The regular meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, March 7, 2016 at 7 p.m.

Present:

Absent:
Councilman Philip J. Pessina

Also Present:
Fifty Members of the public.

1. Mayor calls meeting to order at 7 p.m.
   The chair welcomes everyone to the March Council meeting.
   
   A. (Pledge of Allegiance)
   
   The Chair calls the meeting to order at 7 p.m. and asks everyone to stand for the Pledge; he asks the veterans present to lead the public.

   B. (Council Clerk Reads the Call of the Meeting and Mayor declares call a legal call and meeting a legal meeting.)
   
   The chair asks the clerk to read the call; he declares the call a legal call and the meeting a legal meeting.

2. Accept/Amend the Agenda.

   Councilman Thomas J. Serra reads and moves for approval amending the Agenda by substituting resolution 10H regarding Relay for Life as a Special Event in Middletown and substituting item 11, Mayor's Appointments. Councilwoman Deborah A. Kleckowski seconds the motion.

   Councilman Giuliano asks question on item 10G, establishing military museum; are those the people you intended to appoint? The Chair asks if they are in the resolution. Councilman Giuliano responds yes. The Chair asks why. Councilman Giuliano responds that the Council does not have the authority to make appointments. He would like them to go under Item 11. The Chair states he has no problem with that. The Chair states we will vote on the first two changes to the agenda and then you can make the motion.

   The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

   Councilman Giuliano further amends the agenda by moving the appointments of the members of the military museum building committee to Item 11, Mayor's Appointments. Councilman Santangelo seconds the motion. The vote is called and it is unanimous with eleven affirmative votes. Councilman Pessina is absent. The Chair declares the matter passes. The appointments will be made under item 11.

3. Presentations
A. Congratulating Diane Patterson on AKC Master Agility Championship, 16 inches and under
(Approved)

Resolution No. 25-16
File Name: ccpattersoncongrats

WHEREAS, Diane Patterson, a Middletown resident, has been a dog handler competing in the sport for over a decade; Diane and Cruzer, a three year old Shetland Sheepdog, named Bare Cove Keep on Cruz'n competed in the American Kennel Club's Second Annual Master's Agility Championship in February 2015 and finished in fourth place in the finals; and

WHEREAS, Diane and "Cruzer" competed at the third Annual Masters Agility Championship at Westminster in the under 16 inch height (of the jump) class in New York City; this year's competition included over 300 dogs, with 76 breeds including 26-mixed breeds; and

WHEREAS, in order to compete, the dog and its handler must achieve Master Agility Excellent ranking with qualifying scores and Master Excellent Jumpers with Weaves at the time of entry into the contest. Dogs and their handlers competed in over 3,700 contests this past year in order to qualify for the competition; and

WHEREAS, Diane, and Cruzer competed during 2015 and won the AKC Master Agility Champion title in May, 2015 and the International Agility Champion from the United Kingdom International Club in September, 2015; at the AKC World Team Tryouts in May, 2015 Diane and Cruzer took 2nd place and their success earned them a spot as an alternate on the AKC US Team for the 2015 European Open Championship; in November, 2015, they competed in the U. S. Open of Dog Agility and won First Place in the "Biathlon Championship" and a spot on the 2016 United Kingdom International U. S. Team; and

WHEREAS, at the Masters Agility Championship, each dog had to compete in two qualifying rounds: one, the Standard Agility Course and the other, Jumpers with Weaves Course. Each qualifying round is run as a "time to beat" course where the first dog and handler set the baseline time. To compete in the Championship round, the scores are combined of the actual running time of both runs plus any faults and course time faults; the ten lowest scores from each height group move to the Championship round; and

WHEREAS, each dog handler and dog must be a team and learn to communicate to move through the event that has jumps, tunnels, ramps and runs; Diane and her dog, Cruzer, must be able to communicate using voice and body signals; and

WHEREAS, Diane and Cruzer's combined timed trial was 36:26, the best time for a dog in the 16 inch and under height (of the jump) category, besting 58 competitors of various breeds.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we congratulate Diane and Cruzer on winning the 16 inch and under Agility Title from the Westminster Kennel Club; as a sport and to compete to win, the dog and handler must spend hours working together to learn to communicate and trust each other. Diane and her dogs train weekly with her coach, John Nys, as well as train in their backyard every day, year-round; and

BE IT FURTHER RESOLVED: That we recognize the hard work to achieve the title of Agility Champion and we recognize Diane's talents and efforts; her title brings recognition to Middletown and our community is proud of Diane Patterson and her dog Cruzer and we wish them good luck in their next competition in Tulsa, the 2016 AKC National Agility Championship.

The chair asks Diane Patterson to come forward with Councilman Daley. The chair states that they should have a dog at every Council meeting. Councilman Daley states former Councilman Streeter happened to be up late and saw them at the show and thought she should be recognized. He reads the resolution honoring the team of Diane Patterson and Cruzer who won first place at the AKC show for Agility for 16 inches and under. He moves to approve and states this is one of the most enjoyable actions I have undertaken on the Council. Councilwoman Kleckowski seconds the motion. The Chair states without objection the resolution is approved by acclamation. Mrs. Patterson thanks the Council. We are honored to be residents of this wonderful town and it is fun to play with your dog. We will go to Tulsa next week and win for Middletown.

B. In Memoriam, Willard McRae
(Approved)

Resolution No. 26-16
File Name: ccwillard McRaein memoriam

WHEREAS, Willard M. McRae, a former three term Common Council member, a clinical social worker, and a civic leader in Middletown died on Thursday, February 18, 2016; Willard graduated Middletown High School in 1951 and attended Central Connecticut State University where he graduated with a Bachelor’s of Science; and

WHEREAS, Willard served two years in the Navy as a chaplain’s assistant; he attended the University of Connecticut and received a Masters of Social Work and became a licensed Social Worker; he worked as a case worker for the State Welfare Department; he became Director in Middletown of that office; in 1996 he retired as the Administrative Director of the Middletown Hospital Mental Health Clinic; and

WHEREAS, he served on the Middletown Art’s Commission in its early years, trying to increase cultural opportunities for all residents and recently Willard was working with the Youth Services Coordinator on advancing juvenile justice reforms; and

WHEREAS, Willard was instrumental in establishing the Greater Middletown Community Non-Profit Housing Corporation, the Greater Middletown Negro Youth Scholarship Fund, the Governor’s Task Force Against Teenage Pregnancy; he was a founder of the Community Foundation of Middlesex County; and in later years, he and his wife established the Katherine and Willard McRae Fund that provides grants to educate children; and
WHEREAS, Willard established the Upward Bound program at Wesleyan University to help students prepare for college; that in a program he was particularly proud of; he was actively the Middlesex Child and Adolescent Service System; he worked on the 2-1-1 Social Service Referral system for the United Way; and

WHEREAS, Willard was the first African-American to serve on the Liberty Bank Board of Directors; he co-founded the Liberty Bank Foundation of Middlesex County and the ICARE program; and

WHEREAS, he received numerous honors including the diversity award started in 2001 and named after him in 2009 from the Liberty Bank Foundation; he received the Middlesex Unity Way Community Leadership Award; in 2015 he received the Community Foundation of Middlesex County's Sherry and Herb Clark Beacon of Philanthropy Award; and in 2015 he was named the Middletown Press Person of the Year; and

WHEREAS, Willard has left an eternal gift to the Middletown Community through his unsellable acts in working to improve Middletown, its culture, and the lives of its residents, especially the lives of young people. He sought out the best in people and the best for our community.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we offer our condolences to the McRae family, his wife of 53 years, Katherine Bolden McRae, his daughters Sandra McRae Bowie and Lorraine McRae, M.D., his grandchildren Morgan, Justin, Peerce and Vivian, Brother Edmund McRae and several nieces and nephews; and

BE IT FURTHER RESOLVED: That Willard was a man who could bring a diverse population together to solve difficult issues facing our residents and community. He will be sorely missed; this community needs to fill the void left by Willard McRae through selfless volunteering, devoting time to help their community to continue to grow and transform for the betterment of its citizens.

Councilman Serra comes forward and the chair asks the McRae family to come forward. Councilman Serra states Willard's wife Katherine is not feeling well. He introduces his brother Ed. He reads the resolution to honor him in memoriam. Councilman Serra moves the resolution for approval and is seconded by Councilman Giuliano seconds. The Chair states without objection, the matter is approved by acclamation. Councilman Serra states there were individuals on the Council we looked up to and one was Willard McRae. He gave advice to Gerry and me and gave it to us recently. He was a very wise man and you have a great loss and we are aware of it and we want you to be aware too. Mr. McRae thanks the Council on behalf of the McCrae family. Councilman Faulkner states he enjoyed the limited time he had with Willard; this resolution was written very well and covered a lot of things. I communicated to the family and wanted to highlight key words like first, established, founder, licensed. He had his education and used it well. Some other words served, increased, not leaving things status quo, the other word is culture and left; he left a lot for us to live up to and a lot for us to carry on. The other thing I wanted to mention was he was the old guard. They were very talented and used their talents in a lot of ways. One thing he thought about is Nat King Cole; he was not only a great singer, but a pianist. Fred Astaire was a great dancer, but he was a drummer. We really appreciate them. My condolences to the family; he was a great man and the resolution says it all. Councilman Daley states he would be remiss if he didn't comment. I was the Mayor's administrative assistant in 78 and 79 and that was during the time he was on the Council. I got to know him pretty well; he was on the republican side of the aisle. It was not uncommon to draw on some great people, and Willard stood out; he was never partisan and he always put the city first. Through my job in the Mayor's Office, I had a lot of contact; he was the Director of a mental health at the hospital. He would interact with me with that. He was always trying to do good for people and what amazes him is when we ran into each other, he was far more active and contributed to the community than I could ever do. Willard set a great example. As I got older, I always found him to be a good advice because his values were so good and helped guide him. He will be missed in this community. It is a great family and a great man. Councilwoman Kleckowski states she is a product of Willard's legacy as a graduate of the Upward bound program and I worked for the program. The legacy he made for first generations low income students will resonate for a long time. I thank Willard for founding the Upward Bound program and the legacy he has left for children that are educated and bringing it back to their families is a true legacy. Councilman Nocera states as a teacher and principal to four schools, he worked with Willard since the 1970's and what a tremendous influence he was for our schools. He was a transformational leader. He worked tirelessly on committees for the Board of Education. He helped improve our schools through the Civil Rights era. I believe as a product of the public schools and working with him, we could not be where we are today and I thank him. Councilman Giuliano states he met Willard back in 1978; he had just passed the bar and down the hall from my office, every Friday afternoon there would be Willard and Dean Ackermann from Wesleyan and I was allowed to hang out with them. To listen to his wisdom and the common sense approach to the community was enlightening. To not have him here to tap him for advice we will feel that and our condolences go with you. Councilman Santangelo states you heard the kind of man he was and his personal experience was as a counselor at the hospital and he came and found me. He had a lot of wisdom and mentored me at the hospital. If you needed advice or wisdom, he was the man to go to. He affected everyone in Middletown whether new here or you were here all your life. That was a rare man. The McRae family was highly respected and did a lot for the community. I am proud to say I knew Willard McRae. The Chair thanks Willard for his contributions to the nation, state, and city and it will last for many, many years. The effects of his works are all around us in what we see and what we can't see; his work will continue. The impact of your entire family and the service they gave to the community is a great legacy. We should honor this legacy.

C. Introduction to Matt Poland, Russell Library Director
The chair asks Geen Thazhampallath, Russell Library Board Chair and Matt Poland, Russell Library's new director to come forward. Mr. Thazhampallath states it is hard to follow a presentation like that. It impresses him about the work we do and the care we have for Middletown. I am proud to introduce Matt to you; he comes from the Hartford Public Library. Art is retiring and the Library has the task of moving the institution into the future. We face challenges and we want to modernize the library and meet national and regional standards. We thank you for your support, but the foot print has been shrinking. Positioning the library for refurbishment and how we define a public library is changing. Our search led us to Matt and they are most proud to offer you his background in urban settings. He can address all segments of the population. He introduces Mr. Poland. Mr. Poland is delighted to be in Middletown and lead Russell Library which is considered to be one of the best libraries in the State. Public Libraries in urban settings are places where people gain access for information; it is an extension of schools, after schools; it is a place to explore public health and a place where people can find and learn about themselves to get better jobs. There is a great divide between people who have money to get resources and people who don't. It can be seen with access to technology. Civic engagement will become important. It will be a place where all people in Middletown have an opportunity like no other. He is delighted to be here to build a library for the 21st century and hopes to build one that will be a model for libraries across the country. The Chair welcomes him.

4. Mayor requests motions to approve minutes of:

The minutes 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, the Chair requests a motion to approve the minutes of February 1, 2016 at 7 p.m., Special meeting minutes of February 1, 2016 at 6 p.m. and February 22, 2016 at 7 p.m.

Motion to Amend
Councilman Faulkner has changes on the February 1, 2016 at 7 p.m. He corrects the names of two people on his talk one is Bill Foster and the name is misspelled, it is without an R and the proprietor of Styles the name is Quana Aikens. Councilwoman Serra moves to make the changes and Councilwoman Kleckowski seconds to amend. The vote is unanimous to amend the minutes.


5. Public Hearing opens on Agenda items (including Bond Ordinance Amendment).

The Chair opens the public hearing at 7:40 p.m.

John Hall addresses the ordinance for Compete Streets. He is here as chair of complete streets committee. He is a resident of Portland and here to address 7A and 10F. We have heard a lot about Willard and the library about the changing world and community. We have a greater need and appreciation to have a place to walk and a place to bicycle. 30% of people in CT don't have a driver's license and have needs to get around and use our streets and need sidewalks to get around. We want to encourage children to bike or walk to school. The complete streets committee was formed in early 2012 and formed a plan in 2014 and brought to the Council for acceptance. It was incorporated into the plan of conservation and development. I have spoken with many of you about this. I am delighted with the widespread support. What the ordinance will do is build in the planning process for bicycling and pedestrian. It is a process we are formalizing. We have a lot of things going on including a multi-use trail from Wesleyan hills to the university. We have a grant to extend bicycle trail to downtown from Tuttle street and sidewalks for Saybrook Road. They want to continue this work and number have come to express their support for the ordinance. He has them stand. Item 7A is an appropriation to develop some display materials to explain what complete streets are at various events. Thank you for your support.

Monica Belyea states she is in favor of the complete streets ordinance 10F; people pay for the walkability and transportation for the city. Hopes the council will vote for this.

Phil Ouellette owns Eli Canon and the official Sherpa for Nora Cupcake company and speaks in favor of them moving to Remington Rand. The demand was quickly outgrowing the demand for her product and she found property in New Britain and Hartford and I told her the base camp has to be in Middletown. They reached out and found space at Remington Rand. 24 years, I asked for a reinvest loan of 15,000 and it was approved and paid back and we paid back more in good will and job opportunities. What we did will pale in comparison to NoRa cupcake.
Carrie Prella, owner of NORA Cupcake Company, states we have quadrupled business and a lot of opportunities have come our way and we would like to continue to say yes to all the opportunities and we have 200 square feet at the Main Street and it will be the flagship store; the sales on weekend are mostly out of town. What we need is kitchen space and after seeing Remington Rand, it will fit all of our needs and move the bakery operations there. Chair congrats.

6. **Public Hearing Closes.**

The chair, seeing no further members wishing to address the Council, closes the public hearing at 7:49 p.m.

7. **Mayor requests Council Clerk to read appropriation and bond ordinance requests and the Certificate of Director of Finance.**

The Chair requests the clerk to read the appropriation notices and Certificate of the Director of Finance.

**Appropriation and Bond Notices**
A. Mayor's Office $500, Account No. 1000-27000-59223-0010, Display Materials, Complete Streets, General Fund.  
(Approved)

Councilman Carl R. Chisem reads and moves for approval the Mayor's Office appropriation for $500, Account No. 1000-27000-59223-0010, Display Materials, Complete Streets General Fund. Councilman Gerald E. Daley seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

B. Information Tech $31,640, Account No. 1000-03500-55810, General Technology, 
Maintenance and Improvement, General Fund.  
(Approved)

Councilman Grady L. Faulkner, Jr. reads and moves for approval the Information Technology Office appropriation for $31,640, Account No. 1000-03500-55810, General Technology,
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Maintenance and Improvement, General Fund. Councilman Thomas J. Serra seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

C. Planning, Conservation and Development $3,277.80, Account No. 1000-27000-59222, Wesleyan Hills Multi-use Trail, General Fund. (Approved)


D. Planning, Conservation and Development $1,000, Account No. 1000-27000-55409, Demolition of Wadsworth Street Houses, General Fund. (Approved)

Councilman Robert P. Santangelo reads and moves for approval the Planning, Conservation and Development Appropriation request for $1,000, Account No. 1000-27000-55409, Demolition of Wadsworth Street Houses, General Fund. Councilwoman Deborah A. Kleckowski seconds the motion.

Councilman Faulkner asks if the State should be paying us. The Chair states Councilman Blanchard helped us and the neighborhood has to contend with some difficult situation. There was a deed restriction that had to be lifted and it took a long time. He thanks several people and it is why it came to pass and rectify a problem in the neighborhood. Councilwoman Daley we have been grappling with this for six or seven years. They have had tremendous resistance from the state. There was a time when the house could have been used but they are in such disrepair, they cannot be used. It is unfortunate that the city has to spend money to demolish them but these buildings pose an attractive nuisance and demolishing them will enhance the neighborhood and protect the financial nature of the city.

The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

E. Planning, Conservation and Development $90,000, Account No. 1000-27000-55409, Demolition of Wadsworth Street Houses, General Fund. (Approved)


The chair thanks the entire Council on their efforts and thanks the Legal and Planning Departments as well; it was a team effort that got us here and thank you all.

F. Public Works $10,000, Account No. 1000-22000-55185-0229, Building and Grounds, Contractual, General Fund. (Approved)

Councilman Eugene P. Nocera reads and moves for approval the Public Works $10,000 appropriation, Account No. 1000-22000-55185-0229, Building and Grounds, Contractual, General
Fund. Councilman Robert P. Santangelo seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

G. Town Clerk $5,100, Account No. 1000-04000-52195, Elections, General Fund. (Approved)

Councilwoman Mary A. Bartolotta reads and moves for approval the Town Clerk's Office appropriation request of $5,100, Account No. 1000-04000-52195, Elections, General Fund. Councilman Robert P. Santangelo seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

H. Board of Ed $20,000 Account No. 1000-35100-59500, Cap. Expense: CNR Contribution, General Fund. (Approved)

Councilman Thomas J. Serra reads and moves for approval the Board of Education request for $20,000 Account No. 1000-35100-59500, Cap. Expense: CNR Contribution, General Fund. Councilman Robert P. Santangelo seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

I. General Counsel $9,400 Account No. 1000-27000-55219-0050, HR Management/Software, General Fund. (Defeated)

Councilwoman Mary A. Bartolotta reads and moves for approval General Counsel appropriation of $9,400 Account No. 1000-27000-55219-0050, HR Management/Software, General Fund. Councilman Robert P. Santangelo seconds the motion. Councilwoman Bartolotta would like to table this or vote it down; at Finance and Government there were still questions that need to be answered and will address it at a later date. Bartolotta asks to vote no.

The chair calls for the vote. It is 0 aye votes by None; 11 nay votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia and 1 absent by Councilman Philip J. Pessina. The Chair states the matter failed with 0 affirmative votes, 11 in opposition and 1 absent.

J. AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING $450,000 FOR THE REPLACEMENT OF THE KEIGWIN MIDDLE SCHOOL PARKING LOT AND AUTHORIZING THE ISSUE OF $450,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE TO INCLUDE PHASE II SECURITY EQUIPMENT AT WOODROW WILSON MIDDLE SCHOOL WITHIN SUCH APPROPRIATION AND BOND AUTHORIZATION (Approved)

Ordinance No. 04-16 File Name Middletown – Amendment to bond Ordinance WHEREAS, on June 4, 2012, the Common Council of the City of Middletown, Connecticut (the “City”) approved a bond ordinance entitled: “AN ORDINANCE APPROPRIATING $450,000 FOR THE REPLACEMENT OF THE KEIGWIN MIDDLE SCHOOL PARKING LOT AND AUTHORIZING THE ISSUE OF $450,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE” (the “Original Bond Ordinance”);

WHEREAS, the Original Bond Ordinance appropriated $450,000 for the planning, engineering, reconstruction, and site work associated with the replacement of the Keigwin Middle School parking lot, as well as engineering, architectural, inspection, site work, landscaping, marking, signage, legal, administrative and financing costs (hereafter, the “Keigwin Project”);

WHEREAS, the Keigwin Project was completed in June, 2015, and there remains from the original appropriation and bond authorization funds that are unspent and unissued;
WHEREAS, as a result, the Common Council now desires to amend the Original Bond Ordinance by reallocating $57,000 of the unused appropriation and unissued bond authorization from the Keigwin Project for the purchase and installation of Phase II security equipment at Woodrow Wilson Middle School; and

WHEREAS, the Original Bond Ordinance shall be amended, restated and replaced by Sections 1 through 14 below.

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, CONNECTICUT APPROVES THE FOLLOWING:

Section 1. The sum of $450,000 is hereby appropriated for (i) the replacement of the Keigwin Middle School Parking Lot, including, without limitation, reconstruction of South Parking Lot, reconstruction of North Access Road, replacement of concrete and bituminous sidewalks and curbs on the South Side, and related parking and paving improvements, and (ii) the purchase and installation of Phase II security equipment at Woodrow Wilson Middle School (in an amount not to exceed $57,000), including for (i) and (ii) above, without limitation, engineering, architectural, site work, landscaping, marking, purchasing, planning and installation related charges, and for legal, administrative, consulting and financing costs as may be accomplished within said appropriation and bond authorization (hereafter the “Project”).

Section 2. The expected useful life of the Project is in excess of twenty (20) years. The total estimated cost of the Project is $542,000 and approximately $92,000 of the Phase II security equipment is expected to be paid through a state grant which shall be appropriated to the Project by the Common Council upon the City’s receipt.

Section 3. To meet said appropriation $450,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth (20th) year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer. The bonds shall be issued in an amount necessary to meet the City’s share of Project costs determined after considering the estimated costs of the Project and will provide such funds as may be sufficient for the principal and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of $1,000 and the whole multiple of $1,000, or the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company designated by the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear interest at a rate or rates determined by the Mayor and the City Treasurer, be issued in bearer form or in registered form, be authorized to be paid from property taxation and to be deposited with a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall be legal or legal and in the discretion of the Mayor and the City Treasurer, be legal or legal and in the discretion of the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel.

Section 4. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. If the bonds are sold by negotiation the purchase contract shall be approved by the Mayor and City Treasurer.

Section 5. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer pursuant to the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, and may be issued at a discount or at a premium (whether fixed or floating) as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City is pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds of each series, the annual installments of principal, maturity dates, prices, redemption provisions, if any, time of issue and sale, and other terms, details and particulars of such bonds, including the terms of any reserve that might be established as authorized herein, shall be determined by the Mayor and the City Treasurer in the best interests of the City and in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 6. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, as may be approved and executed by the Mayor and the City Treasurer, and enter into agreements modifying interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council.

Section 7. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund future debt service payments on such bonds or notes or to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 8. In order to meet the capital cash flow expenditure needs of the City, the Director of Finance, with notice to and advice from the Mayor and the City Treasurer, is authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes Project herein authorized.

Section 9. The issuance of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the “Debt Statement” attached hereto.
Section 10. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 11. The Mayor, the City Treasurer and the Director of Finance are each hereby authorized to apply for and accept any available State or Federal grant in aid of the financing of the Project, and to take all action necessary or proper in connection therewith.

Section 12. The City hereby expresses its official intent pursuant to 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid 60 days prior to and after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations authorized to be issued by the City. Such obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date as the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of any such reimbursement obligations, and to amend this declaration.

Section 13. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 14. This ordinance shall become effective fifteen days after its publication in a newspaper of general circulation in the City pursuant to Section 5 of the City Charter.

DEBT STATEMENT
December 31, 2015
CITY OF MIDDLETOWN, CONNECTICUT

ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")

| Fiscal Year Ended June 30, 2015 | 121,572,543 |

BORROWING CAPACITY FOR EACH CLASS

| CLASS | 2-1/4 times base for General Purposes | 273,538,222 |
| | 4-1/2 times base for Schools | 547,076,444 |
| | 3-3/4 times base for Sewers | 455,897,036 |
| | 3-1/4 times base for Urban Renewal | 395,110,765 |
| | 3 times base for Unfunded Past Benefit Obligations | 364,717,629 |

MAXIMUM AGGREGATE BORROWING CAPACITY

| | 851,007,801 |

INDEBTEDNESS BONDS AND NOTES:

| GENERAL PURPOSES | 58,252,645 |
| SCHOOLS | 13,186,380 |
| SEWERS | 5,697,700 |
| URBAN RENEWAL | - |
| UNFUNDED PAST BENEFIT OBLIGATIONS | - |

BONDS AND NOTES AUTHORIZED BUT UNISSUED:

| GENERAL PURPOSES | 60,186,270 |
| SCHOOLS | 834,000 |
| SEWERS | 26,596,730 |
| URBAN RENEWAL | - |
| UNFUNDED PAST BENEFIT OBLIGATIONS | - |

CLEAN WATER FUND LOANS:

| SEWERS | 4,826,382 |

SUB-TOTAL INDEBTEDNESS

| 169,580,107 |

LESS FEDERAL AND STATE OF CONNECTICUT BUILDING GRANTS, COMMITMENTS AND RECEIVABLES:

| GENERAL PURPOSE | - |
| SCHOOLS | - |
| SEWERS | - |
| URBAN RENEWAL | - |

TOTAL DEDUCTIONS

| 169,580,107 |

NET INDEBTEDNESS

| 169,580,107 |

BALANCE OF BORROWING CAPACITY FOR EACH CLASS:

| GENERAL PURPOSE | 155,099,307 |
| SCHOOLS | 533,056,064 |
| SEWERS | 418,776,224 |
| URBAN RENEWAL | 395,110,765 |
| UNFUNDED PAST BENEFIT OBLIGATIONS | 364,717,629 |

BALANCE OF MAXIMUM AGGREGATE BORROWING CAPACITY AVAILABLE

| 681,427,694 |

Councilman Blanchard reads the bond ordinance amending the bond ordinance; Councilman Giuliano moves to waive the reading of the rest of the document; Councilwoman Kleckowski seconds the motion. The Chair calls for the vote and it is unanimous to waive the reading with eleven affirmative votes and Councilman Pessina absent.
Councilman Robert Blanchard moves for approval An Ordinance Amending An Ordinance Appropriating $450,000 For The Replacement Of The Keigwin Middle School Parking Lot And Authorizing The Issue Of $450,000 Bonds Of The City To Meet Said Appropriation And Pending Issuance Thereof The Making Of Temporary Borrowings For Such Purpose To Include Phase Ii Security Equipment At Woodrow Wilson Middle School Within Such Appropriation And Bond Authorization. Councilman Robert P. Santangelo seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

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

A. City Clerk’s Certificate
(Approved)

B. Monthly Reports:
Finance Department - Transfer Report to February 24, 2016
(Approved)
C. Grant Confirmation and Approval - Board of Education, Various Grants (Approved)

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

<table>
<thead>
<tr>
<th>Grant Number:</th>
<th>252</th>
<th>Date of Request:</th>
<th>2/18/2016</th>
</tr>
</thead>
</table>

**Amount Requested:** $1,619,861.91

| Code: | 2450-33900-89405-X-03025 |

**Grant Period:** From: 7/1/2016 To: 6/30/2016

**Rev Code:** 2450-33900-89405-X-X

**Type of Grant:**

| 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. Failure to abide by any Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing being required and said funds may then be expended for the purpose or purposes for which they were granted.

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

- **0001 - Title I Improvements Program:** Public School $1,619,861.91
- **2011 - Title I Improvements Program:** Public School $1,619,861.91
- **3001 - Title III, Part A, Improvements:** Public School $1,619,861.91
- **4001 - Title IV, Part A, Improvements:** Public School $1,619,861.91
- **5001 - Title V, Part A, Improvements:** Public School $1,619,861.91
- **6001 - Title VI, Part A, Improvements:** Public School $1,619,861.91
- **7001 - Title VII, Part A, Improvements:** Public School $1,619,861.91

**Signature:**

Requested by: Patricia Charles, E.D.D.

| Status: |

| Status Date: |
### D. Grant Confirmation and Approval - Board of Education, WWMS Security Phase 2 (Approved)

<table>
<thead>
<tr>
<th>Grant Number:</th>
<th>255</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Request:</td>
<td>2/18/2016</td>
</tr>
</tbody>
</table>

#### Grant Details:
- **Name of Grant:** Woodrow Wilson Security Grant Phase 2
- **Department Administering Grant:** Middletown Board of Education

When any department, commission, office, or agency is the recipient of any federal, state, or other grant administered for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Moreover, the Board of Education shall, upon request of the Common Council, or at any other regular or special meetings of the Common Council, authorizing any other Charter provision, the author of the Common Council in conferring and approving such transfer shall be required and such funds may then be expended for the purposes or which they were granted.

#### Description of Services

**Board of Education portion of the WWMS Security Grant Phase 2 in anticipation of State Appropriation: $115,000.**

**Signature:** [Signature]

**Requested by:** Patricia Charles, ED.5.

**Status:**

**Status Date:**

### E. Grant Confirmation and Approval - Health Dept., Kids Health and Safety (Approved)

<table>
<thead>
<tr>
<th>Grant Number:</th>
<th>251</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Request:</td>
<td>2/18/2016</td>
</tr>
</tbody>
</table>

#### Grant Details:
- **Name of Grant:** Kids Health and Safety
- **Type of Grant:** Local
- **Amount Requested:** $5,000.00
- **Department Administering Grant:** Health

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. Moreover, the Board of Education shall, upon request of the Common Council, or at any other regular or special meetings of the Common Council, authorizing any other Charter provision, the author of the Common Council in conferring and approving such transfer shall be required and such funds may then be expended for the purposes for which they were granted.

#### Description of Services

**Middletown Kids Health & Safety Dec: to offer education information about wellness, interactive booths, health screenings, child identification, etc.** Middletown Physicians $2,900.

**Signature:** [Signature]

**Requested by:** [Name]

**Status:**

**Status Date:**
F. Grant Confirmation and Approval - Planning Conservation and Development, Wesleyan Hills to Wesleyan University Multi-use Trail, First Supplemental (Approved)

G. Grant Confirmation and Approval - Planning, Conservation, and Dev., Wesleyan University Multi-Use Trail Decrease in grant (Approved)
H. Grant Confirmation and Approval - Mayor's Office, School Readiness

(Approved)

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

| Grant Number: | 254 |
| Amount Requested: | $40,106.00 |
| Code: | TAC-3000-5260-0-000-08-2016 |
| Grant Period: From: | 7/1/2016 |
| To: | 6/30/2017 |
| Rev Code: | TAC-3000-08-0-000-12-2016 |
| Type of Grant: | State |
| Amount Lounced from General Fund: | $40,106.00 |

Department Administering Grant: Mayor's Office/Superintendent of Schools

A. 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 to which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled session of the Common Council in writing without any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing therefor shall be required and said funds may then be expended for the purposes for which they were granted.

B. Description of services to be provided by this Grant:

The State recently notified the City of additional funding for Middletown's School Readiness Programs.

C. Signature:

D. Requested by: Mayor Daniel T. Drew

I. Notification of authorization of payment re: Mattabassett Project

(Approved)

From: Norwood, Marie
To: Smith, Brig
Subject: Authorization

Dear Mr. Smith,

Please find attached the 3/11/18 "authorization communication" between Briga Smith and Carl Einbach re: the Department, Comm. Resis, Commission Reports and Grant Confirmation Approval Section of the 3/11/18 Council Agenda.

Thanks,

Tom

From: "Carl Einbach" <Carl.Einbach@MiddletownCT.Gov>
Sent: Friday, February 12, 2016 5:10:20 PM
Subject: FW: Authorization

Brig:

Confirmed as to the undisputed $76,000 in order to avoid the work stoppage threatened over the weekend.

Thanks,

Brig
J. General Counsel Office - Legal Opinion, Building Committee for Parks Bond (Accepted)

FORMAL OPINION
FROM THE OFFICE OF THE GENERAL COUNSEL
TO: MAYOR DANIEL L. BURGO
FROM: BRIG SMITH, GENERAL COUNSEL
CC: COMMON COUNCIL
JOSEPH SAMPOLIS, COMMISSIONER OF PLANNING, ZONING AND ECONOMIC DEVELOPMENT
BILL KUSO, DIRECTOR, PUBLIC WORKS AND RECREATION AND COMMUNITY SERVICES
OGC PERSONNEL
DATE: JANUARY 29, 2016
RE: BUILDING COMMITTEE REQUIREMENT FOR PARK BOND AUTHORIZATION

BACKGROUND

At its September 2, 2015 meeting, the Common Council approved "an ordinance appropriating $33,650,000 for the redevelopment, renovation, replacement, reconstruction, construction and improvements at athletic fields, parks and trails city-wide and authorizing the issue of $33,650,000 bonds of the City to meet said appropriation..." Exhibit A. This was an amended bond ordinance that lowered the original appropriation of $36,950,000 approved at the August 24, 2015 Council Meeting. The original appropriation was met with opposition, as the bond issuance would have authorized specific field turf, while many felt it should only authorize natural grass fields. The bond amount was lowered to $33,650,000 and the ordinance was amended to reflect that fields would be natural grass, rather than synthetic field turf. The bond issuance was approved by the voters in the November 3, 2015 General Election.

The time has come to implement some of the envisioned improvements and spend some of the authorized money. Two questions have arisen: (1) must a building committee be appointed to oversee expenditures of this bond money and, if so, (2) can the building committee be comprised of an existing Common Council committee like the Public Works Commission. This formal opinion answers both questions.

QUESTIONS PRESENTED

I. Must a building committee be appointed to oversee spending of the $33,650,000 bond issuance for the improvement of athletic fields, parks, and trails city-wide?

II. If so, can an existing Common Council committee like the Public Works Commission serve as the building committee?

SHORT ANSWER

I. Yes. The park bond is an "essential" bond and authorizes a multitude of various projects city-wide, rather than a single large project for which a building committee would be required. In this respect, it is like other large "member" bond authorizations, including road bonds, which provide for a line of improvements and have not used building committee to oversee those.

II. Yes, not only for small projects and with budgetary reimbursement. Again, no building committees are required. In this case, if required, it would need to mirror the language of the Building Committee Ordinance, 16-2, which specifies the number of votes of members that must be appointed with National Association and Council confirmation. Per project, under $100,000, the Mayor may, but is not required to, designate an existing Common Council committee. That ordinance does not prohibit a single council member to form a budget advisory committee, either, but again this would be the opinion of the Mayor.

ANALYSIS

I. A BUILDING COMMITTEE IS NOT REQUIRED FOR ANY "OPINION" BOND AUTHORIZATION.

A. The Parks Bond Ordinance

The actual authorizing language of the bond ordnance fills a whole host of potential improvements Citywide, with an approved gross of execution as in field names, stores, and locations.

Section 1. The sum of $33,650,000 is hereby appropriated for redevelopment, renovation, replacement, reconstruction, construction and improvements in the City of Milwaukee for the following projects: Public Schools, City Parks, City Trails, City Schools, City Streets, City Parking, City Near West Side Business Improvement District, 3rd Ward Community Redevelopment, Northside Community Redevelopment, West Side Community Redevelopment, Southside Community Redevelopment, and the City of Milwaukee Public Works Commission and their successors and assigns.

2. If so, can an existing Common Council committee like the Public Works Commission serve as the building committee?
The Building Committee Ordinance

The Building Committee Ordinance sets forth the trigger for appointing a building committee for a project involving membership on the committee. It provides the following:

§ 14-23. Appointment.

Building committee for any City project having a total cost of over $500,000 shall be appointed by the Mayor with the consent of the Common Council for all such projects, including the construction or renovation of buildings. Separate building committees shall be appointed for each such project, and said committees shall terminate upon completion of the project, or sooner upon a recommendation of the Mayor and approved by the Common Council.


A. All such building committees shall consist of not fewer than five nor more than 11 members, all of whom shall be electors of the City, including the following representatives:

1. Not less than one member with experience in building renovation.
2. Not fewer than two members with expertise in construction.
3. Not less than one member with experience in business and finance.
4. Not less than one member representing the City's Committee Concerning People with Disabilities (COCPD).
5. For school projects, not less than one member representing the Board of Education.
6. For projects in the City, not less than one member who is a certified teacher within the Middlesex school system.
7. Three council members, one authority, two majority (school projects).
8. One member of the public.

B. For projects having a total cost of less than $500,000 the Mayor may, with the consent of the Common Council, delegate an existing committee, committeee or board to serve as the building committee.


Such building committees shall:

A. Oversee the progress and completion of all projects assigned to them by the City of Middlesex.
B. Review and approve the payment, where warranted, all bills and obligations of the project.
C. Make recommendations concerning said building projects to the Mayor and Common Council.
The distinction between single-issue and omnibus bond ordinances holds true based on past practice, particularly with respect to parks. Ordinance 35 of 1999 appropriated $4,000,000 for the Tommie J. Smith Memorial Park, Exhibit B. In coordination with this bond ordinance, Resolution No. 16 was passed requesting appointment of a building committee with the power of nomination and Council confirmation. Exhibit C. On September 2, 2013 park bond ordinance was a single-issue, rather than omnibus, authorization, the same rule would apply.

II. COUNCILMANIC COMMITTEES CAN SERVE AS BUILDING COMMITTEES FOR PROJECTS UNDER $500,000 WITH MAYORAL NOMINATION AND COUNCIL CONFIRMATION.

Again, no building committee is required for the September 2, 2013 bond ordinance, but if one were required, it would need to be created in accordance with the Building Committee Ordinance, 34-22. Under that ordinance, "for projects having a total cost of less than $500,000 the Mayor may, with the consent of the Council, designate an existing committee, committee of board, or Board to serve as the building committee." Note that the $500,000 threshold was added, without debate and unanimously, in Ordinance No. 3 of 1997. The Council must determine the various amendments to the Building Committee Ordinance over the years are attached as Exhibit D.

CONCLUSION

The Building Committee Ordinance, as written and as applied to past practice, does not require building committees for "ordinary" bond authorizations. The ordinance, however, would benefit from being revised and updated to better reflect the City's current needs. The Office of the General Counsel recommends that a revision be prepared to that end, and we remain ready, willing, and able to assist in that regard.
Exhibit A
March 7, 2016
REGULAR COMMON COUNCIL MEETING

Exhibit C
November 4, 2015
CENSUS COUNTY, COLORADO

REGULAR COMMON COUNCIL MEETING
Page 2

A. Regular

V. A. The Mayor made and issues for approval agenda Item 14.9. The
item is presented to Council for review. Item is deferred. The item is
reported as amended and is approved as amended and as adopted by
amendment to item 14.9.

December 2, 2015
CENSUS COUNTY, COLORADO

REGULAR COMMON COUNCIL MEETING
Page 3

A. Regular

V. A. The Mayor made and issues for approval agenda Item 14.9. The
item is presented to Council for review. Item is deferred. The item is
reported as amended and is approved as amended and as adopted by
amendment to item 14.9.
MEMORANDUM

From: Councilman Sebastian N. Giuliano

To: Common Council
Bing Smith, City Attorney
Joseph Sancillo, Administrative Assistant to the Mayor

I have reviewed Formal Opinion No. 2016-01, dated January 29, 2016, regarding the “building committee requirement for park bond authorization” [sic]. Two questions are addressed, i.e.,

(1) Must a building committee be appointed to oversee spending of the $33,650,000 bond issuance for “athletic fields, parks and trails citywide,” and,

(2) If so, can an existing Recreational Commission, like the Public Works Commission, serve as the building committee?

The second question is the simpler of the two. In short, I agree with the analysis to the extent it states that the provisions of the Building Committee Ordinance (14-23) control. I do not, however, agree with the conclusion that no building committee is required, which brings me to the first question and the opinion rendered as an answer thereto.

The opinion concludes that no building committee of any sort is required, because the park bond is an “essential” ordinance that includes funding for “a multitude of various projects citywide,” rather than a single large project for which a building committee would be required. I cannot find any law to support such a conclusion. There is nothing in the City Charter or Code of Ordinances that would lead me to such a conclusion, nor do I find support therein in either state or federal law.

I will begin with the Building Committee Ordinance itself. Without setting its provisions out verbatim, suffice it to say that it does not, by its express language, carve out an exception for the “essential” bond ordinances. In fact, it does not refer to bond ordinances at all.

The current iteration of Ordinance 14-23 was adopted by the Common Council on December 5, 2005. Neither it nor any earlier version refers to bond ordinances of any sort, much less anything known as an “essential bond ordinance.” The requirement for a building committee extends to “any city project having a total cost of over $50,000;” the funding source or sources for such project or projects is immaterial to the requirement.

The Formal Opinion improperly associates bond ordinances with the Building Committee Ordinance when, in reality, they are completely unlinked. A bond ordinance is an authorization to borrow and repay money. It defines what the borrowed funds may be expended for. Its existence is not a condition precedent to the applicability of the Building Committee Ordinance. Whether city projects are funded by borrowing money, appropriating money from the Fund Balance, adopting a budget that includes project costs, as using Local Capital Improvement (LCIP) Funds, any city project coming under the Building Committee Ordinance will be subject to the ordinary requirements of the Building Committee Ordinance.

A rationale has been offered for the opinion that the building committee requirement is avoided by an “essential” bond ordinance by analogizing the parks bond to a bond to build roads, which constantly cover multiple roads throughout the city. Such a conclusion fails on a number of grounds. First, as has been previously stated, there is no foundation in law for the existence of such a thing, let alone the granting of a privileged status vis-à-vis the Building Committee Ordinance. If anything, the depreciation of building committee for road work (or water/wastewater work) is a generally recognized exception that makes sense. In the Opinion note, the OJP’s correct role of statutory (and ordinance) construtor is noted. That ordinance should state the need . . . in such a way as to avoid absurd or unworkable results . . . . So granting a building committee for road work would produce such an absurd result. Roads are improperly to be established specifications and the work necessary to bring that about is narrowly defined. It is difficult to conceive of what would be significantly different between one mile of road and another. The work that the city does pursuant to road bonds is so different this year than it was two years ago and will likely be no different from that which it will do next year from now. For this reason, the city’s Purchasing Ordinance provides sufficient precautions for the public interest and there are no meaningful duties for a building committee to perform in such situations.

Second, and just as absurd a result is the conclusion that states that, had such of the parks improvements aggregated in the Parks Bond been the subject of a separate ordinance, building committees would have been required for each one of them but, in all of them has been lumped together in one bond ordinance, the requirement can be dispensed with altogether. Again, and of the risk of building redundancies in the construction of a building committee for every city project, the Opinion does not address. The requirement for a building committee extends to “any city project having a total cost of over $50,000;” the funding source or sources for such project or projects is immaterial to the requirement.

In sum, these projects will likely affect the land of the parks and will likely be a subject of the Building Committee Ordinance. If so, the building committee requirement will be statutorily required. If not, the building committee requirement need not apply. Therefore, I cannot agree with the notion of a building committee for the roads bond, which is based on an unsupported assumption of redundancy for the building committee requirement. I cannot agree with the notion of a building committee for the parks bond, which is based on an unsupported assumption of redundancy for the building committee requirement.
K. Clean Energy Task Force Draft Minutes - Greenskies Recommendations (Accepted)
K.  Clean Energy Task Force Draft Minutes - Greenskies Recommendations (Accepted)

C.E.T.F. Minutes

January 26, 2016

Odry Daise moved the Clean Energy Task Force recommends that the Greenskies solar power purchase agreement at the Hiwyer Water Treatment site be amended as follows in order to be acceptable to the City of Middletown: The Clean Energy Task Force offers the following suggestions with regard to the Greenskies solar power purchase agreement at the Hiwyer Water Treatment site:

A. The project's construction costs be reduced by minimizing the transmission line between the solar panels and the facility tie-in by changing the location of the proposed system on the site, or reconfiguring the transmission line (such as above the ground routing);

B. The reduced construction costs be reflected in the price proposal such that the escalation rate of future electricity does not exceed 2% per year for the 20-year period.

C. The 2008 share granted to the City of Middletown be adjusted upward such that the 20-year costs of the project are commensurate with the costs of not installing the system; and

D. If possible, the City of Middletown be protected from lost savings associated with falling energy costs.

The motion was seconded by Angie DiFusco. The motion was approved unanimously.

Odry Daise left the meeting at 1:05.

2. Meeting Location for Evening Meeting

After some discussion it was determined that the next meeting, once per quarter, would be held in room B-19 of City Hall.

2. LEED Certification

There was some discussion as to the benefit of obtaining LEED certification to new construction. It was suggested that it adds 10-20% cost to the project. It was reported that the Senior Center rehabilitation design was completed using LEED and was successful.

Michael Steve said that LEED should be used on a case by case basis and not every project would lend itself to benefitting from this process.

3. Middletown Energy Plan

Dimitri D'Alenino to convene sub-committee to review and update the plan.

5. New Business

None

The meeting adjourned at 1:24 PM. The next regular meeting is scheduled for Wednesday, March 26, 2016, to be held in Room B-19 of the Municipal Building at 7:00 PM.

Submitted for approval by:

Christopher M. Holden, PE
Deputy Director of Public Works

L. Grant Confirmation and Approval - Town Clerk’s Office, Historical Document Preservation (Approved)

CITY OF MIDDLETOWN
540 HUDSON STREET
MIDDLETOWN, CONNECTICUT 06457

REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL OF THE FOLLOWING GRANT

<table>
<thead>
<tr>
<th>Grant Number:</th>
<th>205</th>
</tr>
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<tbody>
<tr>
<td>Date of Request:</td>
<td>2/20/2016</td>
</tr>
<tr>
<td>Amount:</td>
<td>$30,000</td>
</tr>
<tr>
<td>Department:</td>
<td>Town Clerk's Office</td>
</tr>
</tbody>
</table>

When any department, commission, office or agency in the Town of any federal, state or other grant (or for specific projects) is authorized to use federal funds or any monies in a manner for the benefit of which has already been provided by such grant, this grant is to be considered as having been made for such purpose and that the expenditure of such funds is in accordance with the provisions of this grant. The Town Clerk shall be responsible for the proper use of the funds for which this grant is provided.

Approved by:
Councilman Serra states relative to 8I, the payment for the bill for the Mattabassett project, the request was that all payments come through the commission because our understanding of the commission is that they have the authority to pay the bills and it was circumvented; there was a discussion during questions to directors and in the future hopefully the chairman will at least be notified if bills are paid. The second item is 8J, the legal opinion on the parks from the City Attorney. With the parks bond and the intent of the Council for the bond is the entire implementation of the bond ordinance. It was never the intent. The Council had available to it, for some time one of the working drafts of the resolution establishing the committee. For everyone’s edification, that draft was exactly that, it was a working draft and that is why it hasn’t been presented to you yet. I would discourage anyone, strongly, from drawing any conclusions based upon what you read because it wasn’t done and I’m not quite sure how it got out to everyone, but it shouldn't have because it was a working document. It was not yet ready for anyone’s review. Councilman Serra states you will be following the ordinance when it is presented. The Chair responds he is not sure what you mean by that. Councilman Serra replies the ordinance is being worked on by the General Counsel Commission now and the intent is to do what I would support to do which is various phases having various committees. The Chair you are conflating two issues; you seem to be talking about an ordinance and the building committee. In terms of following ordinances, we have always followed ordinances and I assure you we will follow ordinances in the future. What ordinance you are speaking to specifically I don’t know. But yes we like to follow the law here. Councilman Serra responds it is the building ordinance. If you agree that it is phases then its fine with me. The other answer you gave you made the committee aware after the fact. the call was not made relative to paying the railroad; yes you did notify, but it was after the fact and hopefully it will be before the fact next time. He thanks the Chair. The Chair explains it was not after the fact; Councilman Serra responds yes, it was. The chair states frankly he is not going to get into it. Councilman Serra replies I am not either, but it was after the fact. He states you are not going to put something out there that is not true. The Chair responds you will not be talking over me because I’ll call you out of order and we will be done. The Chair states let me explain something very clearly. The payment was made after that; it was not made before I notified you. You were notified and the payment was made the following week. Just so the public understands this, they were at risk. And when I say they were at risk, I mean you the public, of incurring $50,000 a day in additional costs because legitimate bills had not been authorized for payment. I wasn’t going to put the public in a position to incur $50,000 in penalties per day. I am sorry if some people are uncomfortable with the decision, but at the end of the day I made a decision to protect the public. Councilman Serra states with all due respect that was being worked on by the subcommittee; so you did not make the subcommittee or the committee aware of what you were doing. The point of the matter is the committee has the authority and the committee was going to negotiate in good faith until everyone got involved. The Chair respectfully disagrees with your interpretation and your version of the facts; you had a month to ask these questions and you saved them until you were asked a question of a camera. Councilman Serra states, I hope this month to at least ask these questions? He asks when or where. You did not come to a committee meeting to make us aware and there is a committee person right here on the other end. The Chair responds the Council and the building committee received a letter. Councilman Serra responds you want to micromanage the building committees, then go right ahead. The chair states we are not going to do this; I have had enough of your prevarications. We are done. No more prevaricating on the Council floor. Councilman Giuliano states he wants to be heard on BH on the formal legal opinion on whether a building committee would be required to administer the parks bond ordinance. The formal opinion concluded that a building committee did not need to be appointed because it was described as an omnibus bond. He has provided a copy of an e-mail he drafted and will give the Council clerk a hard copy because for some reason the electronic copy did not include the footnotes. He states briefly the bond ordinance and the building committee ordinance are two separate things. The building committee ordinance is not conditioned on a bond ordinance; what it requires is any project over $500,000 has to have to tell the Council for the bond is that it is a ten year bond ordinance and we will be done. The Chair states let me explain something very clearly. The payment was made after that; it was not made before I notified you. You were notified and the payment was made the following week. Just so the public understands this, they were at risk. And when I say they were at risk, I mean you the public, of incurring $50,000 a day in additional costs because legitimate bills had not been authorized for payment. I wasn’t going to put the public in a position to incur $50,000 in penalties per day. I am sorry if some people are uncomfortable with the decision, but at the end of the day I made a decision to protect the public. 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pass the resolution. The Task Force was not made.

The Chair states the record will reflect agenda item 8k as Task Force draft minutes. The chair calls for the vote. It is unanimous to approve with eleven affirmative votes and Councilman Pessina absent. The Chair states the record will reflect agenda item 8k as Task Force draft minutes.

9. Payment of all City bills when properly approved.

(Approved)

Councilman Thomas J. Serra reads and moves for approval Payment of all City bills when properly approved. Councilman Gerald E. Daley seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

Motion to Recess
Councilwoman Salafia is recognized and asks for a five minute recess; her motion is seconded by Councilwoman Kleckowski. The vote is unanimous with eleven affirmative votes. The chair declares the recess at 8:19 p.m.

Meeting Reconvenes
The Chair calls the meeting to order at 8:33 p.m.

10. Resolutions, Ordinances, etc.

A. Approving rescinding the amendments to the Deputy Fire Chief’s Job Description approved at the February 1, 2016 Common Council meeting to render such amendments null and void.

(Approved)
Resolution NO. 27-16
File Name ccsalafiarescind

WHEREAS, at the February 1, 2016 regular Common Council meeting, an amended job description for the Deputy Fire Chief was approved by the Common Council with the Mayor’s vote breaking a tie vote of six ayes and six nays; and

WHEREAS, the motion to rescind maybe approved by the Common Council with a majority vote when previous notice is given of such action and when a member of the prevailing side makes said motion; and

WHEREAS, this resolution and the notice in the call of the meeting provides such notice to all members of the Council who voted on this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That by approving this motion to rescind, the previous action of the Common Council on February 1, 2016, that approved amendments to the job description for the Deputy Fire Chief, is hereby null and void and the job description for the Deputy Fire Chief will revert to its former language.

Fiscal Impact: Will save money in future budgets as it reverts to a lower salary grade

Councilwoman Linda Salafia reads and moves for approval rescinding the amendments to the Deputy Fire Chief's Job Description approved at the February 1, 2016 Common Council meeting to render such amendments null and void. Councilman Sebastian N. Giuliano seconds the motion.

Councilman Daley states he will be voting against rescinding the amendments they approved last month. I firmly believe the national standards of fire officer 4 are what we need and attained by our next deputy chief. I am somewhat aware of the credentials and how they came about. In 1975 the council was established by the legislature to facilitate uniform standards of firefighters and he was appointed to that commission. Working with the state we had a fire department at Southbury training school and they follow the certification. The old job description included a bachelor's degree about includes equivalent and we had chiefs and deputies that did not have a bachelor's. Chief Dunn and Kronenberger explained what a fire officer 4 brings to the community and the right type of training and also providing an incentive for firefighters through the ranks to go through the levels of certification to give them a career ladder. We would be remiss to revert back to the old one and the qualification for the federal law. As far as the upgraded pay, that is of secondary importance. Chief Kronenberger said to seek promotion form within and you don't offer an improvement economically you are not fulfilling a basic tenant of job. the job classification recommended an upgrade in pay for the deputy. The action we took was well informed and appropriate and based on the action we took, the job has been posted and number have applied and a number of well qualified individuals from the department who applied. I urge the colleagues to vote against rescinding. It will revert to the old job description and it needs to be changed and we will continue without a deputy and it has not been filled for far too long.

Councilman Santangelo has one concern if we go back to the old job description, there is only one person eligible for the job. By going to Fire officer 4, there would be six or seven eligible and there will be competition for the position. You heard Chief Dunn state you will not find a staff as well trained as Middletown. They are encouraged to get the certification. With one person, we might have to go to the outside. I will not be voting to rescind this motion.

Councilman Nocera states I served general counsel and listened to the first presentation and his rationale and having listened and investigated on my own, the logic behind it, I am in favor of the new job description and it provides comprehensive training and planning that did not exist in the old job description. The salary is secondary and has to say I was not a strong proponent to increase the salary and understood the logic and know it was recommended in the job study. I have listened to both sides and I have to say I feel if we approve the rescinding of this we are losing more. I will not vote for rescinding.

Councilman Faulkner states it is quite unfortunate that it comes to us and would rather have a motion to reconsider. I am not in favor of the resolution we approved last month and did not realize the firefighter 4 certification was instead of a bachelor's and thought it was in lieu of to make it more open for people. I don't agree the salary should have been changed and I think we need to work on reducing overtime. If we have to hire other people we should consider that. I will be voting in favor of this.

The Chair states it is optional not a requirement. You can have a bachelor's agree and 4. Faulkner states they are taking it out and that tells someone not to go for it. That wording discourages people and it is not in there. We can have people working on the bachelors and the way it is written, it sounds like you have to go and do it again.

Councilwoman Bartolotta was part of the original discussion and I did not vote to change the job description and did not vote the night of Council for it. The reason is one is salary.; We are in conversation with union members and their salaries are going up and we need to see where they come up. The other is the presentation done by Mr. Dunn and the Chief and explaining the steps getting to 4 and what it is and I believe it should be part of the job description. I will be voting to rescind but make it clear that I will bring it back to general counsel to be cleaned up and brought forward again.
Councilman Serra what was taking out a bachelor's degree and education in the fire science field and then getting firefighter 4. For me looking at this, we should have added to this the firefighter 4 certification and the language is no different from EMT and adds to obtain the certification. It does a disservice to the person who was qualified. The federal law was added. TS it should go back to general counsel to add the ideas expressed this.

Councilman Giuliano will support the resolution; he has great respect for Dunn and Kronenberger and this change came in a slap dash manner. The position has been vacant for a long time and maybe we need to take a page from Board of Education and have a first and second reading. We don’t have to act to fill the position now. Another month won’t make a difference; if it is important to fill now, it was important to fill 8 months ago. It should go back to General Counsel and if you don’t change the fire chief, then it is out of whack as well.

Councilwoman Salafia states maybe when the fire union contract comes up for negotiation, you take out the stipend for having a degree.

Corporation Counsel Ryan states the notice has been properly made and it is a majority vote needed and a vote to rescind will cancel the motion made last month.


B. Approving the St. Sebastian Feast as a Special event for the second weekend in May 13, 14, and 15, 2016. (Approved)

Resolution NO. 28-16
File Name ccsstseb2016
WHEREAS, the annual religious Festival in honor of St. Sebastian has been held for over 600 years in Melilli, Sicily, ancestral home of many Middletown citizens, and by Middletown’s Italian Community for 95 years; and

WHEREAS, the 2016 Feast of St. Sebastian sponsored by St. Sebastian RC Church will be held between the hours of 6 p.m. to 10 p.m. on Friday, May 13th, and from 12 Noon to 10:00 p.m. on Saturday, May 14th and on Sunday, May 15th, 2016; and

WHEREAS, the annual St. Sebastian Festival draws large crowds to Middletown and contributes in many positive ways to the spiritual, social and cultural well-being of our City; and

WHEREAS, St. Sebastian RC Church is a non-profit, religious corporation.

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

1. That the annual feast of St. Sebastian scheduled for the second weekend of May, 2016 is hereby recognized as a special event;

2. That Section 188-5 of the Middletown Code of Ordinances be in effect for this special event.

3. That a portion of Pearl Street abutting St. Sebastian Church property from Washington Street south to the end of the Church property be closed as of 8 a.m. on Friday, May 13, 2016 through midnight, Sunday, May 15, 2016, in accordance with the directions of the Middletown Police Department.

4. That a portion of Washington Street, Main Street, Court Street, and Broad Street, be closed on Sunday, May 15, 2016, from 11:00 a.m. to 2:00 p.m., in accordance with the directions of the Middletown Police Department and the Connecticut Department of Public Safety.

Financial Impact: The 2015-2016 Police Department budget has funds (_____) to cover the Department’s expenses for this event; Public Works will provide help during regular hours, and the cost associated to it is approximately $500 for delivery and pick up of trash barrels, picnic tables, and bleachers; the Health Department will inspect, using 1-1/2 hours of the Sanitarian’s time during normal work hours at an estimated cost of $70.

Councilman Thomas J. Serra reads and moves for approval the St. Sebastian Feast as a Special event for the second weekend in May 13, 14, and 15, 2016. Councilwoman Deborah A. Kleckowski seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.
C. Approving the NORA Cupcake lease at 180 Johnson Street for 5,000 square feet and authorizing the Mayor to sign all necessary documents. (Approved)

Resolution No. 29-16
File Name: PCD_NORACupcakeRRLeases_Mar2016
WHEREAS, NORA Cupcake is a popular bakery in Middletown that is actively expanding.

WHEREAS, NORA Cupcake has expressed interest in 5,000 square feet of second floor place at the Remington Rand (180 Johnson Street).

WHEREAS, at the February 2, 2016 meeting of the Finance and Government Operations Committee, the members present agreed to move forward to the Common Council a proposed lease for NORA Cupcake at the former Remington Rand building (180 Johnson Street).

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

That the Mayor is hereby authorized to sign all documents necessary to implement the lease for NORA Cupcake at 180 Johnson Street.

FINANCIAL IMPACT –It is important to secure additional revenue to run the Remington Rand building and pay back the $225,000 operating cost loan from the general fund. No impact on the general fund other than increasing the value of a city asset.

Councilman Gerald E. Daley reads and moves for approval the NORA Cupcake lease at 180 Johnson Street for 5,000 square feet and authorizing the Mayor to sign all necessary documents. Councilman Grady L. Faulkner, Jr. seconds the motion.

Councilman Daley NORA Cupcake has been a great Middletown success story. NORA has been welcomed by other communities and enticed by other communities and we owe it to ourselves to keep them in Middletown as their base. They now have 34 employees. This is what we need to encourage in Middletown. NORA stands for North of Rapallo in Middletown.

Councilman Giuliano states last time they were here they brought cupcakes. Daley states they are starting a cookie line. Giuliano is glad it has taken off.

Councilwoman Bartolotta states thank you for Phil Ouellette for encouraging Carrie to start Nora cupcake in Middletown. it is a beautiful success story.

Councilman Santangelo states that Mr. Ouellette made a comment earlier and you asked about the $15,000 investment loan. Not many people realize how much you are involved in Middletown. Middletown is luck and proud to have you both. The investment was well worth it, that is why it was called reinvest. Thank you.

Councilman Faulkner states on behalf of youth services, I appreciate the work you do with young people in town including the summer jobs program.

Councilman Serra states Eli Cannon’s was a sweet deal and cupcakes is a sweet one as well. Congratulations and god speed.

The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

D. Approving the allocation of Youth Grant funds to Ahern Whalen for $1,300 and Middletown Youth Lacrosse in the amount of $2,400 for the current fiscal year. (Approved)

The chair asks if this is this a grant thru the Recreation and Community Services Commission or an appropriation. Councilwoman Bartolotta states it is from the grant.

Resolution No. 30-16
File Name: rcsgrantFY15163716
BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Recreation and Community Services Department requests that $3,700 of the $62,500 Youth Grant (FY 15/16) is allocated as follows.

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<th>Agencies</th>
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<td>Ahern Whalen</td>
<td>$1,300</td>
</tr>
<tr>
<td>Middletown Youth Lacrosse</td>
<td>$2,400</td>
</tr>
</tbody>
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Fiscal Impact: No impact on FY 15/16 Budget.

Councilwoman Mary A. Bartolotta reads and moves for approval the allocation of Youth Grant funds to Ahern Whalen for $1,300 and Middletown Youth Lacrosse in the amount of $2,400 for
the current fiscal year. Councilwoman Deborah A. Kleckowski seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

E. Approving the building permit fee refund to SolarCity for property located at 489 Chamberlain Road in the amount of $214.90.

(Approved)

Resolution No. 31-16
File Name pw489ChamberlainRoad

BE IT RESOLVED BY THE COMMON COUNCIL, OF THE CITY OF MIDDLETOWN: That a Building Permit Refund be issued to SolarCity, for a property located at 489 Chamberlain Road, Middletown, CT in the amount of $214.90 due to the homeowner owing over $9,000.00 in taxes.

Councilman Carl R. Chisem reads and moves for approval the building permit fee refund to SolarCity for property located at 489 Chamberlain Road in the amount of $214.90. Councilman Grady L. Faulkner, Jr. seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

F. Approving a new Article III Complete Streets to Chapter 262 Streets, Sidewalks and Parking Areas of the Middletown Code of ordinances and repealing all inconsistent resolutions including resolution 75-12 (Complete Streets Planning Committee).

(Approved)

Ordinance No. 05-16
File Name Ordinances-complete streets 262-61

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a new Article III (Complete Streets) be added in its entirety as set forth below to Chapter 262 (Streets, Sidewalks and Parking Areas) of the Middletown Code of Ordinances, and that all resolutions inconsistent herewith, including Resolution 75-12, are hereby repealed:

ARTICLE III (Complete Streets)

§ 26-61 Complete Streets.

A. This Article and Section shall be entitled the Complete Streets Ordinance.

B. As used in this Article and Section, the following terms shall have the meanings indicated:

1. Complete Streets are roadways that are designed and operated to provide safe and convenient access to all Users.

2. Complete Streets Committee is a standing committee of no more than six persons, nominated by the Mayor, confirmed by the Council, and serving four-year terms. No more than two-thirds of the Committee may be of the same political party. Should a vacancy occur in a seat, it will be filled through Mayoral nomination and Council confirmation.

3. Complete Streets Master Plan is a comprehensive plan detailing the steps to be taken to implement this Ordinance, as approved and adopted by the Planning and Zoning Commission.

4. Users are all people that use roadways, including pedestrians, bicyclists, public transportation riders, and motorists and includes people of all ages and abilities, including children, seniors and individuals with disabilities.

5. Transportation Improvement Project is any public or private investment within the public right of way, regardless of funding source, including, but not limited to, new construction, reconstruction, alteration, and maintenance inclusive of road resurfacing, except that a Transportation Improvement Project shall not include routine upkeep such as cleaning, sweeping, plowing or spot repair.

C. This Article and Section shall require the implementation of Complete Streets in appropriate locations within the City of Middletown by the Public Works Department, Public Works and Facilities Commission in collaboration with the Police Chief/Traffic Authority and other transportation agencies as necessary for review, as follows:

1. The Public Works Department/Public Works and Facilities Commission, in collaboration with the Complete Streets Committee, will review all Transportation Improvement Projects being designed for implementation within the City limits and explore opportunities to meet the needs of all Users, including but not limited to motorists, pedestrians, bicyclists, and transit vehicles, in a manner consistent with the Complete Streets Master Plan.

2. All Transportation Improvement Projects located within 1,000 feet of a school, commercial center, or bus stop will include infrastructure designed to accommodate pedestrians, as recommended by Complete Streets Committee and affirmed by the Public Works and Facilities Commission to be sent to the Common Council for consideration.
3. The requirements of the Complete Streets Ordinance will not apply to Transportation Improvement Projects:
   a. Where specific users are prohibited by law (e.g. interstate highways or pedestrian-only pathways); or
   b. Where the cost of accommodations necessary to implement Complete Streets has been demonstrated and documented to be excessively disproportionate to the need or probable use. The Public Works Department must document the rationale for exemption from the Complete Streets Ordinance in such cases.
   c. When a Transportation Improvement Project is to be funded by a road bond passed prior to the date of passage of this ordinance, and when such road bond funding and scope is inadequate to include Complete Streets improvements in that specific project, consideration will be given by the Public Works Commission, the Complete Streets Committee, and Common Council in order to determine whether additional funding should be appropriated to include Complete Streets improvements in that project.

Councilman Eugene P. Nocera reads and moves for approval a new Article III Complete Streets to Chapter 262 Streets, Sidewalks and Parking Areas of the Middletown Code of ordinances and repealing all inconsistent resolutions including resolution 75-12 (Complete Streets Planning Committee), Councilwoman Deborah A. Kleckowski seconds the motion.

Councilman Nocera thanks everyone who spoke to this this evening. I feel this demonstrates that we have active interest to improve the streets for pedestrians and bikes and sets us apart. the initiative will continue to make us proud and thanks John and the community for their hard work.

Councilman Giuliano expresses his appreciation for everyone who worked on this project. You came up with a very good product, and I am glad to see it is finally here and we will vote on it.

The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

G. Approving establishing the Military Museum Building Committee.
   (Approved)

Resolution No. 32-16
File Name: cc.militarymuseumbdgcommittee

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Military Museum Building Committee be established pursuant to Article VI Building Committees, Sec. 14-24 Membership of the Middletown Code of Ordinances to include not less than five nor more than 11 members; and

Councilman Robert P. Santangelo reads and moves for approval establishing the Military Museum Building Committee. Councilman Sebastian N. Giuliano seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

H. Approving the use of the South Green/Union Park for a Relay for Life event on April 30, 2016.
   (Approved)

Resolution No. 33-16
File Name: ccrelayforlifeuseofsouthgreen2016

WHEREAS, Relay for Life is requesting the use of the South Green/Union Park for a fundraising event; and

WHEREAS, the use of City property as a special event is approved by the Common Council along with a waiver of the licensing procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That it approves the use of South Green/Union Park as a special event on April 30 by Relay for Life and that section 188-5 of the Middletown Code of Ordinances be in effect for this special event.

Fiscal Impact: There is no impact as all fees will be paid

Councilman Carl R. Chisem reads and moves for approval the use of the South Green/Union Park for a Relay for Life event on April 30, 2016. Councilwoman Deborah A. Kleckowski seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera,
Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliani, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

11. Mayor’s Appointments
(Approved)

Committee Concerning People With Disabilities:
Appointment of Joseph Bisi as an Alternate to April 30, 2020.
Reappointment of August DeFrance to April 30, 2021.
Reappointment of Marie Hurley to April 30, 2021.

Woodrow Wilson/Kiegwin Building Committee:
Mary Bartolotta, Chair
Chris Drake, Vice Chair
Theodore Raczka
Kirsten Byrd
Sheila Daniels
Christopher Bonsignore
Richard Pelletier
John Giuliani
Gene Nocera
Phil Pessina
John Phillips

Staff
Lynda MacPherson
Elise McDermott

MILITARY MUSEUM BUILDING COMMITTEE
Robert Blanchard, Chair
Phil Cacciola (ADA)
Larry Riley (Renovation)
Ed Monarca (Construction)
Mike Rogalski
Jeny Augustine (Construction)
Ken McGellan
Anita Melhorn
Arthur Meyers (Business/Finance)
Ron Organek

Staff
Bill Russo

INFORMATIONAL ONLY:
Middletown Housing Authority:
Reappointment of Izzy Greenberg to March 31, 2021.

The chair reads appointments including the appointments to the Military Museum. He asks for a motion to approve. Councilman Daley moves them for approval and the motion is seconded by Councilman Giuliano. Councilman Faulkner asks if the Meyers appointment is the civilian Meyers; the Chair responds yes, the retired Russell Library Director. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliani, Councilman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

12. Meeting adjourned.

Councilwoman Deborah A. Kleckowski moves for adjournment. Councilman Sebastian N. Giuliani seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliani, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

The chair declares the meeting adjourned at 9:03 p.m.
ATTEST:

MARIE O. NORWOOD
COMMON COUNCIL CLERK