

## **DERBY BOARD OF ALDERMEN MEETING**

**FEBRUARY 26, 2004 – DERBY CITY HALL – 7:00 P.M.**

### **MINUTES**

Mayor Marc J. Garofalo called the meeting to order at 7:15 p.m. All rose and pledged allegiance to the flag.

#### **Roll Call**

Present: Alderwoman Sheila Parizo, Alderwoman Linda Fusco, Alderman Ronald Sill, Alderman John Orazietti, Alderman Robert Gabianelli, Alderman Samuel M. Rizzitelli, Jr., Alderman Michael J. Flora, Sr.

Absent: Alderman Bruce Sill, Alderman Joseph Bassi

Also Present: Richard T. Dunne, Executive Director, ODA  
Richard Lutz, Mayoral Assistant  
Susan Smey, Board of Education  
Warren Holcomb, Esq.  
Chris Halpin, Celtic Energy

#### **ADDITIONS, DELETIONS, CORRECTIONS & ADOPTION OF THE AGENDA**

Mayor Garofalo noted that there are three additions to the agenda – they are:

1. Item #15 – Authorize RFP for Energy Saving Company (ESC) – Energy Savings Task Force
2. Item #16 – Approve Payment of \$5,000.00 to Celtic Energy for Consulting Services – Energy Savings Task Force
3. Item #17 – Discussion on Heart & Hypertension Pending Claims (Executive Session Only) – Requested by Corporation Counsel

Mayor Garofalo noted that there is one correction:

1. Item #11 – Adopt Resolution regarding Terms of Employment of the Fire Marshal – Should be Executive Session Only with no action being taken this evening.

**A MOTION** was made by Mrs. Parizo with a second by Mrs. Fusco to adopt the agenda as amended. **Motion carried.**

#### **PUBLIC PORTION**

Delphine Krezel, 33 Paugassett Road, Derby – Good Evening. I have a question first. During the public portion is it the Board of Aldermen's ruling that only agenda items are discussed during the public portion?

Mayor Garofalo – Yes.

Ms. Krezel – Okay. So that brings me to my next point. I'm wondering how much of a

problem it would be for the Board of Aldermen to post their agenda to the Electronic Valley Web Site so that the public would at least the day of the meeting – I see the heading on this is 10:53 a.m. – City Clerk's office, probably a revised agenda – so that the public before a Board of Aldermen meeting could look on the web site to see if there is something that they might be interested in attending or addressing.

Mayor Garofalo – That must have been faxed to you today.

Ms. Krezel – No this is an extra copy.

Ms. Finn – I gave her my copy.

Ms. Krezel – What I'm saying usually at least a day before a meeting or the day of the meeting with revisions there's some sort of an agenda that's available. Is it at all possible to have the Board of Aldermen's agenda put on the Electronic Valley so that the public could pull it down?

Mayor Garofalo – At the new City Hall we're going to have a server and hopefully have that on line.

Ms. Krezel – Okay. As a follow up, which would be really, really great, once you approve the Minutes of your meetings, if those could also be posted that would be a really hope to the community to follow up on issues that we have. And that would be it. Thank you.

Mayor Garofalo – Any further public comment? Hearing none...

#### **PUBLIC PORTION CLOSED**

#### **MINUTES**

Mrs. Parizo said that she has one slight correction – page one, second paragraph from the bottom, third line down should read undo not undue.

**A MOTION** was made by Mrs. Parizo with a second by Mr. Gabianelli to approve the minutes of the February 12, 2004 meeting with that one correction. **Motion carried.**

#### **JANUARY PARKING DIVISION REPORT**

There were no questions asked. Report placed on file.

#### **JANUARY ECONOMIC DEVELOPMENT REVOLVING LOAN REPORT**

There were no questions asked. Report placed on file.

#### **APPROVE SITE LOCATION PERMIT FOR SUPER SOFTEE FOR ONE ICE CREAM TRUCK**

For the purpose of reporting on the Administration Committee Mrs. Parizo informed the members that the application had been received from Super Softee, not Mister Softee. All information on the application (insurance, etc...) has been found to be in order and she would recommend the approval.

**A MOTION** was made by Mrs. Parizo with a second by Mr. R. Sill to approve the site location permit for Super Softee for one ice cream truck. **Motion carried.**

**APPROVE SITE LOCATION PERMIT FOR CITY DOGS FOR ONE HOT DOG CART**

For the purpose of reporting on the Administration Committee Mrs. Parizo informed the members that the application had been received for City Dogs for one hot dog cart. Mrs. Parizo said that all the information on the application has been found to be in order. However, someone from the Cultural Commission contacted her this evening and she would like to **TABLE** this item until she speaks with the Cultural Commission to find out what their concerns are. She noted that the Administration Committee would be meeting next week.

**A MOTION** was made by Mrs. Parizo with a second by Mr. R. Sill to **TABLE** the site location permit for City Dogs for one hot dog cart until the next meeting. **Motion carried.**

**ADOPT RESOLUTION REGARDING FEES FOR DELINQUENT MOTOR VEHICLE TAX BILLS**

Mayor Garofalo said that this was discussed at the Administration Committee meeting last week. The General Assembly passed a public act last year regarding the cost to go into the system to place a hold on a person's registration if they owed back taxes. They have proposed a \$.50 per car fee for this. They have said that the Cities may charge a \$5.00 release fee. The recommendation is to put the 2002 Grand List on there, which are 2,398 delinquent motor vehicles for a total cost of \$11,099.00. The Mayor noted that the law is under pending review by the legislature again. The Tax Collector's Office is recommending that this resolution be adopted to impose the \$5.00 Release Fee. The Tax Board would have to set up a line item for the expenditure and the income would go into the general income to offset that cost. Mayor Garofalo noted that Corporation Counsel would review the resolution for the specific language.

**A MOTION** was made by Mrs. Parizo with a second by Mr. Flora to adopt the resolution establishing a \$5.00 fee for a release from the Tax Collector for the Department of Motor Vehicles pursuant to Section 14-33 of the Connecticut General Statutes. **Motion carried.**

**ADOPT CONCEPT OF PERMANENT LOCATION OF BOARD OF EDUCATION CENTRAL OFFICES TO ONE ELIZABETH STREET – NEW CITY HALL**

For the purpose of reporting on the Administration Committee Mrs. Parizo informed the members that at the last subcommittee meeting the members met with Dr. Gotowala and a few people from the Derby Board of Ed to discuss their thoughts about coming to the new City Hall. Dr. Gotowala said that he would bring this to the Board of Education meeting on Tuesday to see if the other members would be in support of this concept. Mayor Garofalo informed the members that the Board of Ed at their Tuesday night meeting approved the move to the new City Hall at 1 Elizabeth Street. He also noted that an estimate has been received from the City Engineer that the cost to retrofit the space would be approximately \$350,000. The Mayor also recognized the issue about the sprinklers on the lower level. The City Engineer has informed the Mayor that two codes must be followed – the Building Code and the Fire Code. If the space were to be used for public assembly for more than 50 people, sprinklers would be required. The Mayor said that the Board of Education has directed that the offices be moved there.

He noted that some in the administration have raised concerns/issues about the sprinklers in an attempt to stall the project. The Board of Education has made their decision and they remain committed to move forward. The Mayor said that the City is totally committed in this whole project to follow the codes and we will maintain whatever the code issues are. The Mayor also noted that we couldn't rush to any judgment on this because no plan has been developed for this project and it would be pending the approval of the Board of Aldermen and the Tax Board. The Mayor did note that the members of the Tax Board in attendance at the Administration Committee meeting voted unanimously in favor of this proposal. This could only benefit the City. The City would not have to pay rent anymore and all offices would be under one roof.

**A MOTION** was made by Mrs. Parizo with a second by Mr. Flora to authorize the City Engineer to develop the plans to move the Board of Education Central Offices to the new City Hall.

**DISCUSSION ON MOTION**

Mr. Orazietti – Mr. Mayor did I understand you to say that there's going to be further discussion on what they're going to do as far as charging rent? Is the Board of Education going to be charged rent?

Mayor Garofalo – No. I wouldn't imagine. It would be part of the overall...

Mr. Orazietti – It would be part of...so there would be no rent charged like we had in the past...

Mayor Garofalo – We did before because obviously there were expenses that were associated with the building – electricity, water, and so forth – that we wouldn't have. But this isn't – it's not really going to add expeditiously to the use of the building. But again the rent issue would be something that this board would decide on with the Board of Ed. Mr. Rizzitelli...

Mr. Rizzitelli – It wouldn't make any sense because it's just ourselves. We would be charging them rent and the Tax Board would put it in their budget and then paying it back.

Mayor Garofalo – In terms of our commitment to the education there's a way to back out in-kind service or whatever the case...that's really more left to the finance people how to best handle it. It's more of an internal thing, but you're right we would be paying ourselves. Before it was different because we had extra costs. Further questions? Mr. Rizzitelli...

Mr. Rizzitelli – This is subject to the specs that would be put together and all of that?

Mayor Garofalo – Right – this would just authorize the specs to be done. Again as we had said through the committee process this is obviously outside the \$1.2 million that we had already set aside. So that's why it's coming back here to address that. So we'll await further word on that. Further discussion... hearing none...

**MOTION CARRIED.**

**AUTHORIZE RFP FOR ENERGY SAVING COMPANY (ESC)**

Mr. R. Sill, member of the Energy Savings Taskforce, informed the board that Mr. Lutz, chairman of the taskforce is present this evening should anyone have any questions. The taskforce, which was appointed recently by the Mayor, met earlier this evening and they have a plan for a Request for Qualifications/Proposals for our energy audit for all the facilities that we have listed to reduce the energy. This would be sent out to get proposals, where the City looks to save a lot of money. The consultant is also present this evening should anyone have any questions. He noted that everyone should have received the packet a couple of days ago. This is just the beginning of a comprehensive plan to save a lot of money on energy in the City.

**A MOTION** was made by Mr. R. Sill with a second by Mr. Rizzitelli to authorize the issuance of the RFP that was approved by the Energy Savings Taskforce with any technical changes to it by Corporation Counsel.

**DISCUSSION ON MOTION**

Mr. Orazietti - Mr. Mayor I'm not against this. I'm all for saving money for the City of Derby. But I do think we should have received this packet at least a couple of days before so we can understand and read what's going on. I just don't like the idea that we have to vote on something without even knowing what we're voting on, even though it's a good thing. We need to see the information.

Mrs. Parizo – John, excuse me...

Mayor Garofalo – You don't have to vote on it.

Mr. Orazietti - Well we need to see what it's all about, don't we?

Mrs. Parizo – This was e-mailed to me, correct? It was e-mailed two days.

Mayor Garofalo – It was e-mailed when I got it back...

Mr. Orazietti – I didn't get it Sheila.

Mrs. Parizo – But you weren't home.

Mr. Orazietti – That's immaterial. I didn't get...I think that we should get it – not e-mailed, we should get the packet, and we should read it and we should understand it. It's a good thing – I'm not saying it's not a good thing – it's a good thing. But I don't like the idea that we have to come to these meetings and get something on the agenda and not see what we're reading. We have to vote on stuff that we don't even know about.

Mayor Garofalo – First of all you don't have to vote on it, number one.

Mr. Orazietti – We do have to vote on it.

Mayor Garofalo – No you don't.

Mr. Orazietti – We have to approve it. And now the next item on the agenda is approve payment of \$5,000.00 to Celtic Energy for consulting services. Who are these people and why are we getting them?

Mayor Garofalo – First of all Mr. Orazietti you don't have to vote on it. If the board doesn't want to vote on it tonight, don't vote on it tonight.

Mr. Orazietti – That's not my point Mr. Mayor. My point is I like to see what I'm going to be talking about, what we're going to be talking about prior to the meeting.

Mayor Garofalo – Mr. Orazietti all I can tell you is these copies for those of the aldermen that do have e-mail they were e-mailed yesterday. And Mrs. Ritter was told to tell you that it was e-mailed.

Mr. Orazietti – Well I did not get a copy of it Mr. Mayor.

Mayor Garofalo – Well I'm just explaining to you what happened. It was e-mailed back from the Corporation Counsel's office to me yesterday. It was forwarded to you yesterday.

Atty. Holcomb – Can I just speak briefly? We're trying to fast tract this and we met on Tuesday to finalize the contract, we had a meeting here. When I got to my office Chris Halpin, the consultant, made the changes we discussed, e-mailed it to me – I made some changes and e-mailed it to the Mayor yesterday morning. Part of it was we were just trying to get this thing going because we're trying to get the heating and air conditioning for the schools by the end of September. Otherwise we would have probably put it off until the next meeting.

Mr. Orazietti – I'm not saying it's a bad thing.

Atty. Holcomb – No, I understand.

Mr. Orazietti – I agree with the concept and I agree with the energy thing. But I don't like the idea that we don't see (inaudible) before we have to vote on it. And I think not only for this subject, but also for anything that's added onto the agenda at the last minute we should know what it's all about before we have to vote on it. That's my point.

Mayor Garofalo – Well you don't have to vote on it. You don't have to vote on it tonight. If you don't want to vote on it tonight, don't vote on it tonight.

Mr. Orazietti – That's not the point. You know my point.

Mayor Garofalo – I understand your point.

Mr. Orazietti – Well then my point is anytime we're going to have anything on the agenda we need to see the thing, I don't care. E-mail to me is not getting the stuff. We should get the stuff prior – two, three days before. In this particular case it wasn't possible, so be it. But I think in the future anything that's on the agenda I for one will not vote on it unless I see what I'm voting on. Case closed.

Mayor Garofalo – Well don't vote on it then. If you don't want to vote on it tonight, then don't vote on it tonight.

Mr. R. Sill – I don't think that's what he's saying. I agree with what you're saying John. A lot of times we get something and it's not an emergency and (inaudible) we hardly even read it and then we're voting on it. I think that should be a policy going forward. This happens to be a case where it's very important...

Mr. Orazietti – I agree.

Mr. R. Sill – Last minute meeting and you're not saying you're against this (inaudible).

Mr. Orazietti – No – it's a good thing. It's just the point.

Mayor Garofalo – Further discussion... Hearing none –

**MOTION CARRIED.**

**APPROVE PAYMENT OF \$5,000.00 TO CELTIC ENERGY FOR CONSULTING SERVICES**

Mr. R. Sill, as a member of the Energy Savings Taskforce reported on this item. He informed the board members that this is the second installment to pay our consultant to bring the whole program together. He would recommend that this be approved for payment.

**A MOTION** was made by Mr. Sill with a second by Mr. Rizzitelli to approve the payment of \$5,000.00 to Celtic Energy for Consulting Services.

**DISCUSSION ON MOTION**

Mr. Orazietti – Mr. Mayor is it possible if we could have this gentleman in the audience give us a little recitation of what this is all about so we understand.

Chris Halpin, Celtic Energy – About the RFQ/RFP...

Mayor Garofalo – Once second, thank you Mr. Halpin. Don't forget Mr. Orazietti, this board authorized a contract. You approved the contract...

Mr. Orazietti – Yes, but I need to understand – I want to hear what he has to say.

Mayor Garofalo – That's fine, but I just want to explain the process that you set up here. And that was we have a contact with Celtic Energy and we said that the Energy Savings Taskforce would develop the RFP for the energy savings company and then

they would come back with the RFP – it's going to go out for the RFP or RFQ – anyway requesting information from these companies and then it's going to come back to the Energy Savings Taskforce and then further back to this board. So that's the process and assuming you want to stay with that process, that's where we're at. Mr. Halpin...

Mr. Halpin – Keeping with the process here basically the way this is set up we're going to put out the RFQ/RFP – Request for Qualifications, Request for Proposals, which is going to include all the qualifications – tell us how many similar projects you've done like this so on, so forth. We're also going to get pricing on some projects that I have outlined there. It's going to come back – we'll negotiate, we'll budget and score and evaluate the proposal, we'll put it in front of you guys again for approval and then we'll negotiate with that selected contractor to do a final, sort of due diligence study – what they call an Investment Grade Energy Audit and a few weeks after that we're going to come back to you for final approval – we'll negotiate the contract and then we get to work. This summer we hope to replace the heating system in the high school and add air conditioning – do a lot of other projects similar to that at Bradley and Irving, this building and the WPCA. And all of this that we're talking about here is going to save probably several hundreds of thousands of dollars a year from the City's energy budget as well as operation and maintenance budget. It will also vastly improve the environment in the schools and the other buildings. You will have much better lighting, much more comfortable heating and cooling systems and it will just be overall a much better environment for the kids to learn in and the teachers to teach in.

Mr. Orazietti – And when do you expect to finish, to complete this?

Mr. Halpin – The bulk of this major mechanical work that needs to be done in the classrooms will be done this summer before school starts by September 1. The balance of the things like replacing light bulbs and this kind of stuff can be done after hours during the school year. So we're going to push the stuff that needs to get done before the kids start school this summer and the balance will be done, I imagine, by probably November, December. But pretty much all done this year – the calendar year we'll be complete. It will be a great project.

Mr. Orazietti – Thank you very much. Now I know where we're going. No further questions by me Mr. Mayor.

Mayor Garofalo – Any further questions? Hearing none...

**MOTION CARRIED.**

**ADOPT RESOLUTION REGARDING TERMS OF EMPLOYMENT FOR THE FIRE MARSHAL**

**DISCUSSION ON HEART AND HYPERTENSION PENDING CLAIMS (EXECUTIVE SESSION ONLY)**

Mayor Garofalo said that we need to go into Executive Session for Item 11 – Terms of Employment regarding the Fire Marshal and Item 17 – Discussion on Heart and Hypertension Pending Claims. Mayor Garofalo informed the board members that under the Heart & Hypertension Pending Claims there are several parts, one part he

may have a potential conflict with – so he will excuse himself from Executive Session during that part. He said that there would be no action taken on these items.

**A MOTION** was made by Mr. R. Sill with a second by Mrs. Parizo to go into Executive Session at 7:45 p.m., inviting Corporation Counsel to discuss the terms of employment regarding the Fire Marshal and discuss the Heart and Hypertension Pending Claims.

**Motion carried.**

**THE BOARD CAME OUT OF EXECUTIVE SESSION AT 8:27 P.M. NO ACTION TO BE TAKEN ON THE ITEMS.**

**TAKE ACTION ON COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DERBY BOARD OF EDUCATION AND THE DERBY EDUCATION ASSOCIATION**

Mayor Garofalo – We have a copy of the contract that has been on file with the City, as well as a communication from Atty. Murphy dated December 18, 2003, as well as what I believe is a teachers' settlement analysis that has been distributed to the Board. We have Mrs. Smey here from the Board of Education to discuss this matter in terms of presentation. As you can see probably the best place to start is the letter from Atty. Murphy, which summarizes the six areas that have changed in the Collective Bargaining Agreement. So I direct everybody's attention to that – it's dated December 18<sup>th</sup> and date stamped at the Superintendent's Office December 19<sup>th</sup> and that was hand-delivered to the City Hall today. So, Mrs. Smey...

Susan Smey, Board of Education – Well I think the most important point that really you're going to want to focus on are the insurance, the wages and the fact that we negotiated for one additional day of work so that (inaudible) 186 days for the teachers. We have yet to decide if that one-day will be for students to be in school or if it will be for professional development. The insurance premium share was important to us and it also went from 12% in this year to 15% by the end of the next contract, which compares well with other districts. That actually is sort of high – good for us, not so good for the teachers. The wage increases first year - 2.75%, second year - 2.85%, third year - 2.75%, the average of those percentages is actually slightly below what towns in the rest of the State are giving. So again, that worked out in our favor. Of course we had some language that we cleaned up in the contract, which in your copies you wouldn't be able to see that. Nothing that was really important. I don't know if you have any questions for me about that. Those were the major points – the additional day, the wage increase (inaudible).

Mr. Orazietti – Mayor I have some questions on other portions of this if I...

Mrs. Smey – I hope I can answer them. I don't have a copy of the contract with me.

Mr. Orazietti – Okay. Are you familiar with all the intricacies of this contract?

Mrs. Smey – I negotiated it – I helped negotiate it. I'm aware of a lot of the language.

Mr. Orazietti – Well you'll have to forgive me if there's something here that I missed, but I don't see – I see very little in here about substitute teachers. It doesn't tell you what

they make a day. It doesn't give you any kind of – it's completely vague and I need an explanation for that.

Mrs. Smey – I have to say that probably because substitute teachers aren't under the contract with us that they're not...

Mr. Orazietti – They do mention in the contract, but they don't say anything about what they make or what they don't make. Now I could be wrong but I did see a copy of an article at one of the other contracts that specified how much a substitute teacher makes per day and after a certain amount of days that he or she works, it increases to a certain amount. It doesn't specify anything in here and I'm just curious why?

Mrs. Smey – Again I have to say...

Mr. Orazietti – I don't want to put you on the spot...

Mrs. Smey – No, that's all right.

Mr. Orazietti – But its very vague here. When you look at salaries it does mention – if you go to page – I think it's 27 – if you go to salaries and you look at – I'm sorry not salaries – page 26 – if you go to page 26 it says here substitute teachers – it identifies substitute teachers – it says after a forty-day trial period a certified substitute teacher should be paid up to the appropriate rate on a salary scale as if said substitute teacher had been originally employed as a full-time teacher. Now being a substitute teacher, knowing that if you're certified – first of all, you can't teach unless you're certified. I'm just trying – I wish Jim were here so he can answer these questions.

Mrs. Smey – You can't teach unless you're certified...we're not talking about substitutes...

Mr. Orazietti – I don't mean to put you on the spot. Substitute teacher it says here – a certified substitute teacher should be paid up to the appropriate rate on a salary schedule as if said substitute teacher had been originally employed as a full-time. What they're saying here is after you performed forty days...

Mrs. Smey – Long-term substitute...

Mr. Orazietti – Then you become - you get the first step of a regular teacher.

? – If you're certified.

Mr. Orazietti - If you're certified. Now, you have to be certified, and this is why I want Jimmy to be here, you have to be certified to be a substitute teacher – certified by Hartford, okay? You have to present your credentials each year to Hartford and they come back and say if you're certified or not.

Mrs. Smey – Certified as...

Mr. Orazietti – As a substitute teacher. You can't teach unless you're certified. Unless you receive a certification. Okay, now my question...

Mrs. Smey – I've never heard of that before.

Mr. Orazietti – Okay well we have to send paperwork up to Hartford...

Mrs. Smey – Okay. Well let's get to the heart of the question anyway.

Mr. Orazietti - So I guess after forty days do you have to be certified in a specific area? That's never been really clarified because I've talked to the President of the Union also...

Mrs. Smey – (Inaudible) depending on what you're substituting for.

Mr. Orazietti – I'm certified and I'm substituting for the French teacher. I'm teaching French for forty days. But I'm not a certified French teacher so after forty days do I get paid – do I get that...

Mrs. Smey – Well actually what that actually means is that after a certain – when you hit a long-term sub you're allowed to be in that classroom for a certain amount of time. But if you're not certified to teach that subject area, you can no longer be a substitute in that classroom.

Mr. Orazietti – Understand, but it should say it.

Mrs. Smey – You're right – it could say that. But again, this is a contract covering the teachers' work.

Mr. Orazietti – Substitute teachers are just as important as the teachers.

Mrs. Smey – I'm not saying that they aren't...

Mr. Orazietti – And they should be covered under contract more specifically.

Mrs. Smey – But this is a contract between our employees. So although substitutes are covered to a certain extent in here, not a lot is said about them because they aren't our employees.

Mr. Orazietti – Okay. It should also be stated in here how much a substitute teacher makes. Because what happens...

Mrs. Smey – It says per diem – 50% per diem...

Mr. Orazietti – Let me tell you what we get. We get \$65.00 per day and after a certain amount of days it goes up to \$75.00. That should be specified in there. Again, don't...

Mrs. Smey – Well it says 50% of his or her per diem salary - under #3 it discusses that...

Mr. Orazietti – Compensation for coverage of classes when a substitute is not available shall be at per diem salary for the teacher who teaches that class. If the teacher merely covers the class – it's the teacher that you're talking about, not the substitute teacher.

Mayor Garofalo – If they can't get a sub, I think the practical reality is when there are times they can't get a teacher they'll get somebody who has a prep period or whatever to fill in for that.

Mr. Orazietti – I just think that it should be specified a little bit more Mrs. Smey so...

Mrs. Smey – Well you know what the only problem I see – the only reason why maybe substitute teachers are not represented in the contract more strongly is that they don't have a Union rep at these negotiations. There is no one representing substitute teachers at these negotiations because the Union rep represents teachers who work for the Derby Board of Education. So therefore they're not going to have anyone really who's advocating for them. Which doesn't mean that it couldn't be in there – although even then I'm not so sure. Because again, this is a contract between the employees and the Board of Education.

Mr. Orazietti – Well that's why I wanted to ask the question. Because I thought if they are representing the substitute teachers to some extent, then the dollar figure and how much they make per day should be in here and like what their policy is should be noted here – at least that much.

Mrs. Smey – Well I could certainly make a note of that and bring that back and ask more about that – even if I could just clarify your question.

Mr. Orazietti – Basically my only question is what is the rate for substitute teachers and why isn't it specified? Again, I don't mean to put you on the spot.

Mrs. Smey – No, that's all right. Thank you for bearing with me.

Mayor Garofalo – Mr. Rizzitelli...

Mr. Rizzitelli – On the insurance premiums and some of those negotiated terms for the health insurance, what was the logic behind the increase of 1% over the next three terms? I guess this is a three-year contract I think, going to 2007.

Mrs. Smey – Right.

Mr. Rizzitelli – So what's the logic behind 1% increases in the premium share of the employees?

Mrs. Smey – What it actually ended up being was we were trying to negotiate an end premium share – what would they end up at, at the end of the contract. And we ended up in mediation at the end of this and that was one of the points we were in mediation over. We were trying to go for something higher and we could not get that.

So we did take 15%, which still as I said before is good for us. It compares well with other districts. So we got the 15%, which translated into 1% per year, basically.

Mr. Rizzitelli – When you say you guys mediated this, did the mediator render a decision on that issue?

Mrs. Smey – The mediator worked between us. We were there one night until 2:00 in the morning with this person who we were in one room, the teachers were in another room and he sort of just goes back and forth and says this is what's going to happen. This is what we're going to give and this is what the board is going to give – tries to work out a solution before you end up in arbitration. That's your last step before arbitration.

Mr. Rizzitelli – Do we know what the anticipated increase in premium is going to be over the next three years?

Mrs. Smey – You mean what it works out in dollars?

Mr. Rizzitelli – Well, health insurance is probably going to increase for the next five to ten years in the marketplace – that's going up. Are we locking ourselves into a contract too low relative to the rate of increase of the market? What I mean by that could we be locking ourselves in for this 1% to 2% and have these benefits go up 20% and 30%, maybe 50% over the next few years?

Mrs. Smey – I don't know if I can answer that. I mean it's a logical question to ask. It comes down to a matter of what can you negotiate? What could we get?

Mr. Rizzitelli – But did our insurance consultant – I think I saw the use of an insurance consultant involved in this process – did they advise you during this mediation on these thoughts?

Mrs. Smey – Unfortunately I was not there the night the insurance people met, so I can't answer that. Again, if you would like me to get back to you with some answers on that I can do that.

Mr. Rizzitelli – Yeah. Are we going to action on this tonight Mayor or is this something we can wait on?

Mayor Garofalo – It was filed with the Town Clerk on February 10<sup>th</sup> so we would have to do it by March 10<sup>th</sup> and our next meeting is March 11<sup>th</sup>. Actually March 11<sup>th</sup> is the 30<sup>th</sup> day because there's only 29 days in February. So I guess that would...

Mrs. Smey – You could extend it to the next meeting.

Mayor Garofalo – Yeah.

Mr. Rizzitelli – And if we didn't provide action anyway it would ratify...because I would be in favor of hearing some of these thoughts. My concern is – you know, obviously you

heard the point of my concern as far as that goes. And who knows there may be nothing we can do about it, but it may be something that's worthy of arbitration.

Mrs. Smey – And since you brought that up, let me just tell you a little bit about arbitration – the cost for it. Just in case you wanted to know that. Depending upon how many items are on the table to be negotiated, it can range between \$20,000 and \$50,000 in arbitration – approximately. A lot of times what they will look at is the bottom line - the town's ability to pay. They aren't going to look at okay how can we negotiate this? Well you are willing to pay 12%, and you want 20%, so we're going to decide that 16% is fair. It's goes one-way or the other. So I don't know that we would get what we wanted anyway if we went to arbitration. But again, they're going to look at the town's ability to pay and if they think we can pay based on our fund balance then we could (inaudible). I want to make sure I captured your question correctly, so can you just tell me again?

Mr. Rizzitelli – I'm curious of the thought process and analysis that left the Board of Ed comfortable with a 1% increase over the next three years, locking us in at this employee share – employee premium share – of I think it's 13%, 14% and then 15%. I think that's what I read. And that being only those one percents, I'm curious what affect that has on our budget over the next three years in terms of expectations of our insurance premiums? And did we consider at all negotiating co-insurance into these policies?

Mrs. Smey – That's a good question. I'm not even sure what co-insurance is. What is it?

Mr. Rizzitelli – Co-insurance is a mechanism used to reduce the premiums whereby the employee would cover a certain percentage of a claim above - for example the insurer covers 90% and the employee has a 10% co-insurance. So if the bill at the doctors were \$1,000 they would pay \$100.00.

Mrs. Smey – Okay. And again this might be something that we will be working on shortly...

Mr. Rizzitelli – Yeah, hopefully. I guess the point is too if we lock it in now at this point I'm a little concerned about....

Mrs. Smey – I don't think we did lock it in. I think there was a contingency for opening it up again, which I will check. But knowing that we were talking about insurance issues and going this way I think we had a stipulation there.

Mr. Rizzitelli – Okay. Because I would like to see something give us the flexibility during the next year to re-examine this, but really protect the City's interest. But my biggest fear is given the size of that premium and the percentage of increase the markets are seeing, we are talking about 2 and three 3 mils of tax dollars that can go up. At least right now as we sit here the premium for this may be around 2 or 3 mils. But it could up 2 or 3 more mils – that's a scary thing. So that's my concerns, something I want to keep an eye on.

Mr. Orazietti – I have one more question. Sue another thing, can you find this out – is it legal to have a substitute teacher represent the substitute teachers in any future negotiations regarding substitute teachers?

Mrs. Smey – I can find that out. I wouldn't think so only based on...

Mr. Orazietti - Do they have to be in a special Union for that?

Mrs. Smey – And again, who would they be negotiating with? They don't have an employer per se, because they just go in. So that's another issue right? Well I'll ask that question for you.

Mrs. Parizo – Does this include the paraprofessionals and nurses?

Mrs. Smey – No.

Mayor Garofalo – I just have one question. The summary of this December 18<sup>th</sup> document, the document that was signed is, I believe February 9<sup>th</sup> by Mr. Gildea and I assume by the Union at some point. Now from December 18<sup>th</sup> to February 9<sup>th</sup> there are summaries in here. Is there anything else that changed? I mean like is this it in terms of the major things? I'm sure there's small issues...

Mrs. Smey – That's it.

Mayor Garofalo – Because on item #6 it says that...

Mrs. Smey – That still has not been settled. We really are – we're trying to give the teachers, the elementary teachers, more prep time but it really is contingent on how we can arrange the schedules. And I know that is something that the principals and the superintendent are working on. It may not be possible, although they certainly need it. I think they only have 90 minutes a week...

Mayor Garofalo – But how do you – how is the contract finalized? So are you going to give it to them or not? What if you can't work out the schedules? How does that...I mean I'm just not familiar with how that works. Is it binding, is the contract binding then?

Mrs. Smey – Let me find out where we are in the process so that I can answer that question for you. I don't think anything has changed, but I'm not certain. I thought that the way it was left was that they were working on ways between the teachers and the principals and the superintendent to have this happen. But there is a financial cost to it because we have to arrange for another specialist to be in the building to cover that time. So we had to see if that was going to be...

Mayor Garofalo – Half hour increments or whatever...

Atty. Holcomb – I just note that the last paragraph of the letter, which is back in December says that because of that issue – I'm assuming that's the issue they're referring to – has to be resolved so that ratification can occur on December 22<sup>nd</sup>.

Mrs. Smey – We were originally set to vote on it on December 22<sup>nd</sup> and we did not because of that.

Atty. Holcomb – But it has been voted on now, correct?

Mrs. Smey – Yes.

Mr. Orazietti – Sue, who are you going to present these questions to? Who are you going to ask to look into these questions?

Mrs. Smey – Well I would ask Dr. Gotowala to forward these to Atty. Murphy.

Mr. Orazietti – Okay. He would be the gentleman that would be reviewing these questions?

Mrs. Smey – Yeah. Most of these would be answered by him.

Mayor Garofalo – Why don't we – can you plan on – why don't you notify him to come on the 11<sup>th</sup>.

Mrs. Smey – You want Bob Murphy here on the 11<sup>th</sup>?

Mayor Garofalo – Yeah and Dr. Gotowala – whoever else can shed light on it. Unless you want it to go to the committee? The Downtown Committee, which is responsible for education. That's to the pleasure of the board.

Mr. R. Sill – I think with the deadline you have you better have them come here.

Mayor Garofalo – The Downtown Committee is meeting next week.

Mr. Orazietti – Let them come here to the Board of Aldermen meeting and the full board so we don't have to report to the full board later on what our findings are.

Mrs. Smey – Why don't we get these answers to everyone as soon as possible and if you think you still need Bob Murphy...

Mayor Garofalo – I'm just saying give them the date tomorrow and say if it works out, fine. Instead of trying to tell them two days ahead, because the date would be March 11.

Mr. Rizzitelli – Why wouldn't the superintendent come over here tonight?

Mrs. Smey – I'm sorry. He has interviews tonight for the, I should have said that in the beginning, for the new high school principal.

Mr. Rizzitelli – He couldn't coordinate that around this meeting on the contract? I just think this would have been important for him to be here for.

Mrs. Smey – It is important, but so was the search committee and he is meeting that. So he needed to be in that place and he knew he couldn't leave that to be here. I'm sorry you're disappointed I'm here Sam.

Mr. Rizzitelli – No, not at all. I did not say that. I have another question though please if I can.

Mrs. Smey – Salary comparisons?

Mr. Rizzitelli – I'm looking at the handout with Derby ranked 139. I really don't know what it means. It's in the package somewhere – it's a faxed page five.

Mayor Garofalo – It's the fourth page actually. The fourth page from the top.

Mr. Rizzitelli – We're ranked 139. I'm just curious what that means? I don't have any frame of reference.

Mrs. Parizo – What's AENGLC?

Atty. Holcomb – That's basically a comparable economic area.

Mrs. Smey – Out of towns...

Mr. Rizzitelli – Well that would be out of the State because probably the State would be the only thing I know that would go over 130.

Mrs. Smey – Right. That's where we rank in salaries. I think actually if you want to take a look at...

Mr. Rizzitelli – Because the mean salaries are \$53,000, that's pretty high.

Mrs. Smey – I don't know what page it is for you but if you take a look at where it talks about the New Haven county bachelor's degree you can see that in Derby it starts out high. We're in pretty good shape there – it shows the ranking. But most teachers, although they start out with bachelor's degrees, they have to get a masters degree in a few years. So as soon as they move over to that masters they're very low. We are mostly below everyone else.

Mr. Rizzitelli – After the masters we go down – is that what you're saying, in salary?

Mrs. Parizo – This is all of Derby?

Mrs. Smey – These are the different towns and we are #88 on this list and it shows that our masters first year starts out in pretty good shape and then we quickly drop off. So our salaries, in general, compared to other towns are low.

Mr. Rizzitelli – Thank you Sue for coming tonight.

Mayor Garofalo – Hearing no further questions, *THE ACTION ON COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DERBY BOARD OF EDUCATION AND THE DERBY EDUCATION ASSOCIATION* was without objection **TABLED** until the next meeting.

With no further business before the board, without objection the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Patricia Finn  
Temporary Recording Secretary

/paf

A TAPE RECORDING OF THIS MEETING IS ON FILE IN THE CITY CLERK'S OFFICE