MINUTES OF THE CHESHIRE TOWN COUNCIL SPECIAL MEETING HELD ON TUESDAY, JUNE 22, 2010, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present
Timothy Slocum, Chairman; David Schrumm, Vice-Chairman; Justin Adinolfi, Michael Ecke, Andrew Falvey, Anne Giddings, James Sima, Timothy White.
Absent: Thomas Ruocco
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. SALARIES FOR REGISTRARS OF VOTERS

MOTION by Mr. Schrumm; seconded by Ms. Giddings.

BE IT RESOLVED, that the Town Council approves Resolution #062210-1

RESOLUTION #062210-1

BE IT RESOLVED, that the Town Council approves the following pay plan for the Registrars of Voters for the period January 1, 2011 through December 31, 2011; compensation of $20,668 per annum to be paid on a bi-weekly basis and,

BE IT FURTHER RESOLVED, that the Town Council approves the following pay plan for the Registrars of Voters for the period January 1, 2012 through December 31, 2012; compensation of $20,668 per annum to be paid on a bi-weekly basis.

Discussion
Mr. Schrumm explained that by State law the salary of the Registrar of Voters must be set by July 1st. These salary schedules are for the calendar year rather than fiscal year, and this is a 1% increase in year one, and 2% increase in year two.

Mr. Sima questioned whether the Registrars got a 10% raise in 2007-08 and noted they are now getting another 3%.

In response, Mr. Schrumm said they received a 5% raise for each of the two years.
With the difficult financial times Mr. Sima said he would not support the resolution for the raises for the Registrars.

VOTE The motion passed 7-1; Sima opposed.

4. PROPOSED FY 11 BUDGET REALLOCATIONS FOR THE LIBRARY, THE WATER POLLUTION CONTROL DEPARTMENT, AND THE PLANNING DEPARTMENT.

MOTION by Mr. Schrumm; seconded by Mr. Falvey.

BE IT RESOLVED, that the Town Council approves Resolution #062210-2

RESOLUTION #062210-2

BE IT RESOLVED, that the Town Council approves the line item adjustments for the FY 10-11 Operating Budget as recommended by the Personnel and Budget Committees and as presented and attached.

Discussion
Mr. Schrumm stated that this is “housekeeping” from the last budget process, and there will be no net change in the operating budget, just reallocation of money within the departments.

Planning Department – rearrangement of job descriptions and some responsibilities, with no change in the budget.

Library – rearrangement of dollars without any bottom line increase or decrease in the budget.

Water Pollution Control Department – increasing hours for the electrician with most of the money coming from outside services; rather than hiring out this work it will be done in-house.

Ms. Giddings thanked Ms. Harten, Library Director, for the effort she put into her detailed memorandum explaining the changes she requested for the Library. There is no change in the total amount allocated. Ms. Giddings stated that the Planning Department changes will result in a decrease in the amount allocated for salaries. This involves elimination of the Assistant Town Planner position, which is something Ms. Giddings advocated during the budget process. She commended Town Planner Voelker for being able to find a way to increase the hours for the Zoning Enforcement Officer position (presently called Assistant ZEO). Regarding the electrician, the Council received a comprehensive report from Supervisor Dievert on the savings by having an electrician on staff, and this person can be used by other departments. There are upcoming instances where a licensed electrician will be required.
One concern about the proposal was cited by Ms. Giddings regarding the change in the Planning Department, taking a department of six people (3 clerks, Town Planner, Environmental Planner, and Zoning Enforcement Officer). The change puts the Environmental Planner serving as supervisor in the absence of the Town Planner. In a small department Ms. Giddings wonders why this is necessary, as this results in an expenditure of funds, although the net savings with all the changes would be considerable.

Mr. White agreed with the elimination of the Assistant Town Planner/ZEO position, noting that he asked about this possibility during the budget process. It is now coming back to the Council for increased hours for the Assistant ZEO (changed to Zoning Enforcement Officer – ZEO), and it is a good thing.

Regarding the Planning Department and future increase in services for the department, Mr. Sima asked about the need for an Assistant Town Planner and how the department would be reorganized, after giving people more responsibilities in the department. He cited the Environmental Planner moving up, taking more responsibility, and with more work coming into the department, the need for an Assistant Town Planner would come forward. His concern is how this would be addressed in the coming years.

In response, Town Manager Milone said he could not answer as it depends on the circumstances, fiscal constraints under which the Town is operating, and the entire operation of the office at that time. If the demand picks up, the department will do as much as it can without coming back to the Council for creation of a new position.

As the Environmental Planner takes on more responsibilities, Mr. Sima said this person will become busier with environmental issues and he asked if there would be a need for the Assistant Town Planner. He also asked if it would be written into the contract to remove these responsibilities for the person to do environmental planning all the time.

According to Mr. Milone the only change is supervisory responsibility being written into the job description. Going forward this could be modified based on changing circumstances, and it could require that the job be reclassified, be funded at a higher level. It would also require discussion and negotiation with the incumbent. Mr. Milone stated he could not predict what would likely be done if the work load increased dramatically. He would have to sit down with the Town Planner and develop an overall strategy.

Chairman Slocum, a former PZC member, noted that Lisa Murphy (former Assistant Town Planner/ZEO) spent a lot of time at meetings. This time is now being filled by Town Planner Voelker who has taken over this role more fully. The meeting coverage is unchanged; there is a Planner in position to handle meetings; and we are simply adding supervisory responsibilities to the
Environmental Planner, on an occasional basis, when the Town Planner is on vacation. Mr. Slocum said this does not foreclose the opportunity for the Council to decide, or be asked by Town management, to fund an Assistant Town Planner's position in the future should business increase in the department. The Council at that time could come to a determination on this issue. For now, this modification to the department is cutting numbers in the budget which Mr. Slocum said he would support.

Some points were clarified by Mr. Milone regarding the resolution on the floor. If the Council looks at the analysis done by Mr. Jaskot relative to the transfers of money within the departments, details can be explained. For the Library, 2nd line of detail, it says “eliminate Sunday overtime for Assistant Director”. This was originally anticipated to be a reduction in the overtime account, when in fact, that $1,610 and $1,799 (both from salary adjustment line) should have been added together. While the Assistant Director was paid for the Sunday hours, she was not paid at an overtime rate or out of the overtime line item. In looking at the change made only $1,200 is coming out of the overtime account (not the $2,810), and the total of the $1,610 and $1,799 totals $3,409 reduction. The $1,610 was moved from the overtime line to the salary adjustment line.

Mr. Milone stated that both Ms. Giddings and Mr. Schrumm are correct relative to the Planning Department. There will be savings of $32,000. But, if the department budget was actually reduced by that amount of money, the Council would have to go through a public hearing and amend the entire budget. The easier thing to do is let the money lapse; it will go to surplus at the end of the year; and if the Council needs to transfer money at any time this money could be used as a resource.

It was explained by Mr. Milone that the additional supervisory responsibilities for the Environmental Planner’s job gives it an administrative characterization, but it is already an administrative job. The change is just adding responsibility.

VOTE  The motion passed 7-1; Giddings opposed.

5. JOB DESCRIPTION FOR ENVIRONMENTAL PLANNER

MOTION by Ms. Giddings; seconded by Mr. Schrumm.

BE IT RESOLVED, that the Town Council approves Resolution #062210-3

RESOLUTION #062210-3

BE IT RESOLVED, That the Town Council approves the revised job description for the Environmental Planner position, as recommended by the Personnel Committee and as attached.
Discussion
Ms. Giddings noted the minor changes, page 2, #8...Acts as department head in the absence of the Town Planner.

Page 1 – Supervises..."In the absence of the Town Planner has responsibility for supervision of all departmental personnel."

These changes were made due to the changes recommended by the Town Planner for the Planning Department. Ms. Giddings said she will not vote in favor of this resolution because she voted against the previous resolution and feels that adding responsibilities are not necessary to be added in a small department. They would lead in the future, if an Assistant Town Planner position is added, to having three people in the department with supervisory responsibilities. Ms. Giddings said while it is easier to add responsibilities to a job description it is difficult to reduce them.

Mr. Ecke said he would support the resolution, noting that the Town Planner was very explicit in how he would handle the department and presented rationale in this regard. It all made sense to him so he supports the resolution.

Regarding the supervisory duties, Mr. White asked what they would be.

Mr. Milone explained that in the absence of the Town Planner he wants to insure there is someone in the office handling supervisory duties, and this would be the only time this person would have to assume supervision of the office.

Mr. White said in his mind this supervisory role would be handling people taking vacation, leaving early or late, and there is usually advance planning for a vacation. To him this is not an issue, but it would likely be leaving early or a medical appointment.

The Council was informed by Mr. Milone the purpose of these additional supervisory duties in the Planning Department. If the Town Planner is on vacation there is still an absence on his part in the department, and at this time there is no one in the office with supervisory authority or responsibility. Stating he respects Ms. Giddings’ position on this being a small office, Mr.Milone made it clear that every office has someone compensated for filling in for the supervisor and is the acting supervisor. The Building Department has 4 people; Tax Office has 5 people; Assessor’s Office has 4 people; and there is an acting supervisor in the Town Clerk’s office. In those situations it is by contract, with the contract requiring compensation for someone who stands in for the supervisor. There is no contract for the non-union group, and in the interest of parody and equity, Mr. Milone felt it was the right thing to do and extend the same benefit to the individual in the Planning Department.
Mr. White said the supervisory role is extremely limited, and he believes the Town Manager or Mr. Zullo could handle these duties.

It was explained by Mr. Milone that this is not simply authority to decide on vacation. Someone is needed with planning experience to handle matters with the public; there are constant questions and inquiries from the public, and people want to talk to someone in authority, not a clerical person. This is the big challenge. If someone comes over to see Mr. Milone or Mr. Zullo regarding a planning related question, the best he could tell someone is to come back in a week when someone in authority is available...or go over and work with a staff person to resolve the issues. Mr. Milone noted that he does not have the expertise to stand in for the Town Planner, does not have the time to do this, and planning and zoning is a role of the Planning office. These are the reasons the changes are being recommended.

Mr. Adinolfi commented on the Town Council being careful about micro-managing the Town Manager, and the Town Council is bordering on this. To Mr. Milone's point, Mr. Adinolfi assumes that implied in the supervisory role is someone with a level of knowledge of the town’s zoning regulations, etc. to answer questions and responds to issues in the absence of the Town Planner.

Stating that this assumption is correct, Mr. Milone said that if there cannot be an immediate response to the public, there can be collaboration with staff to come to a decision or answer which will carry some weight, in the absence of the Planner.

In that regard, Mr. Adinolfi said it is more than just a day off, medical visit, etc. and that someone is needed with experience to handle the responsibilities. He will support the resolution.

Mr. Schrumm stated that Mr. Adinolfi’s comments were right on point.

VOTE The motion passed 5-3; Sima and Giddings opposed.

6. JOB DESCRIPTION FOR ZONING ENFORCEMENT OFFICER/ WETLANDS AGENT.

MOTION by Ms. Giddings; seconded by Mr. Falvey.

BE IT RESOLVED, that the Town Council approves Resolution 062210-4.

RESOLUTION #062210-4

BE IT RESOLVED, That the Town Council approves the revised job description for the Zoning Enforcement Officer/Wetlands Officer position, as recommended by the Personnel Committee and as attached.
Discussion
Ms. Giddings stated that due to the reorganization of the Planning Department, there will be an increase in the hours of the current Assistant Zoning Enforcement Officer. It is recommended that the name be changed, with the elimination of the position of Assistant Town Planner/Zoning Enforcement Officer. It did not make sense to have an “Assistant ZEO” when there was no Zoning Enforcement Officer. This resolution and accompanying job description changes the name of the position, increases the hours, which is supported by the Personnel Committee. The ZEO serves as staff to the Zoning Board of Appeals.

Chairman Slocum stated that this issue was a concern during the budget process, reducing the Assistant ZEO position; and this was being done because there would be an Assistant Town Planner. The Council wanted to insure there was zoning enforcement, and Mr. Slocum supports this resolution.

VOTE The motion passed unanimously by those present.

7. NON-UNION PAY CLASSIFICATION PLAN FOR FY 10-11

MOTION by Ms. Giddings; seconded by Mr. Adinolfi.

BE IT RESOLVED, that the Town Council approves Resolution 062210-5.

RESOLUTION #062210-5

BE IT RESOLVED, that the Town Council approves the revisions to the Non-Union Pay Plan for FY 10-11, as recommended by the Personnel Committee and as attached.

Discussion
Ms. Giddings explained that when the non-union salary arrangements were done there was approval of a 0% salary for FY 10; non-union staff would get no pay increase effective July 1, 2009 through December 31, 2009; and a 2% increase starting as of January 1, 2010 through June 30, 2010; and then a 2.5% increase for the next fiscal year. One problem providing these increases is that if people qualify based on their supervisor’s evaluations, someone could be over the maximum range. There is one employee receiving these increases and there is a conflict with the maximum for the particular job classification for this person. The Personnel Committee looked at the classifications and the non-union pay plan, the range of minimum to maximum for each E-5 through E-1 and N-4 through N-1 positions (35 and 40 hours per week). A change was made to the N-4, 35 hour position in the maximum.

Mr. Schrumm said that the public should be aware that with the exception of one level, all the maximum scheduled were left the same. The Council has directed the Personnel Director to do a lengthy study of where the minimum and
maximum levels should be since this has not been done for many years. It is one thing to keep bumping by percentages and not look at some of the levels and how they compare with other towns and job functions. The study will be done over the next 6 months, and by next year there will be a more in-depth look at the data.

VOTE The motion passed unanimously by those present.

8. NON-UNION PERSONNEL RULES AND REGULATIONS

MOTION by Ms. Giddings; seconded by Mr. Schrumm.

BE IT RESOLVED, that the Town Council approves Resolution 062210-6.

RESOLUTION #062210-6

BE IT RESOLVED, that the Town Council approves the revisions to the Non-Union Personnel Rules and Regulations, as recommended by the Personnel Committee, and as attached.

Discussion
Ms. Giddings informed the Council that these changes insure that the changes made for the non-union personnel with regard to medical benefits and life insurance are closely matching what the Council feels is appropriate. The changes provide more responsibility for employees to choose the HSA where they have more control of medical payments.

Mr. Sima said this is a very generous plan with $15 office visit co-pays, along with other low co-pays, compared to what others pay. He wishes it was more in line with other plans, and noted unions point out when salaries are not in line with others, but are not quick to point their better health plans. Mr. Sima stated that people in public service know they have generous pension plans and health benefit plans, yet forget this when they look for higher salaries. It is going in the right direction but Mr. Sima wishes it was higher.

It was pointed out by Mr. White that last year the Council voted to eliminate the defined pension plan for non-union new hires. He said there are other things which could be changed in the Plan, but he tried for a few years to build Council support for the change in the pension plan. He continues to advocate elimination of the defined benefit plan for all town employees, particularly new hires. Pension plans are a huge problem, and have long term liabilities.

VOTE The motion passed unanimously by those present.

9. SETTLEMENT OF HEART AND HYPERTENSION CLAIM EXECUTIVE SESSION.
MOTION by Mr. Schrumm; seconded by Ms. Giddings.

MOVED that the Town Council enter Executive Session at 8:16 p.m. to include Town Manager Milone and Bill O’Connell from CIRMA.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Schrumm; seconded by Ms. Giddings.

MOVED that the Town Council exit Executive Session at 9:20 p.m.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Schrumm; seconded by Ms. Giddings.

BE IT RESOLVED, that the Town Council approves Resolution #062210-7

RESOLUTION #062210-7

BE IT RESOLVED, that the Town Council authorizes the execution of a Heart and Hypertension Settlement Agreement by and between the Town of Cheshire and Michael Cruess, and

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town said settlement agreement upon the terms and conditions as presented at this meeting.

VOTE The motion passed unanimously by those present.

10. ADJOURNMENT

MOTION by Mr. Schrumm; seconded by Ms. Giddings.

MOVED to adjourn the special meeting at 9:25 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk