



**COMMON COUNCIL
MIDDLETOWN CONNECTICUT**

**SPECIAL MEETING
QUESTIONS TO DIRECTORS**

**MONDAY, JULY 3, 2023
6:00PM**

MINUTES

A Special Meeting of the Common Council of the City of Middletown, Questions to Directors Workshop, was held on Monday, July 3, 2023, 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	Councilman Michael A. Marino
Councilman Grady Faulkner, Jr.	Councilman Edward McKeon
Councilman Anthony Gennaro, Sr.	Councilman Eugene Nocera
Councilman Vincent Loffredo	Councilwoman Linda Salafia
Councilman Anthony Mangiafico	

Hon. Benjamin Florsheim, Mayor
Linda Reed, Clerk of the Common Council
Officer Thomas and Officer DiMassa, Middletown Police - Sergeants-at-Arms

Absent: Councilmembers Meghan Carta, Darnell Ford, and Philip Pessina; Corporation Counsel Daniel Ryan,

Also, Present:

Arts & Culture – Kisha Michael, Coordinator
Central Communications – Wayne Bartolotta, Directors
Equal Opportunity & Diversity Management – Faith Jackson, Director
Finance – Carl Erlacher, CPA
Fire Department – John Woron, Fire Chief
General Counsel – Brig Smith, Esq.
Police Department – Eric Costa, Police Chief; Officer DiMassa and Officer Thomas, Sergeants-at-Arms
Public Works – Christopher Holden, PE, Director
Technology Services – Brianna Skowera, Director
Water & Sewer – Joseph Fazzino, Director
Board of Education – Natalie Forbes, Grant Writer

Absent: Assessor -- Damon Brassch, CCMA II
Health – Kevin Elak, Director
Human Resources – Justin Richardson, Division Director
Land Use – Marek Kozikowski, AICP, Director
Recreation – Catherine Lechowicz, Director
Russell Library – Ramona Burkey, Director
Youth Services – Justin Carbonella, MPA, Director

1. Call to Order

The Chair calls the meeting to order at 6:03 PM. He welcomes everyone to the Common Council's Special Meeting, the Questions to Directors Workshop.

A. Pledge of Allegiance

The Chair asks everyone to join him reciting the Pledge of Allegiance.

B. Council Clerk Reads the Call of the Meeting and Mayor declares call a legal call and meeting a legal meeting

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

The Chair opens the Questions to Directors session at 6:05 PM and calls on Councilman Eugene Nocera.

Councilman Nocera asks Public Works Director Christopher Holden to the podium. He notes that there are two resolutions that they are proud to be moving forward. Councilman Nocera notes that these items were not on the agenda, which was discussed by the caucus last Thursday. He asks Director Holden to give background on both: the pollinator walkway to be named in honor of Maria Holzberg and the Beman School auxiliary field to be named in honor of Quentin Williams.

Director Holden states that the first resolution is to name the pathway that goes along the pollinator garden at Harbor Park. Mayor Holzberg worked tirelessly to secure donations of all of the plants. She worked with a local construction company to be sure that the plants were installed appropriately. She has volunteered for the City for many years, planning gardens throughout the City and using native plantings. They are happy to recognize her with this naming he notes that naming is a 2-step process. The resolution is introduced at one meeting and voted on at the next. It was approved at Public Works & Facilities Commission meeting, which is the first step in the naming process. The steps have been taken for this naming. The second resolution is for Quentin Williams, naming the athletic field behind Beman and next to the Recreation Center. This field is used by both the Board of Education and the City. There was an additional step for this naming with the Board of Education. The Board approved the naming of the field to honor Quentin Williams.

Councilman Nocera adds that both items have been discussed at length. They are proud to bring both of these naming items forward.

Director Holden states that Mr. Williams was dedicated to the community.

The Chair calls on Councilman Vincent Loffredo.

Councilman Loffredo states that there is an ordinance in the City Code on the naming of facilities.

Director Holden replies, "That is correct. There is a City ordinance for naming City facilities."

Councilman Loffredo notes that this includes all City facilities.

Director Holden replies that he does believe so.

Councilman Loffredo asks Attorney Brig Smith if this includes the Board of Education.

Director Holden replies that he believes that this is the same process that was used for naming the auditorium at the High School.

Councilman Loffredo concurs, noting that the auditorium was named to honor Santo Fragillio.

Attorney Smith adds that, if it is different, he will let them know.

Councilman Loffredo ask about facilities that fall under the Middletown Housing Authority.

Attorney Smith replies that, if it is owned in fee by that entity, the nit s under their control. It is a separate statutory authority.

Councilman Loffredo notes that it is a special statutory authority to name any property.

Attorney Smith adds that, if it is their property, then yes.

Councilman Loffredo asks what if it is on City property. There was a senior center located in Sabona Towers and relocated to Eckersley-Hall. Would that be considered . . .

Attorney Smith interjects, saying that he would have to look at the deed and who owns it in fee. If the Authority owns it in fee, he suspects that they would have naming rights. Our naming ordinance cannot bind a separate statutory entity.

Councilman Loffredo states that his other question, in terms of the City's control, the Housing Authority has a separate board, all of whom are appointed by the City. He will follow-up on the naming of the facilities, in particular, the former senior center, which was used. For that senior center, the funding came from the City and the center was then relocated to Eckersley-Hall.

Attorney Smith states that, to be sure he understands the question, who has naming rights for the senior center.

Councilman Loffredo replies, "Right." Councilman Loffredo continues saying that his other question is not dealing with the resolution, but questions on transfers, one dealing with Public Works.

The Chair replies that they can address this question with Director Holden and then continue with Councilman McKeon.

Councilman Loffredo states that, looking over resolutions, in terms of costs, there are the costs for dealing with the recent transfer of \$60K for waste. He asks that this be explained.

Director Holden replies that this deals with bulky waste portion of the budget. When anyone brings materials to the recycling centers – bureaus, coaches, or what have you -- we need to pay for their disposal. There is an uptick as we are less expensive than area recycling centers. There has been an uptick in disposal at the facility. One thing they are trying to minimize is outside use. They just recently passed requirements that all residents and haulers register and get a sticker so they can monitor, who is coming into the facility. It is good news: it is revenue neutral as we dispose of eve thing in the facility. It is offset by a revenue stream that you do not see in this process. At the end of the year, we transfer money in to cover spring cleanup for all residents.

Councilman Loffredo notes that this happens every year. His question relates to the adoption of the current budget for FY24. He asks if any significant adjustment was made in the area of waste.

Director Holden states that they made some adjustments, but not significant. He adds that, with the new restrictions, that it will only be waste generated by Middletown families, so we should not have this problem the following year.

Councilman Loffredo states that, as a resident and taxpayer, if I have bulky waste, I bring it to the North End landfill for recycling, noting that he has to be registered, as a Middletown resident.

Director Holden interjects, “Yes,” adding that there will be residents and haulers. There is no fee for residents. There is a fee for a hauler bringing materials to the recycling center. You have to prove by contract or be a resident. You have to be resident to bring materials into the transfer station. If you are not, if you a hauler like 1-800-junk or what have you, and you are not bring in things to the recycling center. There is no fee. You register and just bring materials for disposal, but not to the City recycling center.

Councilman Loffredo asks, if someone wants to dispose of bulky waste, but does not live in Middletown, they can do so and will not be charged for it.

Director Holden replies, moving forward, “no.” There may have been a little bit lax checking in the past, as it is hard to have people give their licenses and check for residency. Now that we have stickers, it will be obvious whether or not they have gone through the process to prove to us that they are residents.

The Chair calls on Councilman Edward McKeon.

Councilman McKeon states that he believes that this question is for the General Counsel Office. It is on the opinion of the State Ethics Board. He asks Attorney Smith to give a brief synopsis of what this ethics opinion means for our potential new hire.

Attorney Smith state that the State Ethics Board opinion addresses four (4) questions. To set up the four (4) questions, the statute governs when State employees can get post-employment. In this case, it is whether there is a one-year ban for the nominee for the ECD (Economic & Community Development) Director position to accept employment for the City. There is a statute 1-84b(f). It says that the one year ban exists if someone participated substantially in negotiating or awarding contract, and, if they did so, with a contract that existed and was signed in their last year of service. In this case, the contracts that we are talking about are some Urban Act Grant contracts and Challenge Grant contracts. Ms. Marques was involved in those contracts and, as we get to the opinion, not in a substantial fashion. The four questions that we look at in the opinion are: (1) Is she barred from employment for one year? Short answer: No, because she did not have substantial participation under that statute. The extent of her work is what we call “ministerial” involvement. In other words, she did not negotiate, approved, supervise, find, advise, or recommend these contracts. She had the boilerplate template would come in, Outside counsel was involved The Director of the agency was involved, but Ms. Marques involvement was limited to moving things along. No ban for one-year employment. (2) Would she be banned from talking about the Community Challenge Grant and Urban Act Grant projects? It would be difficult, for instance, these are ongoing projects: JR’s project, Dominic’s projects, and the YMCA. It would be difficult for her do to DBD (Downtown Business District) or Council meetings and not talk be able to talk about it. So is she prohibited from talking about these projects? Short answer: No. Again, it is the same standard. It is different statute – the side-switching portion of the statute – but the same statute. Was she substantially involved in these matters? Again, the short answer is no. (3) Is she prohibited from working on Community Investment Fund or CIF projects? We have some of those in the pipeline. Ms. Marques was involved in a very peripheral manner related to an easement regulated by DEEP. She has the ability to direct the City to what DEEP said was the answer. Again, the opinion says that is not substantial involvement so she can participate in CIF projects. (4) Is she allowed to email, call, or meet with DECD employees for representative during that ne year cooling off? The answer is she cannot email, call, or meet with DECD employees or representative. What she can do is background work. The language is in the footnote, saying that she can do activities that don’t reveal her identity in any document, email, but can do background work – all of the paperwork that needs to be done , Someone else in the office would have to have that direct contract. Other than that, we are good to go.

Councilman McKeon states that, essentially, there are no limitations, just some minor limitations.

Attorney Smith replies, “Correct.”

Councilman McKeon states that he does not have any additional questions for Attorney Smith, but does have other questions on other topics. He has a question on the Fair Rent Commission.

Attorney Smith states that his much smarter assistant is here to answer those questions.

Councilwoman Jeanette Blackwell states that she cannot find her hand raise feature, but she has questions.

The Chair calls on Councilwoman Jeanette Blackwell.

Councilwoman Blackwell states that her question is for Public Works Director Holden, asking that he return to the podium. She tells Attorney Smith that she has a question about the projects that he has mentioned. She has also had the opportunity to speak with Ms. Marques. They talked about the 3three (3) projects: 545 Main Street, Dominic DiMartino's project, and the YMCA. These projects occurred beyond that 1-year limitation. She does not believe that Attorney Smith spoke to the confidentiality aspect. She asks that he please do so.

Attorney Smith states, that to clarify, for the (*inaudible*) projects and Urban Act Grant projects, it is not that she is outside the 1-year window, it is that her work was not substantial. The 9inaiduble) projects and Urban Act projects, we have one for Dominic, one for JR, and one for the Y. JR also has an Urban Act grant project that Christine is involved with, as well, but is all ministerial . . . (*inaudible*) . . . *pro forma*, contracts, that sort of thing but it's not substantial under the statute.

Councilwoman Blackwell states . . .

Attorney Smith continues, stating that the confidentiality (*multiple speakers/ inaudible*) but at the end of the opinion of the State Ethics Board, there is a reminder that, in addition to all of these things, she has to maintain confidentiality to the statute and what that means is that cannot use confidential information for anyone's financial gain. What is confidential information? It is exempt under FOIA that the agency does not want to disclose and something that would be required not to be discolored under State law or federal law. That is what confidential means. It is for someone's financial gain. He tells Councilwoman Blackwell that she asks a good question.

Councilwoman Blackwell states that she is all set. Thank you.

The Chair calls on Councilman Vincent Loffredo.

Councilman Loffredo asks that, as a former employee of the state of Connecticut, what potentially would have been involved, coming across confidential information, dealing with the grants. Is that confidentiality just for the year or in perpetuity?

Attorney Smith replies, "In perpetuity."

Attorney Smith thanks Councilman Loffredo for flagging the confidentiality issue, noting that, from his service, we should look at this. It helped get us to where we are now.

The Chair calls on Councilman Eugene Nocera for Attorney Smith, followed by Councilwoman Blackwell for Public Works director Holden and Councilwoman Linda Salafia.

Councilman Nocera states that he has two brief questions. On tonight's agenda are two (2) ARPA-related resolutions. The first is for \$96K reallocation for the Justice Coalition to Middletown United Fathers. He asks that Attorney Smith go over that, to be followed by the second item.

Attorney Smith states that the first item is the Middletown Justice Coalition, which is Precious Price's organization. Their project was to respond to the shootings in Traverse Square last year. It is a summer program, getting involvement in the community. Precious' organization, along with others, had been affiliated with United Way, United Way made the decision to cut ties with a number of organizations, hers being among them. She was looking for a partnership because the administrative hurdles and logistics at that we have heard about with ARPA were daunting for her. She was working and found a partner with Harold Hart and Middletown United Fathers. You may recall that Harold's project has already been approved. He has already come through, noting that some money has already been distributed to him, to Middletown United Fathers. They are now partnering together. The Task Force recommendation is to repurpose the money set aside – the \$96K set aside for Middlesex Racial Justice Coalition - - over to Middletown United Fathers. The program remains the same: the same people remain involved; but the administration will be handled by Middletown United Fathers as opposed to the MRJC.

Councilman Nocera states that the second item of \$46K, looking to be moved to Riverbend project. He asks Attorney Smith to review.

Attorney Smith states that this is the proposed outdoor concert venue along the riverfront, a sort of amphitheater/grass setting. As you may recall, we did about a half dozen where we allowed them to use funds for administrative expenses like accounting, audits, and those things that are permissible under ARPA. The NRCP Riverbend organization that is trying to set up the concert venue has made that request, as have the others, which we have approved. The Task Force recommended approval so it is before the Council now. It is safe to say that is ok for this \$46K.

Councilman Nocera adds that the Commission and subcommittee has spent down the funds very well. The balance is now about \$220K.

Attorney Smith states that, assuming that he NRCP Rlverbend appropriation goes through, there will be just over \$100K left.

Councilman Nocera states that it has been a very busy time and a lot of work. He thanks the Committee because that Wednesday meeting at 11AM does not end at noon. It is a significant time commitment.

Attorney Smith quips, "But we get stuff done, though."

The Chair calls on Councilman Vincent Loffredo.

Councilman Loffredo asks if Riverbend is ARPA money.

Attorney Smith replies, "Yes."

Councilman Loffredo asks what has been designated in this project along the harbor.

Attorney Smith replies that it would be to build an outdoor concert venue. There are a number of issues to work out. We have been working with the Police, the State Police, State property issues, as well. Once we get through that, there would be an outside concert venue for between 1,000 and 2,800 people on the riverfront, with a view of the riverfront. There would be a chance to use that as an anchor to bring life to that point on the river.

Councilman Loffredo notes that there has been a \$1.3M analysis of the riverfront and so forth. There is a proposal, a detailed plan. He asks if that was part of their analysis.

Attorney Smith replies that he believes it was.

Councilman Loffredo asks if they are permanently doing this, He notes that no venue exists at all.

Attorney Smith replies, "Correct."

Councilman Loffredo asks what is the cost creating that venue.

Attorney Smith replies \$2.5M, noting that this is the ARPA allocation approved for this organization.

Councilman Loffredo notes that \$2.5M and they will have this space permanently, or, if not, then for how long.

Attorney Smith replies that they will have a 10-year lease and would live lightly on the land. The structures would be it is not permanent. It is not a concrete bowl. You would be looking at a sort of moveable structure and seating that makes it . . . *(inaudible)*.

Councilman Loffredo states that, at this point, in terms of access, there would be more: a traffic analysis by Planning & Zoning, looking at safety issues with Police. He asks if a plan of development has been put in place for this activity.

Attorney Smith replies that he does not know about a POCD (Plan of Conservation & Development), but that process, those details, would obviously have to be considered. Where it fits in terms of the POCD, he cannot answer.

Councilman Loffredo notes that his concern, in terms of ARPA, is that the property that they are looking at is specific. He asks if it is currently under control of the City.

Attorney Smith replies, "Yes."

Councilman Loffredo states that here is a vacant lot. He asks if there is reclamation and if there is a set budget for the site to be developed.

Attorney Smith replies that he thinks that there are preliminary numbers that NHCP Riverbend has been looking at, adding that Councilman Loffredo might see it in the materials in the packet. He will pull it up and look. He asks Councilman Loffredo to look at Item 11F. As part of that, you will see the original ARPA application, which provides, in road brush strokes, what they are looking at. There are more detailed plans.

Councilman Loffredo asks if, other than going before the ARPA committee to get the money, did they approach any other City agencies -- the Economic Development Committee, or any other committee, the legal office, the Mayor's Office -- at this point. He asks if there are any other departments -- Land Use -- looking at this development. He asks how many seats does the plan include.

Attorney Smith replies about 1,000 to 2,500.

Councilman Loffredo asks about parking and if it will be included.

Attorney Smith replies that parking is something that they are looking at, where to stage it. The answer is "No," this is not the end of the process, but the beginning. All the things that you are highlighting have to be taken into account, but that is the cart before the horse.

Councilman Loffredo asks, if it is being considered by ARPA and the City, in terms of allocating the money as it has been allocated, he asks if they advertised that they were looking for a vendor so that many people could show interest. It is not like ARPA recovery. We have never had a venue like this. We are bringing in a new venue,

something completely different from what we have ever had before. We have a Showmobile and other venues in the City where people can come to concerts, like Wadsworth. The nature of this opportunity is an individual approaching the City because he needed ARPA money.

Attorney Smith replies, “Let’s be clear, we did a public announcement, a posting of ARPA funding availability. We got tons of applications and you will see the stuff that we approved is for a number of things that we have never done before. There is no . . .” He does not find there to be any purchasing ordinance prohibitions or any other kind of violation that may have occurred here. This is a person, among the applicant, who saw the opportunity and said, “I’m going to put in for it.” It was vetted by the task Force and approved by this Council.

Councilman Loffredo replies that, now that we are getting into the details, you are saying that it was all done by a committee of individuals reviewed and appointed by the Council. Now we are talking about setting up a specific venue on a permanent basis for 10 years.

Attorney Smith interjects, saying that he wants to be clear . . .

The Chair interjects, saying that there a bunch of questions lined up and we are getting into a conversation here.

Councilman Loffredo replies that he appreciates the answers that he received, adding that it raising a lot more questions.

Attorney Smith interjects, saying that these are questions that we will answer about parking, the planning, the zoning, and all of that stuff comes down the road. This is the beginning, not the end of it.

The Chair notes that they still have an outstanding question from Councilman Edward McKeon for Kori (Deputy General Counsel Wisneski). We will then go to Councilwoman Jeanette Blackwell, who has a question for Public Works Director Holden, and to Councilwoman Linda Salafia.

Councilman McKeon thanks Attorney Wisneski for her work on the fair rent ordinance. He has some questions. He notes that there is no definition of landlord or tenant. He is curious if a landlord is anyone, who rents property to someone, who lives in it, whether a corporation or person.

Attorney Wisneski replies, “Yes, exactly.”

Councilman McKeon states, for example, adding that he is making this up, there is hospital property, it is being rented to someone and it is brought before the committee.

Attorney Wisneski replies, “Yes.”

Councilman McKeon continues, noting that the Housing Authority is identifiable as (inaudible.).

Attorney Wisneski replies that it is a good question, but that she would have to look it up. There are some exemptions, adding that she was looking through the tool kit. She asks that he give her one second. She would have to look at the landlord/tenant act, which is 47a-2, subsection A. to see if there is an exclusion for the Housing Authority and then follow-up with Councilman McKeon, She does not know the answer to those questions.

Councilman McKeon states that this is his only question.

The Chair calls on Councilman Vincent Loffredo for Attorey Wisneski.

Councilman Loffredo states that the Committee being recommended is a 7-member body.

Attorney Wisneski confirms adding that there will also be three (3) alternates.

Councilman Loffredo notes that all would have to be electors and, therefore, they would be in terms of representation, he asks if there would be political affiliation: Democrat, Republican, and Unaffiliated. Is this a factor to be taken into account?

Attorney Wisneski replies, “Yes,” adding that, as a City commission, it would have to comply with the minority representation statute, so we would have to comply with that.

Councilman Loffredo states that the proposed language regarding someone being a member of the committee, what are the criteria that someone must meet to be considered. Are there specific criteria to be a member of the Fair Rent Commission?

Attorney Wisneski explains that, under 14-73B, as Councilman Loffredo stated, they have to be electors of the City. There was some information in a previous draft that was removed by the General Counsel Commission. We are no longer requiring a Commission member show a certain amount of knowledge about the real estate market. That was taken out. The real thing that we need to look at is whether they are electors. She notes that they do say in the statutes that at least two shall be landlords and two shall be tenants. Again, we are dealing with 10 individual, so that is the minimum. She notes that there is a sentence, providing that, to the extent practicable, commission members shall be of all socioeconomic, racial, and gender identity and shall be representative of different neighborhood of the City. That is really all qualifying factors.

Councilman Loffredo notes that the proposal before the Council this evening does say that the membership shall include two landlords and two renters.

Attorney Wisneski replies, "Yes, it does."

Councilman Loffredo thanks Attorney Wisneski.

The Chair calls on Councilman Grady Faulkner, Jr. for Attorney Wisneski.

Councilman Faulkner notes that there was some communication, including a mention that this had to be done by July 1st.

Attorney Wisneski replies, "That is correct," adding that unfortunately, they tried to get a special meeting, but could not because of the holiday schedule. We are doing our best to get it approved today. She has to be in touch with the Commissioner within 30 days so she hopes it passes today. She would pass along that approval information along with the ordinance. She adds that it was Saturday, July 1st.

Councilman Faulkner asks if they lose anything for that.

Attorney Wisneski replies, "No," adding that she did not see anything in the statute that says that there is any punishment. Given that July 1st was a Saturday, you move to the next workday, which is today.

The Chair calls on Councilwoman Jeanette Blackwell for Public Works Director Holden.

Councilwoman Blackwell says that her question is linked to the issue that Councilman Loffredo raised about registration for Middletown residents to bring garbage. She asks that he walk then through the registration process.'

Director Holden says that there are two methods to register residents or haulers. It can be done online, noting that it is free. They need to have a copy of the registration and license on record. They also collect that information for people, who come in. The City issues a sticker, which goes on the car. They write the license plate number on the sticker. You can register multiple vehicles so there is no limit of one sticker per household.

Councilwoman Blackwell asks if there is a limit on stickers.

Director Holden replies, "No," explaining that if a household has multiple vehicles, they can register any of those vehicles. He reiterates that there is no fee. They may also register haulers, anyone moving waste material within the City must register by State law. They are disposing out of town. There is no fee. There is a \$25 registration fee for the sticker to dispose in town.

Councilwoman Blackwell asks if there is a time limit on the registration.

Director Holden explains that the sticker is valid for one year. They will go through this process again to re-register in about a year.

The Chair calls on Councilwoman Linda Salafia.

Councilwoman Salafia states that she has some questions understanding the four resolutions for the solar panels. She thinks that the motion summary is to correct Resolution 64-23 to address the Snow School solar panels. We have the resolution 64-23. She notes that the original resolution does not mention Farm Hill School, only Snow School. The other resolution Item 5A is to replace the resolution previously rescinded. Looking at these, she thinks that the problem is with Item 5A as it is rescinding 64-23 and should say 65-23, not 64-23. It says that the amount is wrong, which is the one with a huge amount. She asks someone to explain what is happening.

The Chair thanks Councilwoman Salafia for the question, indicating that Natalie Forbes is here for the Board of Education. He notes that Councilman Loffredo is on the Building Committee. His apologies to Ms. Forbes that he hopes that he is not putting her on the spot.

Ms. Forbes states that on June 5th, the Common Council met and approved Resolution No. 64-23. This approved the three resolutions required by the State of Connecticut for the grant application related to the photovoltaic panels at Snow School' however, Resolution 64-23, also referred to a prior Resolution 33-22, where the Council had considered the same matter. She indicates that she made an error in writing Resolution 33-22. It should have been 32-22. That is the matter at hand. Resolution 33-22, which was the error, refers to Farm Hill photovoltaic panels. There are two schools and two sets of PV panels. She mixed them up, adding the wrong reference number in Resolution 64-23.

Councilwoman Salafia asks what she was trying to do to Resolution 33-22.

Ms. Forbes replies that she was just trying to indicate that the Council had approved it previously. They were trying to rescind that resolution and approve the new resolution.

Councilwoman Salafia states that she is looking at the minutes and the new material. There is no mention of Resolution 32-22

Ms. Forbes acknowledges that is true, but she is just bringing it to their attention Item 5, which is before the Council, in the 2nd line if the Whereas, in the 1st paragraph states . . .

Councilwoman Salafia asks which document.

Ms. Forbes states Item 5.

Councilwoman Salafia asks if it is Item 5A or 5B.

Ms. Forbes indicates that it is simply Item 5.

Councilwoman Salafia states that it reads, “. . . language to be provided to correct Resolution 64-23 to address only Snow School solar panels.”

Ms. Forbes replies, “Correct.”

Councilwoman Salafia notes that is not what Ms. Forbes is reading to them.

Ms. Forbes states that Resolution 64-23 was approved on June 5th, to approve the photovoltaic panels at Snow (School). In the 2nd line of that resolution, it states that the Council had previously reviewed this matter and approved it as 33-22. It should state 32-22.

Councilwoman Salafia replies, “All right,” adding that the resolution before the Council tonight states Resolution 33-22.

Ms. Forbes explains that Resolution 33-22 pertains to Farm Hill School PV panels.

Councilwoman Salafia states that resolution the Council is being asked to approve tonight says that they approved 33-22. Nothing is changing in that resolution. She suggests that when changing a resolution, it would be helpful to put what was approved and what you are changing it to so that we don't have to go back and forth with the original resolution, The resolution proposed for approval tonight is exactly the same . . .

Councilman Loffredo states that, if he may, he will try to explain. This is a motion for reconsideration, to change something adopted at the immediately prior meeting.

Councilwoman Salafia replies that she has no problem with that.

Councilman Loffredo continues, saying that, at the prior meeting, the meeting held on June 5th . . . We want to consider that resolution. That will be the initial step: he will move for the Council to reconsider Resolution 64-23, adopted June 5, 2023. He will propose, in light of what they just heard from Ms. Forbes that the first of the two “Whereas” clauses mentions rescinding Resolution 33-22. The first “Whereas” and the second “Whereas” does as well and is incorrect, referencing Resolution 33-22. When you go down further, the language states that resolution 33-22 is rescinded. Resolution 33-22 refers to a prior year. Resolution 33-22 was approved because they had already built the roof at Farm Hill, a year ago. With a new roof, we were able to apply, which we did with Resolution 33-22, a grant to be submitted to put photovoltaic cells on Farm Hill. Unfortunately, as Ms. Forbes indicated, reference to Resolution 33-22 from a year ago should be deleted. That is what he is proposing: that the motion for reconsideration: delete the first two “Whereas” clauses.

Councilwoman Salafia asks if they will have a copy of the resolution.

Councilman Loffredo replies, “No,” explaining that they will be referencing that they adopted at the last meeting, as contained in the minutes. He will ask . . .

Councilwoman Salafia replies that there is no difference.

Councilman Loffredo replies, “That is correct.”

Councilwoman Salafia states that she has that part. She asks what the next step is.

Councilman Loffredo replies, “The next step?” That is that we are deleting Resolution 33-22 in any part of the resolution adopted at our last meeting on June 5, 2023. He is asking his colleagues to delete those sections and he will highlight them. There will be a motion. Everything else will stay the same.

Councilwoman Salafia notes that they do not have a copy of the final resolution.

Councilman Loffredo replies that any reference to Farm Hill should not have been included at all in this matter. Farm Hill was taken care of separately a year ago. Unfortunately, a mistake was made in putting this resolution together. They were highlighting a prior resolution a year ago, delaying with Farm Hill photovoltaic cells. That is being removed.

Councilwoman Salafia states that her confusion was that this resolution -- to correct Resolution 64-23 -- and to address only Snow School panels. The references were incorrect, but she has it.

Councilman Loffredo adds that what we will be doing, prior to moving forward with the agenda, is adopting the minutes from the prior meeting, he is asking to specifically revisit . . .

Councilwoman Salafia notes that, nowhere in the minutes does she see where it says that Resolution 33-22 actually included Farm Hill Scholl. That was not clear.

Councilman Loffredo replies just look at the minutes and he can give the exact page. It is there.

Councilwoman Salafia replies that she has it.

The Chair asks if there is a question for Ms. Forbes.

Councilwoman Salafia replies, "No," noting that she understands it.

The Chair thanks Ms. Forbes and calls on Councilman Eugene Nocera.

Councilman Nocera calls Water & Sewer Director Joseph Fazzino. He asks about Item 11A, approving the relocation of a permanent sanitary sewer easement between City and South Main Investors. He asks Director Fazzino to explain that item.

Director Fazzino states that, as part of the development of the Big Y, they had approached the City. An existing sanitary sewer easement crosses, bisecting the property. The work that they wanted to do that had proposed shifting it north, closer to the property line. They would do the work, the by-pass pumping, and construct it. The City would inspect it and take it over. All the General Counsels reviewed that language and we are in agreement with that language.

Councilman Nocera asks if that work has not yet started.

Director Fazzino replies, "Correct," adding that the sanitary sewer work has not started, but other site work and construction has started. This item went to P&Z for the 8-24 review. It is just a technicality for the Council to approved transfer of the land.

Councilman Nocera adds that the Water Pollution Control Authority was unanimous on the easement between the City and South Main Investors. That road can eventually be reopened. Thank you.

The Chair calls on Councilman Vincent Loffredo.

Councilman Loffredo states that he has another question for Water & Sewer. In the transfer material for tonight's meeting, there is one for Water, dealing with water general administrative staff. He did some further research as to what that is and researched through the Purchasing Department. The PO has to deal with bank fees..

Director Fazzino replies, "Correct," adding that, as part of their semi-annual billing, there are on-line fees that are paid. Blue Fin is the agency that collects money on behalf of the Water & Sewer Department. Many years ago, the Water & Sewer Department waived the fees and that is part of what they pick up. Coming to the end of the year, May 1st, they did not budget enough money for those fees, so the transfers were from their contingency fund to general administration. That is how those fees were paid. They are banking fees that WPCA approved long ago.

Councilman Loffredo asks how the fees accumulate. What is the need for the City to pay these bank fees? What generates \$10K worth of bank fees?

Director Fazzino replies that it may not have been the full \$10K, but what happens, when people go online -- the service fees that they use for a credit card -- Water & Sewer approved to pay those fees long ago to promote people paying their bills online.

Councilman Loffredo replies that this is for using a credit card. If they are paying. This is coming out of the General Fund of the Water Department.

Director Fazzino replies that it is coming out of the Water Fund and the Sewer fund, which is why they are both.

Councilman Loffredo states that the only way it is generated is if I, as a user, paying my bill, use a credit card.

Director Fazzino adds, "Online. Correct."

Councilman Loffredo asks, if he uses a debit card, is he paying a fee.

Director Fazzino replies that they do not allow debit cards, just credit cards because they may not have sufficient funds. We do not have it set up for penalties or trying to get that money back into the account. , so they only accept credit cards and waive the finance fees.

Councilman Loffredo states that he wants to understand this. If his water bill is \$1K and he pays with a credit card, then the City pays the service fee for using that credit card.

Director Fazzino replies, "Correct."

Councilman Loffredo reiterates, saying that as a user, I do not pay that 3% (three percent) service fee. You – the City -- will be paying it.

Director Fazzino replies that this was the decision of the WPCA many years ago.

Councilman Loffredo adds that perhaps Director Fazzino can go back and see how much these fees are, in light of the water and sewer rates, in general. If he understands it correctly, with people using a credit card, in turn, the fund is being hit with an additional 3% (three percent) service fee.

Director Fazzino replies that he can check with their billing department. He is not sure if the service fee is 3% or 2.5%. He will check with them. We can bring it back to the WPCA for review, if we want to change that policy.

Councilman Loffredo replies that this policy affects all rates, in terms of what is being put into the fund. It is an additional 3% (three percent) service change, which comes out of the general fund because I am using a credit card rather than sending a check.

Director Fazzino replies, the water and sewer fund, Correct.

Councilman Loffredo replies, "Thank you."

The Chair notes that this brings us to exactly 7:00 PM. The Chair ask Councilwoman Jeanette Blackwell if she has a question.

Councilwoman Blackwell states that she has a brief comment: she hopes that they can revisit this issue. She wonders of the City incurs those fees, then perhaps users would have to. She would like this issue to be further reviewed at an upcoming Council meeting. She thanks Director Fazzino for agreeing to bring this information back to the Council. Thank you.

3. Questions to Directors Workshop Closes

There being no further time, the Questions to Directors Workshop closes at 7:00 PM.

4. Meeting adjourned

Councilman Eugene Nocera moves to adjourn. Councilman Grady Faulkner, Jr, 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 9-0. (AYE: Councilmembers, Blackwell, Faulkner, Gennaro, Loffredo, Mangiafico, Marino, McKeon, Nocera, and Salafia; ABSENT: Councilmembers Carta, Ford, and Pessina). The matter is approve. Theme tin in adjourned at 7:01 PM.

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

K: review/ minutes/ 2002 July 03 -- Ques to Directors – 3 July 2023