



TOWN OF MIDDLEBURY

Office of the Selectmen

MINUTES MEETING OF THE BOARD OF SELECTMEN

Monday, May 20, 2019 – 4:00 p.m.

Town Hall Conference Room

Present: Edward B. St. John, First
Selectman
Elaine M. Strobel, Selectman
Michael J. McCormack,
Selectman

Also Present: Attorney Robert Smith
Bill Stowell, Chairman – Board of Finance
Barbara Whitaker, Recording Clerk
Bill Hahn, Ironman
Audra Tassone, Ironman
George Frantzis, Quassy
Marj Needham, Reporter – Bee Intelligencer
Linda Zukauskas, Reporter - Voices

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman with the Pledge of Allegiance.

Approval of April 15, 2019 Meeting Minutes

First Selectman St. John MOTIONED to approve the minutes of the April 15, 2019 meeting, SECONDED by Selectman McCormack. Unanimous approval.

Tax Rebates

| | |
|--|----------|
| Laura Dimeco, Middlebury, CT | \$180.72 |
| Laura Dimeco, Middlebury, CT | \$186.06 |
| Laura Dimeco, Middlebury, CT | \$188.74 |
| Joseph & Roswitha Cusick, Middlebury, CT | \$97.52 |
| Laura Dimeco, Middlebury, CT | \$195.06 |
| Mark A. Newton, Middlebury, CT | \$135.54 |

First Selectman St. John MOTIONED to approve the above-mentioned tax rebates take their normal course, SECONDED by Selectman Strobel. Unanimous approval.

Reappointments

First Selectman St. John MOTIONED to approve the reappointment of Judith Mirrer (R) as a member of the Commission on Aging for a term from June 16, 2019 through June 16, 2021, SECONDED by Selectman Strobel. Unanimous approval.

First Selectman St. John MOTIONED to approve the reappointment of Frank J. Cipriano (R), as Constable for a term from June 3, 2019 to June 3, 2021 SECONDED by Selectman McCormack. Unanimous approval.

First Selectman St. John MOTIONED to approve the reappointment of Robert Rubbo as Director of Health for a term from June 30, 2019 through June 20, 2020 SECONDED by Selectman McCormack. Unanimous approval.

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Toll Brothers Bond Release

First Selectman St. John MOTIONED to APPROVE the bond release for Toll Brothers (Letter of Credit #IS0019933U in the amount of \$119,000), SECONDED by Selectman McCormack. Unanimous approval.

Discussion and Consideration

The First Selectman discussed the past concerns about the special duty rates for Middlebury police officers at amusement events. The Board decided that they would look at what options could be presented by George Frantzis on commercial traffic services. Rev 3 paid \$32,000 for the services of the Middlebury Police Department last year.

On November 1, 2018 the Town was advised that there was a state statute that amusement events should be paid at an overtime rate rather than special duty rate. The police union was not happy with the Town's decision and went to a labor board.

The Town asked the Police Chief to post a sign-in sheet for the officers acknowledging the Resolution. It was posted with the understanding that they would work the regular overtime rate. The Town received the attached letter from the Fraternal Order of Police.

The Town had a meeting with the representatives from Ironman where the First Selectman pursued the issue through the grievance procedure. Ironman will pay the overtime rate and the Town has agreed to permit the Middlebury police officers to at the special duty rate during upcoming Quassy Amusement Park events, under protest.

The Board of Selectman has been informed by the Police Chief that the union president does not like the wording of the letter. There has been no dialogue from the union president regarding the Town's agreement for this event. Ms. Tassone said there was some confusion on where this dialogue would start. The First Selectman continued to explain that when the sign-up sheet was posted again at the special duty rate, no officers signed up to work this assignment.

The Chief informed the Town that Officer Cronin was unhappy with the language in the Town's memo. To date, Attorney Smith has not heard back from the union. George Frantzis explained that he called the Fraternal Order and they said they would be willing to meet. Mr. Frantzis asked what needed to be changed in the memo, but received no answer. Attorney Smith gave the union two full days this week and a half of a day this week to meet and discuss the special duty for the Ironman race.

Mr. Frantzis expressed his dismay that the Police Chief is not willing to sign the July 4th fireworks permit for Quassy based on the officers unwillingness to sign up for the assignments. He added that besides this event, and if they have to cancel the fireworks, they have already purchased supplies, advertising and marketing has been expended for. Mr. Frantzis and Mr. Hahn said they are vendors, and they feel they are in the middle of a labor dispute. They are two weeks from an event and they've secured flaggers, and will bring in extra people from Ironman. They are going to go forward and have a great even, but they have severe concerns about safety. Ms. Tassone added that everyone is willing to come to the table, but the Union is not coming forward. They are bringing in 2,500 people for the race, which is much larger than the Rev 3 races. They like this Town, and they like the area and they want the event to continue in Middlebury.

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Mr. Hahn explained that the police add a safety feature because of their cars; people have to abide by the law of the police, nothing by passes a police vehicle. They need them for Friday, Saturday and Sunday. Mr. Hahn added that the Ironman patron expect a safe event.

Selectman McCormack said that the special duty rate is a published rate and everyone is willing to pay it, he doesn't understand what about the language that they don't like. Ironman agreed to the rate. George Frantzis is willing to call again because having the event without law enforcement would be at the detriment of public safety, and it seems that the police do not care about that.

Mr. Hahn stated that a cancellation is not on the table. They are looking forward to coming back for next year.

At this time Mr. Frantzis asked if the First Selectman would sign the fireworks permit in place of the Police Chief. The First Selectman stated that until the Chief of police is assured that he can assign the proper law enforcement at the fireworks, he cannot sign the permit. The First Selectman agreed that vendors should not be involved in the process.

Public Comments

None.

Adjournment

First Selectman St. John MOTIONED to ADJOURNED, SECONDED by Selectman McCormack. Unanimous approval.

These minutes are submitted subject to approval this 22nd day of May, 2019.

Respectfully submitted,

Barbara J. Whitaker

Barbara J. Whitaker
Recording Clerk

CALABRESE ENGINEERING

601 Quassapaug Rd.
Watertown, CT 06795
(203)598-4390

Town of Middlebury
Board of Selectmen
1212 Whittemore Road
Middlebury, CT 06762

May 8, 2019

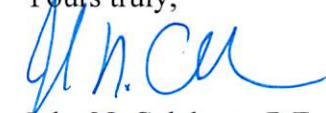
Ridgewood – Toll Brothers
Bond Release – Letter of Credit # IS0019933U

Dear Mr. St. John:

I have reviewed letter Dated February 27, 2019, from Toll Brothers (attached).
A letter of credit in the amount of \$119,000 is currently in place and can be released.

Please contact me if you have any questions or comments.

Yours truly,



John N. Calabrese P.E.

Toll Brothers

AMERICA'S LUXURY HOME BUILDER®

February 27, 2019

Town of Middlebury
Board of Selectmen
PO Box 392
Middlebury, CT 06762

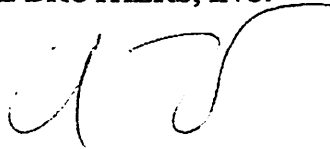
RE: Ridgewood at Middlebury – Letter of Credit #IS0019933U

Dear Board Members:

Toll Brothers respectfully requests the release of our Letter of Credit #IS0019933U in the amount of One Hundred Nineteen Thousand Dollars. The work associated with this bond has been completed.

If you should have any questions regarding this issue, please do not hesitate in calling me at (203) 450-1357. Thank you for your cooperation with this matter.

Sincerely yours,
TOLL BROTHERS, INC.



Edward A. Merchant, P.E.
Land Development Director



Connecticut State Fraternal Order of Police

April 25, 2019

Dear Mayor Edward St. John,

I am the Connecticut State Fraternal Order of Police President and represent the Middlebury Police FOP Union Lodge 34. I am writing you in reference to the Iron Man Race to be held May 31 - June 2. It is my understanding that the Town of Middlebury is not willing to pay the officers the proper amount of compensation for working. I would urge your office to work this out with President Cronin. I do not want to disappoint citizens and children if a great family event like this has to be cancelled. I am writing this as early as possible to advise you that no other outside police department union members will be coming to the Town of Middlebury to work this event. Some of these towns are FOP Labor Union towns and the rest of the departments I have FOP members in. I conducted meetings with each and every union president of those towns yesterday and all agreed they would not cross the line and work in Middlebury. The State Police union president also confirmed with the colonel that no State Police Officer would work in Middlebury during a labor dispute. I would prefer to see that this dispute gets settled and the race can go on as scheduled.

Respectfully,

John Krupinsky

President, Connecticut State Fraternal Order of police



TOWN OF MIDDLEBURY
Office of the Selectmen

May 1, 2019
Hand Delivered

Dear Chief Dabbo:

Please be advised that the Town will permit Middlebury police officers to work special duty for the upcoming Quassy Amusement Park events, under protest. As you know the Statute (Sec. 7-284) requires official police duty, and not special duty, for such events.

Nevertheless, as you have advised me, one or more officers, and their union, has taken action to prevent Iron Man and Quassy Amusement Park, private entities, from obtaining anyone else to provide security and traffic control for these events. Therefore, to protect such valued businesses, and to not force these businesses to cancel events, for which they have spent large sums of money to plan and promote, the Town will permit such special duty, for the near term.

As you know these businesses have complained to the Board of Selectmen, and have complained in the meetings we have had concerning the upcoming events, about the unreasonable increases, last year and before, in the costs of Special Duty, despite the union's previous agreement to excuse Quassy from the high Sunday Rate. They have indicated that such costs may force them to suspend future events.

Therefore, I must advise you, that should these businesses successfully pursue action against the Town, in any way, due to the substantial costs of special duty, coercion, or otherwise, the Town will seek indemnification, and/or reimbursement, against any and all payments made for the special duty to cover these events.

Vert Truly Yours,


Edward B. St John
First Selectman