consulting services. The Commission shall make recommendations to the Mayor and Common Council concerning ways to improve the effectiveness, efficiency and quality of government services and programs. Such recommendations shall address the methods and processes through which municipal services and programs are delivered, shall provide assessments of the effectiveness, efficiency and quality of such services and programs, and may include recommendations for the creation, merger or elimination of departments or agencies of City government as provided in Chapter III, Section 6 of the Charter of the City of Middletown.

Agenda Item _____ **11-4**

Councilman Loffredo reads and moves for approval agenda item 11-4 and is seconded by Councilman Streeto. The Chair calls for discussion. Councilman Serra states he will not support this. Until we know where we are relative to money, the approval of positions, he will not vote for this. The economic situation we have, he will not support this. Councilman Loffredo states this does not cost a dime and it removes a position from the City. Councilman Serra responds the positions you okayed, we spent a lot of money and until we know where we are, he will not vote for this. Councilman Loffredo replies that this Council deemed by the majority and in order for public safety to be dealt with, our IT department needed an appropriate upgrade. We needed to spend money to meet those needs and we don't need certain other positions. We had this debate and the need to spend certain dollars. This was needed now. Councilman Bauer will not argue last month's debate, but he will not vote for this. Councilman Roberts states he agrees with Councilman Loffredo. The IT Department is changing and is in place and is a benefactor. It is restructuring and it is Personnel following the performance. This is to streamline and merge and we need to keep our eye on it. Councilman Faulkner states the IT positions, he would appreciate an update of where the IT department is, perhaps at the next Council meeting.

Councilman Serra states if you look at the appropriation request with twelve zeroes, we have had problems and there are problems caused by decisions through hiring consultants. He doesn't know where we are. We have a problem with the budget system and things are not working and that is the consultant. Councilman Roberts asks where the buck stops. The Chair states we need a system that works. We need to listen to the people who use the system and not impose things on departments. We are having difficulty with the financial package; we have significant problems with dispatch software. Councilman Roberts states he asked for follow-ups from Bill Oliver.

Motion to Call

Councilman Streeto moves to call the question. He is seconded by Councilman Pessina. The vote is called and it is eleven aye votes by Council Members Serra, Loffredo, Klattenberg, Santangelo, Daley, Kasper, Bibisi, Faulkner, Pessina, Streeto, and Roberts and one nay vote by Councilman Bauer. The Chair states the question is moved.

The Chair calls for the vote on this item and it is nine ay votes by Council Members Loffredo, Klattenberg, Santangelo, Daley, Bibisi, Faulkner, Pessina, Streeto, and Roberts and three nay votes by Council Members Serra, Kasper, and Bauer. The Chair states the matter passes with three in opposition.

Resolution No.
File Name
Description

29-09
peasstprogrammaranaremoval.doc
Approving removing the position of Assistant Programmer Analyst, IT Department, Local #466, Salary Grade 12 (\$22.76 - \$33.68) from the City's Classification plan pursuant to the reorganization approved at the January, 2009 Council meeting effective upon approval.

(Approved)

Be it resolved by the Common Council of the City of Middletown: That the position of Assistant Programmer Analyst, Computer Department, Local #466 Salary Grade 12 (\$22.76 - \$33.68) be removed from the classification plan

pursuant to IT reorganization approved at the January 2009 Council meeting, effective upon Council approval.

Agenda Item 11-5

Councilman Loffredo reads and moves for approval agenda item 11-5; his motion is seconded by Councilman Streeto. Councilman Bauer states he will vote no on this because we are in extraordinary times; this is not about performance and reminds everyone we don't engage in performance measurements. There is a whole lot that needs to be changed in managing the operations of the City. the Chair, hearing no further discussion, calls for the vote. It is eight aye votes by Council members Loffredo, Klattenberg, Santangelo, Daley, Bibisi, Pessina, Streeto, and Roberts and four nay votes by Council Members Serra, Kasper, Faulkner, and Bauer. The Chair states the matter passes with eight in favor and four opposed.

Resolution No.
File Name
Description

30-09
pefoodproductioncook2-09.doc
Approving the amending of the job description of Food Production Cook, Local #466, Salary Grade 4 (\$11.70 - \$17.31) with no change in salary.

(Approved)

Be it resolved by the Common Council of the City of Middletown: That the job description for Food Production Cook, Local #466 Salary Grade 4 (\$11.70 - \$17.31) be amended as recommended with no change in salary.

Title: Food Production Cook

**Department: Board of Education
Secondary Schools**

Date: May, 2008 **Grade 4, Local 466**

Purpose of Position

To prepare and cook all main entrees and other foods as menu dictates. To assist in menu planning and recipe development. To ensure proper handling, preparation, heating and re-heating of menu items. To coordinate menu preparation to optimize production. The work is performed under the direction of Cafeteria Manager and/or Food and Nutrition Manager.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Oversees quality control of all menu items.
- Prepares menu items using standardized recipes.
- Coordinates menu preparation to optimize production.
- Implements procedures to maintain health, sanitation and safety standards.
- Maintains production records.
- Assists in inventory control and food ordering.
- Operates all small and large food service equipment for efficient operation and maintenance; instructs employees in proper use, care and safety procedures.
- Implements cleaning schedule for production areas and monitors daily sanitation inspections.
- Assists Manager in the supervision of employees in production areas.
- Establishes and maintains effective working relationships with food service employees, customers and suppliers.
- Assists Cafeteria Manager with development of menu plans for high school based on nutritional adequacy, budgetary constraints, federal and state standards, production requirements and customer acceptance.

Minimum Training and Experience Required to Perform Essential Job Functions

High School diploma or equivalent with three years of cooking experience, of which at least one and one-half years of experience must be in institutional cooking. A two year degree in culinary arts is highly desirable. Must have certification in Food Protection and Sanitation from the State of Connecticut. A valid Connecticut driver's license is required.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

- Requires the ability to process, calculate, compute, summate and/or tabulate data and/or information. Includes the ability to perform subsequent action in relation to these computational operations.
- Requires the ability to provide guidance, assistance and/or interpretation to others, such as co-workers and the public, on how to apply policies, procedures and standards to specific situations.
- Requires the ability to utilize a wide variety of reference and descriptive data and information such as regulations, daily notices, menus, recipes, count sheets, deposit slips, free/reduced lists, temperature guidelines and general operating manuals.
- Requires the ability to communicate orally and in writing with the Cafeteria Manager and all other food service workers, students, teachers, principals and school staff.

Mathematical Ability

- Requires the ability to perform addition, subtraction, multiplication and division; and to calculate percentages and decimals.

Physical Requirements

- Requires the ability to operate, maneuver and/or provide simple but continuous adjustment on equipment, machinery and tools such as kitchen equipment and machines, cash register, calculator and/or materials used in performing essential functions.
- Requires the ability to coordinate eyes, hands, feet and limbs in performing movements requiring skill and training, such as preparing food.
- Tasks involve the ability to exert moderate but not constant physical effort, typically involving some combination of climbing and balancing, stooping, kneeling, crouching crawling, and lifting, carrying, pushing and pulling objects and materials of moderate weight up to twenty-five pounds.
- Ability to recognize and identify harmonious or contrasting combinations, as well as recognize individual characteristics of colors, shapes, sounds, tastes, odors and textures associated with job-related objects, materials and ingredients.

Environmental Adaptability

- Ability to work under safe and comfortable conditions where exposure to environmental factors is minimal and poses a very limited risk of injury.

The City of Middletown is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Agenda Item

11-6

Councilman Daley reads and moves for approval agenda item 11-6; his motion is seconded by Councilman Serra. Councilman Daley states to verify what Director Warner stated, his recollection was discussion of the relocation grant and they gave consent to insert the dollar amount and approved the concept of the grant. It represents fulfillment of an earlier resolution adopted by the Council for providing incentive for the Bysiewicz Industrial Park to make sure of the property as it was intended to create jobs and expand the tax base. The by-product takes that site off the table as potential site for the Army training center. The future potential for development has significant benefits for Middletown. Norpaco is purchasing three lots, the City is purchasing one and it is great for the City. We were all pleasantly surprised when we learned who the manufacturer was. It is a well-established company with ties to Middletown families. He encourages everyone to support the resolution.

Motion to Call

Councilman Streeto is recognized by the Chair and moves the question. His motion is seconded by Councilwoman Kasper. Councilman Roberts states he has one question. Councilman Streeto responds this motion is not debatable. The Chair calls for the vote and it is ten aye votes by Council Members Serra, Loffredo, Klattenberg, Santangelo, Daley, Kasper, Bibisi, Faulkner, Pessina, and Streeto and two nay votes by Council Members Bauer and Roberts. The Chair states the matter passes.

The Chair calls for the vote on the original motion. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

31-09

pcdNorpacoDECD.doc

Authorizing the adjustment of real property taxes, under the State's DECED Urban Jobs Program, for Norpaco, Inc. for five years, 80% abatement of local property taxes on real and personal property that is new to the Grand List of the City of Middletown from the business and expansion and new construction; approving a \$25,000 business relocation grant from the Economic Development Fund to assist Norpaco with its moving expense; and approving the creation of a new line item in the Economic Development fund entitled Norpaco, Inc and transferring \$25,000 from the Economic Development Fund Balance into the new line item.

(Approved)

WHEREAS, Norpaco, Inc. is expanding and constructing a 50,000 square foot food manufacturing facility at Lots 10, 11, & 12 at Liberty Commerce Park on Middle Street bringing 100 jobs to the City of Middletown and hiring an additional 40 employees in the next 2 years.

WHEREAS, the Economic Development Committee at its meeting of January 12, 2009 approved a motion recommending the application Norpaco, Inc. for the State of Connecticut Department of Economic & Community Development (DECD) Urban Jobs Program.

WHEREAS, DECD has approved the Urban Jobs application of Norpaco, Inc. with the incentive of a 5 year, 80% abatement of local property taxes on real and personal property that is new to the Grand List of the City of Middletown as a direct result of this business expansion and renovation project.

WHEREAS, the Economic Development Committee at its meeting January 12, 2009 meeting voted to recommend to the Common Council the Norpaco, Inc. DECD Urban Jobs Application.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Assessor is authorized to adjust the real property taxes of Norpaco, Inc. to reflect a 5 year, 80% abatement of local property taxes on real and personal property that is new to the Grand List of the City of Middletown as a direct result of the Norpaco, Inc. business expansion and new construction project; and

BE IT FURTHER RESOLVED: the Common Council approves a \$25,000 business relocation grant from the Economic Development fund to assist Norpaco, Inc with its \$125,000 equipment moving expense.

BE IT FURTHER RESOLVED: That a new line item Norpaco, Inc 4330-14000-xxxx-xxxx-xxxx-xxxx-xxx be established in the Economic Development Fund and the sum of \$25,000 be transferred from the Economic Development Fund balance line item 4330-00000-30310-0000-00000-0000-900 into the new line item.

Agenda Item

11-7

Councilman Faulkner reads and moves for approval agenda item 11-7; his motion is seconded by Councilwoman Kasper. Councilman Street offers an amendment to the language in the fourth paragraph, "WHEREAS, at the December 10, 2007 meeting of the Economic Development Committee (EDC), the EDC voted to recommend the waiver of the requirements contained in Chapter 232 Article II Sale of Public Property and to recommend the sale of said City owned property to JDS Holding Co., LLC for one dollar (\$1.00), and, " to reflect the language in the resolution that was given to the Council as a substitution. Councilman Daley states he seconds this and to clarify it includes the waiver of the requirements for public property sale. The Chair asks the maker and seconded if they accept this as a friendly amendment and they do.

Motion to Call

Councilman Streeto moves to call the question and is seconded by Councilwoman Kasper. The vote is called and it is eleven aye votes by Council Members Serra, Loffredo, Klattenberg, Santangelo, Daley, Kasper, Bibisi, Faulkner, Pessina, Streeto, and Roberts and one nay vote by Councilman Bauer. The Chair states the matter passes.

WHEREAS, Panuzio & Giordano Public Affairs was instrumental in securing these federal funds; and

WHEREAS, at the January 12, 2009 meeting of the Economic Development Committee (EDC) the Committee voted unanimously to recommend the retention of Panuzio & Giordano to represent the City of Middletown for an additional 6 months from January 2009 to June 2009 to ensure the delivery of the funding to the City and to possibly secure additional federal funding associated with the federal government's stimulus program and to lobby for and against, as appropriate, state legislation affecting Middletown.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

That an appropriation from the General Fund be made to line item 4330-14000-99200-0000-35150-0000-000 Panuzio Giordano Parking & Transportation, and

BE IT FURTHER RESOLVED: That the Mayor is authorized to sign all documents to effectuate an agreement with Panuzio & Giordano Public Affairs LLC for a period of 6 months at a rate not to exceed \$3,000 per month.

Agenda Item **11-9**

Councilman Santangelo reads and moves for approval agenda item 11-9; Councilman Streeto seconds this motion.

The Chair recognizes Councilman Bauer who passes on comments. The Chair recognizes Councilman Klattenberg who states this item came to Finance and Government Operations and there was some discussion about the use of LoCIP. There is no question that this need, on the part of the Police Department, is warranted and the equipment is outdated and vehicles need to be fitted; however, it was brought up by the Finance Director that there is \$136,000 available for emergency purchase and the use of \$36,000 would bring the account to \$100,000 and other members of the Commission believed this warranted a delay because in March we will know the reimbursement for LoCIP and they don't have high expectations. Councilman Klattenberg believes waiting until March, we may find other places for this money. Councilman Santangelo states he can appreciate the logic to the hold-up; the logic from this month to next month. This is a pressing need. There is concern about crime and crime detection. If no money shows up, we will still spend this money. He can't see the delay and he will support this.

Councilman Faulkner states we are replacing units that don't work. The response is inaudible. Councilman Streeto responds he is sensitive to Councilman Klattenberg's points. To some degree the State budget crisis, it makes sense to get in as many State grant requests as soon as possible. We don't know if they will cut things retroactively. He is aware if they can slash this year's LoCIP. It makes sense to get as many of these grant applications in as quickly as we can to safeguard some of our LoCIP funds. Councilman Pessina states he agrees with Councilman Klattenberg. They need them, but the fact is we only have \$136,000 to get us through the next five months. We don't know what the Governor will do although we can surmise. This money should be used for emergency purchases. The Chief is a good manager and she should find these funds in her budget.

Councilman Bibisi states it is a public safety issue with the mobile data unit. They cannot communicate with each other or access criminal records. It qualifies for a LoCIP grant. We are only talking a short period of time. He recommends approval of this matter. By the time we get a vendor, we will know what the new LoCIP will be. Councilman Roberts states sitting on the Commission, he hadn't heard when the pipeline went dry. The Chief applied for these funds, but he agrees with Councilman Klattenberg and others that with the amount that is there, it would be more prudent to hold back on this. Councilwoman Kasper states she agrees with Councilman Klattenberg. We should wait to see what the Governor says and we had Westfield come before us and we asked them to wait. We have had problems with dispatch and they are working on a proposal for that and since the terminals are operating, we should delay this.

Councilman Daley states what concerns him is if we have \$136,000 still available and requests that exceed that. Mr. Erlacher responds yes, if we honor the Fire House and the Back up system. Councilman Daley states we ought to prioritize these projects and grant them how best to use the

\$136,000. He feels strongly, it is not prudent to leave the \$136,000 sitting there. If he was in the State Legislature and noticed that the City has not used last year's funds, I might think twice about allocating funds. We have worthy projects and this is one. If there are others, then we should prioritize them. We should not leave the funds. Councilman Daley states we don't know the cost of one and the Westfield Firehouse is \$80,000. Councilman Santangelo responds it is \$40,000. Councilman Daley states this could go forward and one of the other two but not both. This will serve the entire community and it is a sound investment. He would hate to have a problem if one of our Police Officers did not have access to data. He will vote in favor of this. Councilman Serra states sometimes it is aggravating to see the thinking. Last month, we spent \$35,000 for parking lots and it is not on the eligibility list. This time, it is on the list and we need this. They are not working and the Public Safety Commission voted unanimously to support this. Westfield Fire put their request in and they were postponed and they did not have the proper paperwork and the parking lot comes in and it passes.

Councilman Streeto notes there are three of us on this body who are State employees; when the State is doing a budget process, nothing is sacred and it would make sense to move things along faster than to delay. Councilman Klattenberg states comments made to him suggest that this should be delayed. We point out that there are three projects and each benefits large portions of the community. We should prioritize the projects. There may be one or two more when departments learn we have few funds left. We should look at the projects pending. We should have a list and act on them quickly. If we do so in April, with allocation of funds occurring in March, in order to spend what is left in the best manner possible. There is other funding for these terminals. CNR is a better way to fund this. Emergency response is the criteria. The question about paving for the parking lot falls under roads and is appropriate. Prioritizing needs to be done. Councilman Pessina echoes these remarks. Mr. Erlacher made the suggestion to the Chief that she could use her CNR funds. It did not sound like an emergency. They are working and there are some problems with them. If she really needs this, she has the vehicle of CNR. We will have an emergency and will have to go to the general fund instead of LoCIP.

The Chair, hearing no further discussion, calls for the vote. It is eight aye votes by Council Members Serra, Loffredo, Santangelo, Daley, Bibisi, Faulkner, Streeto, and Bauer and Four nay votes by Council Members Klattenberg, Kasper, Pessina, and Roberts. The Chair states the matter passes with eight in favor and four opposed.

Resolution No.
File Name
Description

34-09
PD MDTLOCIP2009.doc
Authorizing the Mayor to sign an application with the State of Connecticut for a Local Capital Improve Program grant for Mobile Data Terminals for the Police Department in an amount not to exceed \$36,000; approving a loan from the general fund in the amount of \$36,000 with said loan to be repaid from the LoCIP grant funds; and approving a new Capital Improvement line item entitled Police Department MDT's in the amount of \$36,000.

(Approved)

Be It Resolved By The Common Council of the City of Middletown: That Mayor Sebastian N. Giuliano be authorized to sign an application to the State of Connecticut for \$36,000 from the Local Capital Improvement Program (LoCIP) for Mobile Data Terminals for the Middletown Police Department; and

Be it Further Resolved: That a loan from the General Fund in the amount of \$36,000 is hereby authorized and that said loan will repaid from LoCIP grant receipts; and

Be it Further Resolved: That a new Capital Improvement line item, Police Department MDT's 2009, in the amount of \$36,000 be approved in the Capital Plan.

Agenda Item 11-10

Councilman Klattenberg reads and moves for approval agenda item 11-10; his motion is seconded by Councilman Streeto. There is no discussion. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the matter is adopted unanimously.

Resolution No.
File Name

35-09
mca 2008-2009 LAA Grant Application.doc

Description

Approving authorizing the Middletown Commission on the Arts to apply for a Local Arts Agency Program Grant from the State of Connecticut Commission on Culture and Tourism for building capacity to advance and promote the cultural assets of the City.

(Approved)

WHEREAS, the Middletown Commission on the Arts supports arts and cultural activities in the City of Middletown; and

WHEREAS, the State of Connecticut Commission on Culture and Tourism offers a "Local Arts Agency Program" grant to further such programming.

NOW, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Middletown Commission on the Arts is hereby authorized to apply for an "Local Arts Agency Program" grant from the State of Connecticut Commission on Culture and Tourism; and

BE IT FURTHER RESOLVED: That these grant funds will be used for building capacity to advance and promote the cultural assets in the City.

Agenda Item**11-11**

Councilman Daley reads and moves for approval agenda item 11-11; his motion is seconded by Councilman Santangelo. Councilman Bauer states he approached every Council meeting that it had specific structure. The Public has the first word, then an interrogatory with directors and the Council has the final word and we have found a way to pervert that process. What he wants to say about the way the City negotiates, we are in extraordinary times and he asked about the characterization of negotiations and we had leverage we did not use and we have a way to put money in the general fund. He will vote no. What he remembers when they bought dilapidated property on Ferry Street, we paid a premium. When we are on the other side of the table, we don't operate that way. He will vote against this.

Councilman Daley states in terms of responding to Councilman Bauer, we need to keep in mind that this resolution involves approving easements and rights of way for a pipeline that is ancillary to the Kleen Energy project and you have to look at the overall benefits to the City. the pipeline will be taxed and will have benefit beyond the cost of easements. It is important to credit the developer for being responsible for taking steps of avoiding the aquifer protection zone which brought significant expense to this part of the project. He is sensitive to concerns of people along the pipeline route. The safety factor is really something that you can't eliminate completely, but there doesn't seem to be a high risk of environmental harm. There will be inconvenience for people who live along the way. He will probably have inconvenience from it because he uses Bow Lane. This will have a great long-term benefit to the Community. We need to make a decision about what we are doing and what Inland/Wetlands and Planning and Zoning are doing. They are regulatory bodies and independent from this. If they don't approve it, it will come back to us. We should keep the project moving forward. Councilman Streeto echoes these comments. The City would receive fair value and received additional things of value. We can't squeeze everything out of a business decision. He has concerns about the wells, but he has confidence in Inland/Wetlands and the Siting Council regarding the wells. He feels confident that Kleen Energy or Buckeye Partners would be liable and provide appropriate compensation in those circumstances. We will not have the luxury having a lot of economic development projects before us. It is critical to us and for our tax base that we do everything possible within the confines of citizen safety to encourage growth.

Councilman Loffredo states the resolution needs to be amended by changing the last Whereas. Councilman Daley takes this as a friendly amendment; Councilman Santangelo takes it as a friendly amendment. Councilman Loffredo states it should read the Planning and Zoning Commission will be conducting a GS 8-24 review of this project. He states if they don't pass it, the matter will come back. The Mayor responds yes, it has to come back. Councilman Loffredo states the concern expressed, the matter will still go before Planning and Zoning and would come back to us so acting on it would be appropriate. Councilman Klattenberg states it was a long 1-1/2 hours and he heard that Buckeye and Kleen Energy are protecting our aquifer and they are removing two blighted buildings from our list and they will construct a playground or basketball court. They will use directional drilling instead of trenches. The revenue from the project will be \$1.7 or \$1.9 million per year. This project is being managed well. Some of the equipment used to look at the pipes is state of the art. This project needs to move forward; the way the pipe is being put in and the equipment used is state of the art. Councilman Roberts states the issue with deregulation and energy, electricity supply, and moving through the grid has been a problem for the last 20 years. The Kleen

Energy plant was wrong from the get go. We should have had them along the river. Ultimately, they, through long term contracts, got their funding from Clean Energy and they needed Middletown to build the plant. He hopes the plant brings the cost of electricity down. As far as the pipeline is concerned, they need us. They realized the City aquifers and it made sense not to put it through there. Reading the report from Attorney Hoffman to the Siting Council, Kleen Energy will fill an amendment to their certificate for the rerouted pipeline and it seems to him, they need to go through the process properly to air those issues they may have. He hopes the Siting Council will look at this. NRG always had barges and the Siting Council may deem a greater purpose. It is to support a network. He doesn't think the due process has given him enough information. Forget the aquifer and go down Bow Lane and Roberts Street. They will have to pay the taxes for the infrastructure. It behooves us to have done this process more properly. He will not support this. Councilman Bauer states there are two points. It sounded to him there is not directional drilling for the whole thing; there are only two areas. There will be a whole lot of trenches and interruption of traffic. What he wants to counter is several Council Members made the point of the property taxes and it is a specious argument. We could have gotten more from negotiation and it would not obviate the taxes. He also states in the last paragraph, remove the semicolon and take out the word "and" put in a period. Councilman Daley takes this as a friendly amendment.

The Chair asks for further discussion; hearing none, he calls for the vote. It is ten aye votes by Council Members Serra, Loffredo, Klattenberg, Santangelo, Daley, Kasper, Bibisi, Faulkner, Pessina, and Streeto; and two nay votes by Council Members Bauer and Roberts. The Chair states the matter passes with ten affirmative votes and two negative votes.

Resolution No.
File Name
Description

36-09

pcdBuckeyeasment.doc

Authorizing the Mayor to sign documents with Buckeye Partners, LP for easements to construct a 12-inch ultra low-sulfur diesel pipeline through the City, primarily within City streets, the P & W Railroad right of way, and a large tract of land owned by the City near the Kleen Energy site for the compensation as stated in the resolution to include the total sum of \$45,000, demolition of two City-owned vacant houses adjacent to the pipeline, and a basketball court at the corner of Green Street and DeKoven Drive or such other improvements of comparable costs that the City determines.

(Amended and Approved)

WHEREAS, Buckeye Partners, LP has proposed the construction of a 12-inch ultra low-sulfur diesel (USLD) pipeline through the City, primarily within city streets, the P&W Railroad right-of-way and a large tract of land owned by the City near the Kleen Energy Site, and

WHEREAS, Buckeye Partners, LP is requesting that the City convey 3.55 acres in total of permanent easements variable in width, not to exceed more than thirty feet (30') in width and also temporary easements for work space variable in width of 2.43 acres in total to expire upon completion of construction, and

WHEREAS, Buckeye Partners, LP has offered compensation of Thirty Seven Thousand Five Hundred Dollars (\$37,500.00) for the three permanent easements and Seven Thousand Five Hundred Dollars (\$7,500.00) for the three temporary easements, and

WHEREAS, Buckeye Partners, LP shall construct a fully paved enclosed basketball court at the corner of Green Street and DeKoven Drive at their expense according to City approved design and review by relevant boards and commissions upon completion the City shall release Buckeye Partners, LP from any future responsibility and liability. If the city determines it does not want the basketball court at that location the City shall propose and Buckeye shall construct other improvements with comparable costs, and

WHEREAS, Buckeye Partners, LP shall demolish two (2) city owned and vacant houses, one Bow Lane adjacent to the route of the pipeline and one on Reservoir Road, at their expense subject to the granting of a demolition permit prior to the demolition. Upon completion the City shall release Buckeye Partners, LP from any future responsibility and liability, and

WHEREAS, all easement language shall specifically allow active and passive recreational uses, and

WHEREAS, at the January 12, 2009 meeting of the Economic Development Committee (EDC), the Committee voted unanimously to recommend to the Common Council that the City convey the three permanent and three temporary easements to Buckeye Partners, LP for the total sum of Forty Five

Thousand Dollars (\$45,000) along with other work specified in this resolution, and

WHEREAS, the Planning & Zoning Commission will conduct a CGS 8-24 review of this project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Mayor is authorized to sign all documents necessary to convey the easements to Buckeye Partners, LP for the compensation detailed in this resolution.

Agenda Item 11-12

Councilman Streeto reads and moves for approval agenda item 11-12; his motion is seconded by Councilwoman Kasper. There is no discussion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.

37-09

File Name

pwcowbaybldgref.doc

Description

Approving the building permit refund to Cow Bay Atlantic Corporation in the amount of \$666.52.

(Approved)

Be It Resolved By The Common Council Of The City Of Middletown: That A Building Permit Refund In The Amount Of \$666.52 Be Issued To Cow Bay Atlantic Corp., 7 Park Street, Suite 205, Attleboro, Ma. 02703.

Mayor's Appointments:

There are no Mayor's Appointments to announce.

The Chair states regarding the committee, he is looking at the Statute and it might not go down the way you thought it would. He calls Timothy Lynch, Deputy City Attorney forward. Atty. Lynch states he brought the Statute because the resolution was reviewed by Ordinance Study and for the benefit of the public it is Title 12, 129A and it contemplates action by the Legislative Body and Executive Authority. It is up to the Executive Authority to appoint the committee. The Chair states the statute appears to contemplate a tax deferral program. Atty. Lynch responds it is open and he reads it. The executive authority, prior to approval by the legislative body, the executive authority should appoint an authority to study and investigate the property tax and prepare a report for the legislative body. Councilman Streeto comments if you appoint the authority, they can look at all the programs. He suggest that perhaps March might be a good time to consider the committee. The Chair states the committee does not require confirmation by the legislative body; the statute is interesting in that it uses the word taxpayers. You could be a non-resident taxpayer. We can get this going. Councilman Streeto states it might be appropriate under the Statute, but not the Charter. The Chair states he will look into it immediately.

Councilman Klattenberg states he has one question; he has a copy of a memo from the Personnel Director to City Employees regarding the HMO Program for retirees. It presents to employees if you worked for over 15 years, you now receive a free health benefit into retirement, but if you want to continue that benefit, they have to make the decision now to retire and be out the door in four weeks. They must leave active service by March 1 to take advantage of this program. His concern is while they may want to retire in the near future, this is being given a boot out the door. He has a fear that the planning for employees leaving is not occurring quick enough. There is benefit for the City, but from a management and planning point of view, you have to have time to put in place the support services for those leaving. He would extend it out to the end of June as part of the budgeting process. He asks about the authority of this and is it your decision. The Chair responds he wants people to take the retirement offer. It is not part of the bargaining. Councilman Daley asks if the underlying authority is done by ordinance. Councilwoman Kasper believes it was an MOU done years ago. The Chair states they gave them that for people to switch from Point of Serve to HMO. It was not part of the contract or ordinances. Councilman Daley asks if they are eligible for health benefits after 15 years. That is the ordinance and they follow what bargaining units get. Councilman Klattenberg states his concern is to reconsider March 1 because it is too quick for people to leave. Councilwoman Kasper states where will the savings be gained if they are retiring and we have to replace the crossing guards for example and we have other health benefits.

Councilman Loffredo asks Carl Erlacher to come forward.

A member of the public states he wishes to speak. Council Streeto states in deference to the late hour, he would waive the rules. The Chair asks if there is objection. Hearing none, Mr. McInerney comes forward. Mr. McInerney states someone built a building behind him in a swamp. This man came down through our greenhouses and wanted to know who the boss was. Mr. McInerney states he tried to fill in behind the green houses and this man wanted to know what he was doing. He has debts to pay and to take care of his wife and no one hears him. He got to the point where he asked every Mayor to consolidate fire houses. Consolidation has to happen. He went to the Planning and Zoning meeting and they say they can't do anything for him. This man's name is Jerry (Inaudible). He built the building so no one can find him. He named the drive and the City plows the road and it is Fillback Drive. He states there should be one Chief.

Councilman Loffredo asks to address questions to Carl Erlacher. He states they received the grand list assessment and the latest financial report of June 1, 2008. He asks the status of Aetna in the budget and its impact. Mr. Erlacher responds there is no impact until fiscal year 2010. he states Aetna and GE Capital have negotiations for 45 more days and he would hate to speculate at this time. Councilman Loffredo states the potential highest taxpayer would be a dramatic change on how we operate. Can we get a meeting to plan what needs to be done. Mr. Erlacher responds it depends on the negotiations with GE Capital. Councilman Loffredo states after we adopt this year's budget, we could meet on this. Mr. Erlacher responds that would be appropriate.

Councilman Bauer asks one follow-up in the real of accounting, we ascribe to behaving prudently and have a potential of a liability; are we not supposed to recognize it when we can. Mr. Erlacher responds you would recognize a contingent liability.

Noted for the Record

Council Members Streeto, Santangelo, Pessina, Daley, Kasper, Faulkner and Serra leave the meeting at 11:22 p.m.

At this time there is no quorum and no City business may be conducted.

Councilman Bauer comments apparently the Council doesn't recognize its fiduciary responsibility. Councilman Bauer thinks the exodus of employees starts this calendar year and goes to 2010 and because of fewer employees and when the grand list is put together in 2010, we would have a loss of personal property. Mr. Erlacher responds at the very least. Councilman Bauer states it would fund this budget. Mr. Erlacher explains how he looks at the budget and it is about \$2 million. Councilman Bauer states once the building is empty and the architecture of the building, they may not be able to come up with a suitable tenant. Mr. Erlacher states we cannot speculate on the building and that is 1 – 1-1/2 years away. He hopes Kleen Energy comes on line and it would balance the loss of the \$2 million. He is not minimizing this. Councilman Bauer asks if the City has a rainy day fund. Mr. Erlacher responds no. This should be something we are conscious of in this budget cycle. We should always prepare for the worse.

Councilman Roberts states relative to the 7/10ths. Mr. Erlacher responds it is about \$630,000. Councilman Roberts asks if this raises red flags relative to the increase in the State or City's history. Mr. Erlacher responds he got it Friday and historically, we have been around 1.5 and now down to .7. The grand list did not grow as in prior lists. If it doesn't grow, it is less tax dollars.

Meeting Adjourned

The Chair declares the meeting adjourned at 11:40 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk