A Special Meeting of the Common Council of the City of Middletown, Questions to Directors, was held on Monday, May 2, 2022, beginning at 6:00 PM. This meeting was a hybrid meeting with in-person participation in the Common Council Chamber and remote access via WebEx. The meeting was also simultaneously livestreamed on local cable access television, on the City’s webpage and on the City’s Facebook page.

Present:
- Councilwoman Jeanette Blackwell
- Councilwoman Meghan Carta
- Councilman Grady Faulkner, Jr. (arrived 6:05PM)
- Councilman Anthony Gennaro, Sr.
- Councilman Vincent LoFredo
- Mayor Benjamin D. Florsheim, Chair
- Daniel Ryan, Esq. Corporation Counsel
- Linda Reed, Clerk of the Common Council
- Officer Kurt Scrivo, Sargen-at-Arms

Absent: Councilman Edward Ford, Jr.

Also Present:
The Chair asks Councilman Philip Pessina to lead the Common Council in the Pledge of Allegiance.

Mayor Benjamin D. Florsheim calls the meeting to order at 6:00 PM. He welcomes everyone to the Special Meeting of the Common Council, Questions to Directors, including some special reports. The Chair asks Councilman Philip Pessina to lead the Common Council in the Pledge of Allegiance.

The Clerk of the Common Council reads the Call of the Meeting and the Chair declares the call a legal call and the meeting a legal meeting.
2. Questions to Directors Workshop Opens – Question of Regular Meeting Agenda Items

The Chair opens Questions to Directors at 6:06 PM.

The Chair welcomes Barbara Knoll Peterson to the meeting explaining that she is Acting Director of Economic & Community Development. During this transition period. Any questions for those items will be directed to her. He also reminds the Councilmembers that there is a 6:45 PM meeting regarding the water rates, immediately before the regular Common Council meeting. They will be a little truncated tonight.

The Chair calls on Councilman Edward Mc Keon

Councilman McKeon calls Fire Chief John Woron. He notes that the Chief gave him a good explanation of the overage and he would like his colleagues to have the same information.

Fire Chief Woron states that he sent an email on the transfer. There are multiple issues that created the need for this transfer

**MIDDLETOWN FIRE DEPARTMENT – FUND BALANCE TRANSFER**

The Middletown Fire Department is required to make a $225,000 transfer from the MFD Fund Balance to cover the following deficits:

- 2022 Juneteenth Holiday, $23,450 was not funded in the 2021-2022 MFD budget
- Replace $55,000 temporarily transferred from Specialty Team Training to cover fill-ins
- Cover deficits created by Mutual Responses by the MFD currently at $30,800 for 2021-2022

The remainder of the transfer is needed to cover the MFD Fill-In Line Item. This deficit was created by:

- The 2021-2022 budget year started with an Acting Fire Chief and Deputy Fire Chief for 3-1/2 months. During this period a Battalion Chief was temporarily utilized to fill the Acting Assistant Chiefs position.
- A 7-1/2 month FMLA for one of our four Battalion Chiefs, this coupled with the BC vacancy created by the Assistant Fire Chief left only 2 Battalion Chiefs available for the four shifts.
- Nine + month Military Deployment for one of our Firefighters
- Retirements and attrition created four Firefighter vacancies (3) 11 month and (1) six month. Language in the collective bargaining agreement allows two firefighters off per shift. These five long term vacancies created large amounts of fill-in overtime.
- Two female Firefighters were placed on six month light duty due to pregnancy. Both pregnancies eventually became 12 week FMLA leaves once the babies were born. One of the Firefighters husband also works for the MFD was on a 12 week FMLA as well.
- For the period starting July 1, 2022 to present, the MFD has had 11 childbirth related FMLA leaves ranging from 8 weeks to 12 weeks.
- For the period July 1, 2022 to present, the MFD had three spouse involved FMLA leaves
- For the period July 1, 2022 to present, the MFD has had 24 employees placed out for COVID-19 illness, the majority of these cases were 10-day absences.

The fore mentioned events have placed a severe strain on the MFD Fill-in Budget. The last week of May we have three Recruit Firefighters graduating from the CT Fire Academy and we hopefully will have our Firefighter on military leave back in August. This should greatly reduce the overtime strain currently being experienced.

On the Juneteenth holiday last year, the budget had already been approved, so Juneteenth did not make it into the budget, he now needs to transfer $23450. He will get to the reasons for the fill-in budget. He adds that he had taken $55K from one of the other team training, specialty team trailing line items to cover the fill-ins temporarily. The money will go back to that $55K does the training for the dive team, technical rescue team, special operations team. There has been a large deficit created by the mutual aid responses by Middletown Fire Department. The will be about 20 percent over their budget for the year. They still have two (2) months to go here in the City and in Portland, whenever there is a fire, we send two (2) fire engines, our battalion chief, our assistant chief, who is the safety officer, and often both he and Deputy Chief Albert respond. They are not part of the overtime line, but they send lot of resources to help with their fires. It has been a busy year. As he said, they are about 20 percent over. They anticipate that will be 30 to 35 percent by the time they are over the fiscal year. Other large items created the fill-in line to be where it is now. When he was he Acting Chief, he vacated the Assistant Chief job and Deputy Chief Albert was the battalion Chief at that time, he filled in an actin role so they were down two (2) battalion chiefs for quite a while. They had one battalion chief out on a 7-month FMLA, which created a vacancy each time he would have been due to work. We also had, we are in the middle of a 9-month military deployment for one of our firefighters. He is currently serving in Poland and is supposed to be back in July or August. Chief Woron adds that he is not sure if they will see him, noting that it may be
extended. That has created a 9-month vacancy, between retirements, it has created four (4) firefighter vacancies and three (3) are currently in recruit school When they graduate it will be a 1-month vacancy. One was a 6-month vacancy. Out are two (2) female firefighters, both had babies this year. When they notified us, at the 3-mont h mark of pregnancy, both transferred to light duty. They are no longer counted as shift personnel. They come in for light duty, but not as shift personnel, so they have to be replaced. That transitioned into 12-month FMLA once they had the babies. One on the firefighters is married to one of the lieutenants, so that was a double whammy for FMLA for 12-weeks. So far, since July 1st, we have had 11 children born into the Middletown Fire Department, which were all FMLA. Having a young department, the families are growing. That is one of the reasons. Year to date, so far we have had 24 personnel out with Covid. All 24 were out for 10 days or more, creating vacancies. The collective bargaining agreement, firefighters we allow two (2) off on vacation, POs, whatever they are taking. After that, we have to hire for these. With people out for Covid, or FMLA or vacancies, it has created a larger gap in the fill-in budget. The last item, he does not believe is on the list: that is injuries. They have had three (3) firefighters out on injuries recently. They are back to work, but the lieutenant is still out for a burn injury. He was into see the Chief today, he has two 92) more weeks and is expected back to full duty, but that will end up being a 12 week vacancy for him also. That is how they got to needing a transfer to the fill-in budget

Councilman McKeon asks that Chief Woron explain what they do about mutual aid. He knows that they have to do it; it is important. He asks what they can do, as a City, to make sure that that imbalance does not exist.

Chief Woron replies that he is not sure. Being the largest department . . . they had a telecommunications meeting today, as a matter of fact, Director Bartolotta printed out the monthly runs. When you look at their monthly runs, emergency calls for the city of Middletown Fire Department, they are just about double the runs of South Fire District and four (4) times the runs of Westfield Fire or Portland Fire. With that, the City has a bigger department, more resources. It has gotten to the juncture that, when they responding, whether to a town they have a volunteer fire department or small department. They respond to a structural fire, they need to do it safely. They have added the 2nd engine company. Also the battalion chief and safety officer to ensure that their resources, leaving the City, operate as safely as possible. There is a cost to doing that. Some other smaller volunteer departments, during the daytime, especially a struggling in years in the past when members who worked in their city or town were able to respond to calls That is just not he case any longer. It is requiring them to send more resources than they have in the past, how they address that: there are couple of ways to look at it. Some department is the country bill for their services when they leave their jurisdiction they could reduce their mutual aid response but that is impractical. The other option, which gets talked about, is one fire department in the City, adding that he knows that they . . . he will make sure there are no arrows or dagger coming his way. There is a, as he sure the Council understands, a duplication of services. They have a dive team. South Fire has a dive team Police has a dive team. Portland has a dive team. We do not have a regional dive team, but four (4) separate dive teams. It is . . . he does not see the issue reducing going forward. It is going to get worse. We need to be aware that we are paying; it is coming out of their fund balance to keep others in business. That is where we are. From the Middletown Fire, for him as Fire Chief, the number one priority is the safety of his members. They need to be safe when they respond to structural fires and operate as safe as possible. This is why they send the amount of resources that they do. The Chair calls on Councilman Eugene Nocera and Councilman Philip Pessina, asking if there has questions for Chief Woron. The Chair calls on Councilman Philip Pessina. Councilman Pessina sates that he knows that the State has been looking at more regionalization within cities. Chief Woron replies, “Yes.” Councilman Pessina asks if there is a possibility . . . there are three (3) dive teams here. Could we operate with regionalization, with members from the three (3) departments for one (1)? His other questions, is, the department is the leader in departments that go out for mutual aid calls. He believes South District has it, but not to the level, that Chief Woron has. He asks if there is a way to get the three (3) detriment together and, depending on what the size of the incident is, instead of Middletown Fire going, South District could go. Maybe it could be collaborative so they rotate it and not always getting hit at the main level. He is brainstorming. All three Chiefs are good, so now they can get together and start the process.

Chief Woron replies that, for a typical structural fire, if it is in the City, they had a fire on Portland Street yesterday. They received one engine from Westfield and a ladder truck from South Fire. They get one piece from each. If there is a fire in South District, we send then two (2) engines unless they need a second ladder, then it is an engine and a ladder. The same for Westfield. It does get mixed and matched. We are a larger department with more people working and more available apparatus. An example would be, the other day, they had a large brush fire in South District by the community college. Westfield sent two (2) pieces of apparatus and South District was completely tied up. They called Middletown Fire and requested apparatus. He called Chief Trasky had said that they need to remember that he will send them one piece, but cannot send more than that as they are protecting an entire city because everyone else is tied up with that incident. It is always a mixing and matching game of what resources they send and what they draw in mutual aid from other towns and cities. As far as the dive team, he has spoken with his dive team commander about regionalization. The State is looking at regionalization in the fire service, having started that this year. That is just driven by need now. A lot of the small, volunteer department is the State are having a really hard time attracting members and are looking for ways to help each other out. Regionalization is probably going to end up as the bottom line.
Councilman Pessina thanks Chief Woron for his service of his men and women yesterday, when he saw them go to Portland Street, he was thinking that it ends being an awning. He appreciates what they do. The only thing he can say is that the more the three (3) chiefs get together and really brainstorm something good can come up. It is just taking these initial steps.

Chief Woron notes that he knows Chief Trasky through the Connecticut Fire Academy for 25 years. They have a great relationship. They are working, along with Chief Augeri in Westfield, on joint training and services that they can provide. It is just some of the larger fire. In Westfield the other day, unfortunately the house burned to the ground. Overtime-wise that was a $34,400 evening for him for the services that he provided.

The Chair calls on Councilman Vincent Loffredo for Chief Woron, adding that they will then go on to other speakers.

Councilman Loffredo states that, for the record, all of the information that Chief Woron just articulated for his budget, come out of his taxing district.

Chief Woron replies, “Yes.”

Councilman Loffredo adds that there are three (3) taxing districts so the resources, financially, are provided per Charter and State statute. There is also something in the Charter in which they can look at this. There is a statement that the City makes sure that it protects citizens, mentioning all three (3) districts. It is recognized as a citywide responsibility. With that responsibility comes the necessity of providing the resources for that responsibility. He is raising this as a Councilmember. As we look at the budget that we prepare, the budget for the fire district, we may need to look at some of the services because of the nature of the department and its inability to respond effectively and in a timely basis and the related costs. We may need to incorporate recognition on a citywide basis. We are not talking apple to apple here and have not for eons. As things have changed. He appreciated the works of the departments and how they operate, but it’s three different universes. He raises this as we, collectively; need to take a closer look at this. He appreciates Chief Woron coming forward and complete transparency in articulating the reality of the situation. Some of the people in the department may not appreciate the statements. That is the reality that we deal with. At the same time as his colleagues have said, the work that the Fire Department does is very good. It is important to raise the mutual aid and regionalization and the like going forward. Thank you.

The Chair calls on Councilman Eugene Nocera followed by Councilwoman Jeanette Blackwell.

Councilman Nocera asks to call two people on two different issues. First, he asks for City Attorney Brigh Smith on item 11D, the transfer of properties from Country Club Road and Long Hill Road. Councilman Nocera asks, on the transfer of property to Middletown Youth Soccer, that Attorney Smith to review that item, including why it is important to do so at this point.

Attorney Smith states that he believes that the resolution does a good job spelling out what is a long and complicated history. They have spent some years talking with Middletown Soccer. It became clear over the years that it would be better for them to operate their own operations rather than the City. What is before the Couric is a Purchase & Sale Agreement with information on the lease agreements. It cuts the cord as to Middletown Youth Soccer. Country Club field are now yours to own and maintain. He notes that Chris Holden (Acting Director of Public Works) can speak to the economic benefit of having them maintain the fields on their own. One thing that is most important one other concerns is, if we sell this property to you after all of these years of working and partnership with you (Middletown Youth Soccer), and you turn around and flip it to a developer, that is no good. They completely understood. There is a provision in the document that states, if they attempt to do anything other than open space, soccer, that sort if use, it revert back to the City. From a legal perspective, the City is well protected. From a policy perspective it seems to make sense in terms of managing our resources and sort of a long trip, but (inaudible) when you are in goal.

Councilman Nocera notes that, through the years, the City has had an ongoing request from youth soccer and we completely support their program and goals and the thousands of kids that have gone through it. We could not support the further development of those fields, including bathrooms and parking lots and such. He understands that this now allows them (Middletown Youth Soccer) to secure a loan to do that work and not at the City’s expense. Is that true?

Attorney Smith replies, “It is,” adding that was one of the things that is a long process. As you may recall, we bonded the 21st Century Park bonds. Among the park bonds were substantial potential improvement, upwards of $3M, for Country Club soccer fields. There is language in the lease that could be read to obligate the City to do any number of those at subsistle taxpayer expense. Part of what we are doing here is, Middletown Youth Soccer is saying that they have an argument as to they may be able to take advance of, and insist on expenditure of, those taxpayer funds, but they are going to walk away and do it themselves. One of the other things is that the use of artificial field turf was a big issue as well. As you may recall, we had to come up with a structure to allow them to use field turn and rip it out and return it to resilient state of nature before we entered into the lease. They had to try to secure construction and performance bonds, which we have to protect the City. To collateralize this, to get it financed with a bank, they have to make good on it, and if they do not, we will do what. We can’t do much because it really not their property. They were, nonetheless, able to financing for it and the City was able to get bonding for it, but it was very difficult and it remains this sort of ,a bit of a platypus. Is it a duck? Is it a mammal? Is it a reptile? It is somewhere in between. It is difficult for them to do
what they want to do, adding that it is expensive for the City to try to what it is that they are looking to do. It is probably cleaner for both parties.

Councilman Nocera thanks Attorney Smith for his answer.

The Chair asks if there are other questions for Attorney Smith. The Chair calls on Councilman Vincent Loffredo.

Councilman Loffredo states that he has a number of questions. What he Council has before it tonight is termination of the lease and, yet to be presented ad adopted, a bill of sale. We don’t have a bill of sale because the terms and conditions are not before the Council to ask questions, he asks if this is correct.

Attorney Smith replies, “No,” noting that the Purchase & Sale agreement is, for lack of a better term, the bill of sale.

Councilman Loffredo states that, as he read it, Attorney Smith is going to develop something yet. There is not sale agreement that the Council can actually review, dot the i’s and cross the t’s. He does not see that before him.

Attorney Smith replies that there should be a Purchase & Sale agreement in the packet.

Councilman Loffredo replies that he has a Notice of Termination of Lease in his packet.

Attorney Smith replies that he has in his packet a Purchase & Sale Agreement as well.

Councilman Loffredo asks if anyone else has a Pucrates & Sale agreement, adding that there is no Purchase & Sale Agreement.

The Chair states that Councilwoman Jeanette Blackwell has advised his that the document is on Granicus on the City website. It may not have been printed as part of everybody’s (inaudible).

Councilman Loffredo asks for a moment. He adds that, if anyone else has questions, he will stop and look at the document.

The Chair asks if there are any more questions for Attorney Smith on this topic. The Chair calls on Councilwoman Jeanette Blackwell, adding that they will come back to Councilman Loffredo.

Councilwoman Blackwell calls on Land Use Director Marek Kozikowski. Councilwoman Blackwell states that she communicated with Director Kozikowski earlier today because she wanted to process with him resolution 11E, the Middletown Affordable Housing Plan. She shared with the Director the NCCJ Report, which was completed a couple of years ago. That was from the National Council for Community & Justice. That report covers areas that were highlighted in that report with housing, she wanted to know if the draft affordable housing plan has any recommendation that align with the recommendations and solutions of the NCCJ report. She asks Director Kozikowski to speak to that at this time.

Land Use Director Kozikowski states that the report was not a direct influence on the housing plan, but, looking at the recommendations of that plan, it seems that the goals, as they relate to housing, are very much in line. Reading the NCCJ report, it mentions low-income housing communities, assessing the community for rehabilitation, advocate for low and moderate-income residents. These are all similar recommendation to the housing plan, He is proud that they took two different approaches, both based on lots of public input, and we arrived at the same place.

Councilwoman Blackwell replies, “Excellent,” adding that’s he thinks it is, to the point that Director Kozikowski just made, two defend paths that the recommendations are aligned. We know that, as a result of the NCCJ report, a lot of folks in the City were concern about how segregation (inaudible). She is pleased to see alignment Thank you.

The Chair calls on Councilman Eugene Nocera.

Councilman Nocera asks that Director Kozikowski briefly explain the rationale to add the $140K to the FY22-23 budget with regard to the grant that did not materialize. He adds that that they will add this agricultural expenditure in FY22-23 to assist farmers. He asks that Director Kozikowski quickly outline this item.

Director Kozikowski replies that the City’s Agricultural Committee, which is a subcommittee of the Commission on Conservation & Agriculture, has been working and brainstorm, trying to support local agriculture. This project is a small grant program for local farmers, who need some funding to perform, to complete various projects to help their business. Through conversations with leadership, they oved forward with using the 2019 open space bond. That bond has language that, upon recommendation of the Commission on Conservation & Agriculture. Up to $250K could be used for open space maintenance and agricultural uses. They were under the impression that this funding source would be appropriate to fund these small projects, which range from about $3K to $22K. Upon review with bond counsel, they advised that they should not use the bond money assist would not be an appropriate use of these funds. It would not be an appropriate use of these funds as grants. The Committee had gotten far enough along in the process that the Committee did an RFP for the bonds, took in applications, developed criteria for evaluating them, went through the evaluation process, an went to award grants, totally
Councilman Loffredo asks if the folks, is it all currently being used, has been used, under the lease agreement, adding that it has been developed for the purpose of providing soccer.

Councilman Loffredo asks, of all that land that the City owns, is it all currently being used by soccer folks to whom we plan to sell it to? Are they currently have under use all 35 acres?

Councilman Loffredo asks how much of the 35 acres is currently actually being used, has been used, under the lease agreement, adding that it has been developed for the purpose of providing soccer.

Councilman Loffredo asks if the folks, to whom the City is proposed to sell it for $1, turn it over to another soccer entity as long as they agree . . . is there anything preventing them from selling it to Soccer International or some other entity as long as it complies with the covenant articulated in this Purchase & Sale Agreement?

Attorney Smith replies, "No."
Councilman Loffredo replies, “Nothing.”

Attorney Smith states that the whole point was that we did not want Middletown Youth Soccer turning it over for development of something other than soccer. Middletown Youth Soccer is a non-profit organization and could be here in five (5) years of five (5) days, adding, “Who knows.” What would matter from the administration’s standpoint is that it remain open space with Middletown Youth Soccer. If Middletown Youth Soccer were Soccer International, Inc.

Councilman Loffredo asks if during this process for the City did they look at the tax-exempt organization, check out the fact, that they are required to file a 990 form to be exempt from taxes. He asks Attorney Smith if he did this research on Middletown Youth Soccer and their requirements.

Attorney Smith replies that he is not sure that he would look into their income taxes for a land transaction.

Councilman Loffredo replies that, as a non-profit, they are required to. He asks Attorney Smith if he knows if they (Middletown Youth Soccer) have any assets.

Attorney Smith replies that he is sure that they do, adding that he doesn’t know what the question is.

Councilman Loffredo states that, as of 2019, for the record, program services and revenue was over $900K for that year and $974K the tear before that. According to the document filed, the total net assets currently as of 2109 was $1,579,097. Councilman Loffredo asks Attorney Smith how much the City is looking to sell this property. Is it $1.00?

Attorney Smith does not respond to the question

Councilman Loffredo thanks Attorney Smith.

The Chair states that it is 6:46PM. He notes that Councilwoman Salafia has her light on. The Chair asks if she has a question.

Councilwoman Salafia states that she is interested that Councilman Nocera is having discussions with Planning. She asks if she is missing that on the agenda.

The Chair replies that the second question is not related to anything on tonight’s agenda.

Councilwoman Salafia thanks the Chair, adding that she could not find a corresponding agenda item. Thankyou.

The Chair states that question was for clarification.

3. Questions to Directors Workshop Closes

There being no further question, the Chair closes Questions to Director at 6:46 PM.

5. Meeting adjourned

Councilman Philip Pessina moves to adjourn. Councilman Edward McKeon seconds the motion.

There being no discussion, the Chair calls for a voice vote. The motion to adjourn is approved unanimously by a vote of 11-0 (AYE: Councilmembers Blackwell, Carta, Faulkner, D. Ford, Gennaro, Loffredo, Mangiafico, McKeon, Nocera, Pessina, and Salafia; ABSENT: Councilman E. Ford). The matter is approved.

The meeting is adjourned at 6:47 PM

ATTEST:
LINDA S.K. REED,
COMMON COUNCIL CLERK

K: review/ minutes/ 2022 May 02 – Questions to Directors – 02 May 2022

ATTEST:
LINDA S.K. REED,
COMMON COUNCIL CLERK