

MINUTES OF THE CHESHIRE TOWN COUNCIL SPECIAL MEETING HELD ON THURSDAY, JUNE 27, 2013, AT 6:30 P.M. IN ROOM 207, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Tim Slocum, Chairman; David Schrumm, Vice Chairman; Andrew Falvey, Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco, Peter Talbot. Michael Ecke arrived at 6:50 p.m.)

Absent: James Sima.

Staff: Michael A. Milone, Town Manager

1. ROLL CALL

The clerk called the roll and a quorum was determined to be present.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. TOWN CLERK'S SALARY

MOTION by Mr. Ruocco; seconded by Ms. Nichols.

BE IT RESOLVED, that the Town Council approves Resolution #062713-1.

RESOLUTION #062713-1

BE IT RESOLVED, that the Town Council hereby adjusts the salary of the Town Clerk by 2.3% from the current salary of \$71,762 per year to \$73,413 per year effective January 1, 2014; and

BE IT FURTHER RESOLVED, that the Town Council adjusts the salary of the Town Clerk by 2.3% from the salary of \$73,413 established as of January 1, 2014 to \$75,101 effective January 1, 2015.

Discussion

Personnel Committee Chairman Ruocco stated that, by State statute, the Council is required to establish the salary for the Town Clerk for two years, and it must be done 120 days before the November election date. The 2.3% increase is the negotiated salary increase for union and non-union employees, and this year the Town Clerk's salary increase is consistent with the pay plan voted by the Council. The salary adjustment is not based on performance as the Town Clerk's performance is evaluated by the voters who decide the position by the election process. The Council reviewed a study of salary of town clerks in other municipalities, and Cheshire's salary is at the top of the range. The salary adjustment recommended by the Personnel Committee is a decent award for the office of Town Clerk.

Stating this is his first attempt in looking at the Town Clerk's salary issue, Mr. Talbot said the difficulty is separating the individual from the position. We are not giving an award to Carolyn Soltis, but to the position of Town Clerk, and we do not know who will be elected in November. In looking at the information on town clerk salaries from 13 communities similar to Cheshire, the average salary for an elected position is about \$70,000. Cheshire's salary is currently at \$71,762.

For the record, Mr. Talbot said he did bring up performance review and goals and the Personnel Committee looking at them to evaluate the department and position, rather than the individual. This would reflect on how the Town Clerk's office is moving forward with the individual heading the department for the two year period. This would give a better base for a salary increase rather than picking an arbitrary percentage. He hopes the committee will review the Town Clerk position with an evaluation based on performance of the department, including an increase in staffing hours. Mr. Talbot said he would not support the motion on the floor.

Mr. Schrumm stated the Council hires two people – the Town Manager and Town Attorney, and getting into evaluation of people who do not report to the Town Manager, but to the voters, has never been done before. The Town Clerks position is evaluated, with good things and bad things heard about the department, and people who held the position in the past. Mr. Schrumm is not sure this position should be evaluated as are town department managers. There is an evaluation process which is public feedback, and this goes into the thought process for raises. As far as extended hours, this could be a consideration. Getting into evaluating an elected official could lead to a political evaluation and this is unfair.

A comment from a local attorney was cited by Mr. Schrumm, who said this attorney stated that the Cheshire Town Clerk's office is the best run and most efficient in the State.

Ms. Flynn-Harris expressed appreciation for the evaluation comments, it being difficult to do, and said we do not want to set a precedent with tagging the Town Clerk position salary with department heads. This has never been done before because the position is not a department head, and should not be so treated. If there will be a tag to the position and be tied to the raises given to department heads who are evaluated, the Council would be in an unusual position. In some future time with some future Council this could be done when the town clerk is not an elected position.

Based on information from the Town Manager, Mr. Ruocco said the town clerk's raise is higher, on average, than the regular department heads.

Mr. Slocum commented on the fact that Ms. Soltis has an office in the Town Clerk's office; staff makes the presumption that she runs the office; Mr. Milone is the boss of all the employees in the Town Clerk's department. The office functions under a leader elected by the people in the community. He sees Ms. Soltis as the manager of the office, and if people are unhappy with her performance they will make this known in the

election process. Regarding an increase in the hours of operation of the department, Mr. Slocum said there is a question if this is the call of the Town Manager or Town Clerk.

This would be a collaboration, and Mr. Milone said once the Council decides to implement this change, it would be incumbent upon him to collaborate with Ms. Soltis to ensure it works for the building being open, security, etc.

Mr. Slocum said this would be the collaboration of two supervisors, so in a sense Ms. Soltis is a department manager.

Stating his agreement with Mr. Schrumm's comments, Mr. Talbot said that by setting goals for the individual, this is setting up the possibility of politicizing the position. He wants to see department goals set, and as the recognized leader, the town clerk would be tasked to carry out the objectives set for the department. One of these objectives is to look into extension of office hours, setting out ideas where the Council wants to see the Town Clerk's office moving forward, and compensating who is running the department based on its performance. This gives something on which to base a number rather than just having a ceiling. Mr. Talbot wants to establish guidelines and tangible things so the Council has something to review for consideration of a salary adjustment.

For clarity, Ms. Nichols said the Town Clerk is an elected position, and it is her job to see that the staff, who are Town employees, do their jobs. She asked who directs these Town employees, telling them what to do...is it Ms. Soltis or Mr. Milone. Ms. Nichols said that the information submitted by Ms. Soltis enlightened the committee on what the Town Clerk's office must accomplish, and staff listens to her as the boss. If there were ever an issue in this office, Ms. Nichols questioned the recourse of the Council to supersede the Town Clerk's ability to run the department. There should be department requirements in place in the event a new Town Clerk ever takes office. Ms. Nichols does not believe there should be a performance evaluation for the individual holding the office of Town Clerk.

Mr. Schrumm explained that the duties of the Town Clerk are defined by State Statute. The Town Council gets involved with technicalities and directs the Town Clerk to do the things required to keep the department functioning.

There is no formal job description on file, and Mr. Ruocco said there should be. Ms. Soltis has provided the Council with a listing of job responsibilities, and the Personnel Committee will work to solidify a job description for the office of Town Clerk.

According to Ms. Soltis there is no distinction between an elected and appointed Town Clerk...they all have the same responsibilities. Regarding her salary adjustment, she is in her 20th year as Town Clerk, has done a good job, gets reelected, is the top vote getter, and deserves the recognition.

With regard to the day to day business operations of the Town Clerk's office, Mr. Slocum asked about Ms. Soltis orienting staff towards tasks to be measured, i.e. handling licenses, overtime during the election season to complete all statute requirements, office open to 8 p.m. on election night and the Saturday before election day. Mr. Slocum commented on the fact that anyone can go to a staff person in the office, request a task be done, and it is always done.

For the licenses (marriage, hunting, fishing, dogs, etc.) Ms. Soltis informed the Council that this is all done under State requirements. Her office is connected to the State computer system for licensing; many towns did not connect to this system; so people come to the Cheshire Town Hall to secure a license.

PUBLIC

Ed Hines stated that Ms. Soltis always gets his vote on election day. He suggested that each Town department get a certain amount of money for spot awards and performance awards at the end of each year after review of goals and objectives. In his corporate environment this worked well. If people deserve something they get it, and those not deserving do not get anything.

Mr. Slocum advised that there is a process in place for the Town Manager to evaluate his staff and he has the discretion regarding salary adjustments.

VOTE The motion passed 5-2; Flynn-Harris and Talbot opposed.

4. NON-UNION PERSONNEL RULES AND REGULATIONS

Mr. Milone distributed copies of the proposed updated rules and regulations for non-union staff, and advised they are unchanged from a few weeks ago.

At the request of the Council, management rights and prerogatives were looked at, and they are broad and general. They give the Town Manager the authority to do anything that is within the bounds of being legal.

Mr. Milone read an excerpt from Management Rights into the record.

After going through this document and looking at union management rights, Mr. Milone said there was not much else he could add to give him broader authority than he already has in place. They are as broad and general as he would want them to be.

Mr. Ruocco explained that Mr. Milone had been asked about which rules and regulations exist which give him the flexibility to reduce staffing costs such as less hours.

This was asked of him, and Mr. Milone said that there was discussion about language in the Town Hall union contracts on flex time, extended hours, etc. and management rights across the board. They give the Town Manager broad authority to redirect, rearrange hours, responsibilities, duties extensively.

The Personnel Committee has recommended to the full Council some changes in the Rules and Regulations, and Mr. Milone reviewed them.

One change was Mr. Milone's request for parity for vacation accumulation for people in the E classification – department heads and deputies and assistants. There are 24 people in this classification. The situation is that some people started with 15 days annual vacation, max out at 20 days; someone starting at 20 days will max out at 25 days. He was asked by some employees in the 15 day category if they could max out at 25 days similar to other exempt employees.

Retirement Plan – the request is for an increase of .25% in the contribution of what is currently contributed (1.5% and 3.5%) effective July 1, 2013 in the defined contribution plan.

Medical Benefits Program – the change is similar to that of all the bargaining units. Rather than an increase in contribution payments, employees have an increase in co-pays at the point of service. This provides greater savings. Town Hall has 38 union people and 42 non-union people. The estimated savings is about \$40,000.

Vacation Leave Accumulation – With each of the union contracts people can accumulate up to 25 days.

Section 9-4 of the Rules and Regulations – people in the N category can accumulate up to 25 days. Mr. Milone saw a disparity between this group and the union, and this group and other members of this group.

Mr. Milone has spent time looking at the vacation leave program, and believes it should have been better researched. Ten (10) people will benefit from this change. There is no question it is a parity issue because they are the only people without ability to accumulate up to 25 vacation days.

In going back over this group of 24 employees, Mr. Milone said there is no understanding of how some started with the number of days in the first place. He wants a better understanding of the history on the number of days when hired and the disparity. Until he is comfortable with this situation, he cannot make a case to the Town Council and be confident in its defense. Mr. Milone has questions about why there is disparity in the first place, and he asked that this Section 9-4.2 be carved out for Council approval pending his further research.

The Council was told by Mr. Milone that up until three years ago, the rules and regulations read that whatever a department head or deputy was appointed at, in terms of vacation accumulation, this is where they stayed. It was in response to a request from some people that this was changed. Now, it needs to be looked at more deeply to address what he has discovered in the last few weeks during his research.

Chairman Slocum advised that the changes to the Rules and Regulations was tabled by the Council at its last meeting.

MOTION by Mr. Schrumm; seconded by Ms. Flynn-Harris.

MOVED to take the matter of the Recommended Changes to the Personnel Rules and Regulations off the table.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Ruocco; seconded by Ms. Nichols.

MOVED that the Town Council approve the changes to the Personnel Rules and Regulations, with elimination of Section 9-4.2, Vacation for Department Heads.

VOTE The motion passed unanimously by those present.

5. LAND ACQUISITION

MOTION by Mr. Schrumm; Seconded by Mr. Talbot.

MOVED that the Town Council enter Executive Session at 7:15 p.m. to discuss land acquisition, to include Town Manager Milone.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Talbot; seconded by Mr. Falvey.

MOVED that the Town Council exit Executive Session at 7:25 p.m.

VOTE The motion passed unanimously by those present.

6. ADJOURNMENT

MOTION by Mr. Talbot; seconded by Mr. Falvey.

MOVED to adjourn the special meeting of the Town Council at 7:26 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk