

**MINUTES OF THE CHESHIRE TOWN COUNCIL PERSONNEL COMMITTEE
MEETING HELD ON MONDAY, FEBRUARY 26, 2018, AT 7:00 P.M. IN ROOM 207,
TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Thomas Ruocco, Chairman; Sylvia Nichols and Peter Talbot.

Staff: Michael A. Milone, Town Manager; Louis Zullo, Personnel Director.

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. CLERK OF THE COUNCIL APPOINTMENT

Mr. Ruocco noted that the Clerk of the Council, Marilyn Milton, submitted a letter for renewal of her contract with the Town of Cheshire. There are no changes in the rates from the prior contract. However, the contract neglected to include the "\$50 per hour after 11:00 p.m." rate. The committee agreed this rate should be included in the contract; they approved the contract; and recommended it be forwarded to the full Town Council for approval.

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

MOVED that the Personnel Committee approves renewal of the contract for the Clerk of the Town Council (Marilyn W. Milton), with the contract to include the "\$50 per hour after 11:00 p.m." rate.

VOTE The motion passed unanimously by those present.

**4. CLASSIFICATION AND JOB DESCRIPTION FOR BLIGHT
ENFORCEMENT OFFICER**

Mr. Milone informed the committee that the Ordinance Review Committee (ORC) has reviewed and discussed the proposed blight ordinance due to past concerns about blight in Town. Sometimes it is neighbor to neighbor, and other times it comes through written or verbal complaints. The ORC carefully crafted the ordinance, with the assistance and guidance of Town Attorney Joseph Schwartz.

For the blight ordinance, Mr. Milone noted there must be a strong enforcement arm. There have been blight situations in the past five (5) years with safety and health concerns involved. There has been collaboration between the Fire Marshal, Building Official, Chesprocott, Human Services and Fire and Police Departments, but with little enforcement power. Mr. Milone cited the Peck Lane residence which took 10 months before court approval to secure the safety of the resident and the house without a

tragedy. Other situations of neglect and blight exist without Town authority through a court order. The ordinance permits the Fire Marshal and Building Official to have the authority to investigate and enter a dwelling, impose a \$100 per day fine until issues are resolved, and to insure safety of the people and residence are protected under the Enforcement Officer's coordination of efforts of everyone involved.

In light of this information and explanation, Mr. Milone stated that Fire Marshal John Andrews is the most qualified person to take on the responsibility as Blight Enforcement Officer. The duties will impose some additional work for Fire Marshal Andrews. There could be three (3) or four(4) ongoing situations at one time...or none. The enforcement charge will vary from time to time; someone is needed to oversee, coordinate and manage the functions of the ordinance; and the Fire Marshal is the appropriate person.

With regard to the stipend for the additional duties, Mr. Milone advised that the duties will take about 3% to 5% of the Fire Marshal's time, and \$3,000 is 3% of the salary of the Fire Marshal position. Mr. Milone recommended to the committee that Fire Marshal Andrews be the Blight Enforcement Officer at a stipend of \$3,000 per year.

There is an appeals process in the ordinance. Mr. Milone advised that Attorney Bruce Diamond, an outside third party, would be the Hearing Officer for the Blight Ordinance appeal process. Attorney Diamond serves as Hearing Officer for other appeals.

Mr. Talbot asked about the "up to 10 day appeal process" and if this time frame can be extended for completion of what has to be done for the house.

According to Mr. Milone that would depend on the nature of the problems and severity. It is possible Mr. Andrews could handle the matter with Human Services and Chesprocott, or other parties involved. Under Connecticut law, a homeowner can refuse entrance to their property, and this refusal would slow down the enforcement process. The Town can go to court for authority to enter the premises; the court can approve removing the people from the house; and with the ordinance there are preliminary steps and ability to assist the residents.

Ms. Nichols talked about the Zoning Enforcement Officer (ZEO), networking with other officials on situations, and staff being on call.

The committee was informed by Mr. Milone that Fire Marshal Andrews is on call 24/7. The Building Official and other officials are not on 24/7 call.

For a telephone or written complaint, Ms. Nichols asked if the complainant is updated on the progress of the situation from the Fire Marshal. She also asked if neighbors could be apprised of the situation that exists.

This is not written out or explained, and Mr. Milone expects that Fire Marshal Andrews would get back to the person who filed the complaint. For anonymous calls about

problems the Fire Marshal would go out to “see the problem” and investigate as necessary.

The importance of the written complaint was emphasized by Mr. Milone, which enables the Fire Marshal to lay out the process for the complainant...this is not done now. The Town has no legal authority and must wait for things to happen before having any legal authority and the homeowner’s cooperation. Without a written complaint, the Fire Marshal would still follow up and check out a situation. The Town has more leverage with a written complaint, and the homeowner is not told who made the complaint.

Mr. Ruocco expressed his concerns about the overload of authority under the ordinance.

The committee was informed by Mr. Milone that the Town officials would be the Fire Marshal, Building Official, ZEO, Chesprocott, Human Services with the most responsibility, and the Fire and Police Departments, as needed. With everyone taking ownership and responsibility on the complaint, it will insure consistency and appropriate response to a situation.

The question was raised by Mr. Ruocco about how to know the difference between outside/external poor condition of a house, but the interior being acceptable. He cited overgrown grass and clean up needed on the outside.

In response, Mr. Milone referred to page 2 of the ordinance...”Debris”...and read the definition into the record. He also cited page 2...e) 1 and 2, and read an excerpt into the record.

Under Connecticut State Law, a homeowner has 30 to 60 days to clean up a situation at a house. Town staff has the ability to use judgment in a health or safety type of situation or a neighbor’s complaint.

Mr. Ruocco noted there was a situation in his district with a property in poor condition, rodent problems, and no one residing in the house.

With this ordinance, Mr. Talbot stated it opens up a situation to Human Services and Town officials, getting people the help they need to remedy their problems.

Mr. Milone talked about a situation with an elderly man in a house without running water or bathroom facility, and disgusting basement. Both Chesprocott and Human Services were told of the situation; they got involved, gave help, support and counseling; and in a year the house and situation was turned around for the man. Mr. Milone said “notification” is required to fix a problem.

Mr. Talbot sees the ordinance as a great opportunity to help residents when they cannot help themselves and remedy the situation on their own.

It was noted by Mr. Milone that the people are treated in a responsible and caring way, and without this ordinance the Town organizations cannot take action, and act quickly. The Fire Marshal will be taking on lots of responsibility and should be compensated for the time and work that will be involved.

Mr. Milone reported there are more and more defined and hazardous situations being found as a result of the increase in inspections by the Fire Marshal's office, and Building Officials. If a property is deemed dangerous, the Town officials can step in, and will not leave a situation unattended.

The flow chart for a blight complaint was submitted and the committee reviewed the chart.

A question was asked by Mr. Talbot about the Town having any properties on the radar that could fall into the blight situation.

There is a small list right now and Mr. Milone said last year there were about 8 or 9 properties in bad condition...and there are houses in Cheshire without running water or functioning bathrooms.

Mr. Zullo advised that other towns have a blight enforcement officer, and larger cities have a full department.

In most smaller towns they work on an ad hoc basis, and this is how Cheshire has done it as well. Mr. Milone said we need someone in charge and responsible for effective and consistent enforcement. This person must be well qualified, have the expertise, and be able to streamline everything.

Ms. Nichols believes there will be more confidence for the taxpayers to have a procedure in place and someone to deal with the issues. This ordinance states what must be present on a property to be considered "blight".

The position of Fire Marshal is not a bargaining unit position and Mr. Zullo advised the compensation adjustment can be done. With a union situation it would be difficult to upgrade.

Mr. Milone restated the fact that the Fire Marshal is on call 24/7, and this is an important factor for the Enforcement Officer. Mr. Milone cited the fact that there is a sunset provision in the ordinance, 12 months, for review of the ordinance.

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

MOVED that the Personnel Committee approves the position of Blight Enforcement Officer (Fire Marshal John Andrews) at a stipend of \$3,000 per year, and forwards this to the full Town Council for approval.

Discussion

Ms. Nichols said this is a good starting point for the Town.

Mr. Ruocco said he is unsure about the blight ordinance and enforcement officer recommendations, but would approve the matter going to the full Town Council for review and discussion.

VOTE The motion passed unanimously by those present.

5. DISCUSSION RE: DROP (Deferred Retirement Option Plan) provision.

Mr. Zullo reported that he did a search and review of other towns with the DROP provision. He cited the towns from the list, noting Norwalk has it but does not recommend it. Wallingford has it for the Police Union; Wilton, Torrington, Hamden, East Hartford, Enfield, Farmington, West Hartford do not have the provision. The towns that responded had a recommendation of an actuarial study before going forward with the DROP to determine if the cost savings are worthy. Having discussed the provision with Mr. Milone, there is some thought for more research and study, which will have costs involved.

Mr. Talbot asked about the response to the legal issues of who gets the DROP provision.

This is envisioned as a selected type program, and Mr. Milone said it would be similar to retirement incentives. These incentives were put out there, made conditional with satisfaction of saving money, and it worked well. Once something is introduced universally there is loss of control with possible unintended consequences. With many of the towns, the program was not carved out and made selective, and it was offered universally. This becomes a nightmare with people taking advantage of DROP without the town saving money and benefiting from the program. If someone applies for the provision, Mr. Milone said the Council makes the decision whether it is the town's financial interest to accept or not, on a case by case basis.

Mr. Milone said it could be very subjective. The town could have someone it wants to retire, but not offer the program. This creates a double standard and inconsistency, opening the town up to more problems. To undertake the DROP, Mr. Milone said an actuarial study should be done, and it could be a costly analysis for only one or two people. He has come to the conclusion that the DROP is not worth pursuing further.

According to Mr. Ruocco it could work in some cases. One problem he has would be offering medical benefits for recipients at the same contribution level. The person would be getting a pension plus a salary, with an income increase, and could pay more towards medical benefits. If there was savings on salary, medical benefits, and no more pension contributions, Mr. Ruocco said it could make the provision better for him.

The program can be designed any way the town wants, but Mr. Milone said the underlying problem is to make it work there is pick and choose of who will be considered for DROP. It could open the doors to a lawsuit, and there is more downside than benefits.

Ms. Nichols stated she is not in favor of pursuing this any further.

Mr. Talbot noted other towns got around the discrimination issue with saying the entire police department or just the police chief.

It was stated by Mr. Ruocco that the Police Department was identified in Wallingford because of police officer retirements, and they could be hired back as school security officers.

Without making DROP universal, Mr. Milone said the town runs the risk of being challenged with picking and choosing. There could be people taking advantage of the program who the town does not want to have continued employment, or making more money than anticipated.

The committee agreed that DROP would not be further pursued.

6. ADJOURNMENT

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

MOVED to adjourn the meeting at 7:52 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk