



# CHARTER REVISION COMMISSION

## MEETING

**Tuesday, February 8, 2005**

The meeting for the Charter Revision Commission was called to order by Paul DiMauro at 7:03 P.M. in Room 104 at Shelton City Hall.

The Pledge of Allegiance was recited.

Attending: Paul DiMauro  
Irene Smith  
Ann Dougherty  
Charles Carroll  
Bob Lally

Absent: Michael Davis  
Sue Coyle  
Steve Bellis  
Gary Cahill  
Joseph Konner

***Paul DiMauro: We do not have a quorum, but we will not be conducting any official business. Good to be back. So we'll go right into the public portion, is there anyone here from the public that would like to address the Commission? Step forward please, please make sure you speak up a little bit because she's having problems getting it on the tape.***

***Walter Sofian: There'll be no question that you can hear me.***

***Paul DiMauro: We appreciate that.***

***Walter Sofian: My name is Walter Sofian and I live at 7 Andrew Drive in Shelton. As the chair and spokesperson of the Charter Action Review Effort Committee, I would like to furnish to the Charter Revision Commission recommendations 31 through 40 for your consideration and briefly summarize them for the record. Some of the recommendations are merely grammatical and some are more substantive. CARE is using the existing Charter of the City of Shelton, revision of 1994, as a baseline.***

*Therefore some of these recommendations that CARE makes may have already been covered in the various drafts available from the CRC. I will give this copy to Sophia.*

*Recommendations 31, 32, 33 and 36 request that the term “convenient” be removed from Sections 6.3, 6.7.1., 6.7.2., 6.8.3. and 6.9.3.1. because the term is too ambiguous and open to interpretation.*

*Recommendations 33 and 34 refer to Section 6.8. and 6.8.3. and removes the position of Director of Public Assistance in conformance with Connecticut State Statutes. Additionally, recommendation 34 requests that the Director of Health report to a duly appointed Board of Health.*

*Recommendation 35 applies to Section 6.9.1. and requests that the EMS chairman be added to the Public Safety Council.*

*Recommendation 37 applies to Section, I didn't write it down, and deals with the expiration of the terms of board and commission members appointed by the Mayor.*

*Recommendation 38 applies to Section 6.9.3.2. and requests that the Chairman of the Board of Fire Commissioners should be elected by the members of that Commission. Currently the Mayor appoints one of the Commissioners and he's automatically the Chairman.*

*Recommendation 39 applies to Section 6.9.5.1. and requests that the Board of Emergency Medical Services Commissioners have a maximum of three (3) members from any one party.*

*Recommendation 40 applies to Section 6.11. changes the title of City Sheriffs to City Marshall.*

*At the CRC meeting on December 7, 2004 Chairman DiMauro told former Mayor Eugene Hope that the CRC would have no problem sitting across the table with members of CARE. Subsequently, at the January 18<sup>th</sup> CRC meeting, CARE requested an invitation for a specific date in April or May, to sit down with members of the Commission for a general discussion of charter revision issues.*

*As stated at that time, CARE had selected a small subcommittee consisting of myself, Greg Kodz, Irv Steiner, and Randy York. Since then, CARE has added Rich Widomski to this subcommittee. Thus far the CRC has not responded to the abovementioned request.*

*The members of CARE represent a broad spectrum of the citizens of Shelton that are concerned about the future of the City and would like the opportunity for a useful exchange with the CRC, with respect to the latest charter revisions. We love the City of Shelton and look forward to a positive response from the CRC.*

*I thank you for your time and look forward to hearing from the CRC sometime soon.*

*Paul DiMauro: Walter, you do have positive response. I gave a positive response to former Mayor Hope that we would meet with you. That was a commitment. We haven't set a date, that's the only thing, we haven't set a date. That was a commitment from me, so we're not edging on that, it makes it sound like we don't want to do it, we are going to do it. That's exactly what we said, we would meet with a committee of your group and go over your concerns and sit across the table*

*Walter Sofian: You said you wouldn't have a problem with it, that's true*

*Paul DiMauro: That's exactly what I said and we'll do it. I committed that to former Mayor Hope and I commit it to your group. We will set a date that's convenient.*

*Walter Sofian: I thank you very much.*

*Paul DiMauro: Your welcome, and as you are aware most of these issues were already addressed, some are by State Statue and some are by the former revisions, but we appreciate your input.*

*Walter Sofian: That's fine, I'm sure there are among the forty*

*Paul DiMauro: That's ok.*

The public portion concluded at 7:14 P.M.

There were no motions to accept either the January 18<sup>th</sup> or the January 25<sup>th</sup> minutes because there was not a quorum. The minutes will need to be accepted at the next meeting scheduled for February 22<sup>nd</sup>.

Mr. Leon Sylvester and Mrs. Susan Attard from the Board of Education and Sandra Nesteriak the Administrative Assistant were the invited guests at this evening's meeting.

*Paul DiMauro: I had thought the last time we had come to, what we all thought was fairly decent verbiage to handle everybody's concern. Obviously there's are still some issues that are sitting out there that you'd like to present Leon.*

*Leon Sylvester: I don't know that, we're not quite sure that we needed to present, we thought it would be beneficial if we came and just reviewed what we felt we had presented and then if there were any questions, and then we could just firm it up.*

*Paul DiMauro: Sure, absolutely, no problem.*

*Leon Sylvester: We're just coming here to discuss I guess, if you have it, it was letter to the Charter Revision Commission, it was 2004. September 3, 2004. If you don't have it, I have a copy in front of me. It's not a big deal really. First of all we confirmed or*

*expressed once again the thought that we felt that the budget submission date should be addressed.*

*Paul DiMauro: We have done that, and we anticipate following the same schedule we proposed last time, which met your criteria.*

*Leon Sylvester: Yes it did, we had suggested that I believe January 15 to February 15 does help and if the explanation is that it puts undo pressure or unnecessary pressure on the negotiations that are going on constantly in our arenas and that it would just be helpful during the whole budget review period, especially the reviews by the state arbitrations etc. So it is much more efficient for the Board of Education to have more time to put a budget together*

*Paul DiMauro: Everybody seems to go along with that idea. I think having a joint meeting with Board of A & T and the Board of Aldermen helped that, so we will continue to do that with the same dates I believe.*

*Leon Sylvester: We are repeating ourselves*

*Paul DiMauro: No, I'd rather hear it again*

*Inaudible*

*Leon Sylvester: Secondly, the business of the bid. We made a statement that we thought that the purchase, we were requesting that you raise the bottom line, the benchmark for bidding, like once again for a, just to ease up some of the paperwork that goes into purchasing, especially with the rising prices, the difficulty in bidding things that are under \$4999.00 we express interest into going to \$7500.00 and I believe that you have adopted our proposed and we would like you to know that we appreciate that, we support that and we stay with that.*

*Paul DiMauro: Most Department Heads have expressed the same request and everyone seems to be in agreement with it.*

*Leon Sylvester: And then the third one which is really I think was heart of some of the controversy we had the last time we sat here was the difficulty of the hiring process as I deem from the Board of Education. I think that we're very satisfied, speaking to Susan that we're satisfied with the way things are going, we don't have any recommendations, any new recommendations or any new comments outside of the fact that we still do stay with Section 8.2, our addressing that under the proposed Charter, we're talking about the professional exemption, what is a professional, that was banted around, there was debate over that issue, actually I think that I had expressed at that time that one of the positions that we actually hire as a professional when we talked to the then Corporation Council, John Welch Sr. he felt that the position was not professional because he admitted in his own words that his views of technology were archaic and when talking to his son, and I'm not putting words in their mouths, I shouldn't do that*

*but this is an honest recant of our conversation, young Tom , I think John even admitted that young Tom, now the Corporation Council felt that our views of that position as professional was an honest expression of what a professional would be. So our opinion is that we still feel that if, you know, if in the view of Corporation Council, if there's going to be that debate we believe that the Board of Education is the elected body, if there's going to be a discretionary call it should be with the body that is elected to represent the community that is the Board of Education and they should be able to decide whomever they are, whoever the majority is, they should be able to decide whether the position is professional or not and I'm sure Boards of Educations, especially now knowing there is this thought this question whatever will consult the Corporation Council but I do believe in expression of language viewing the expression of integrity of an elected body. I believe that they are very capable of expressing their thoughts. I would ask Susan to, I know Susan works in this arena much closer than I, although it still spills back upon myself*

*Inaudible*

*Susan Attard: I would concur with all of those things and we had shared with the Commission last time around, we the Board of Education have taken this very seriously (inaudible), seeing though on a professional level (inaudible)*

*Leon Sylvester: I do believe that there will be discussion or debate as to what the Board of Education's decision is, it should lie in their responsibility as elected officials. I did point out a difference of opinions between father and son as Corporation Council but I would like to point out that this I know or a fact too over a debated issue Corporation Council did express one view, a hired attorney who represents Boards of Education throughout the State of Connecticut and one of the leading attorneys in the state, doesn't mean that they're better than our Corporation Council is just means that they're well versed in educational law and do it on a daily basis have advised the governor, I mean they are more than reputable and are a leading firm, they disagree. So what I'm saying without trying to cast any doubt about anybody's ability is that attorneys in this arena disagree also. So in my opinion, what I'm expressing here is that there is going to be a disagreement it should be with the elected official that starts the decision-making, I don't think that it should lie with someone else's hands. And that's it. I'll answer any questions*

*Bob Lally: As you probably know, Ann and I are new to the Board and we're not as familiar with this particular thing. It's my understanding that this has been a responsibility of the Board of Education and the proposal is to change that to responsibility of*

*Leon Sylvester: There was some debate whether the Board of Education has acted diligently in their decision making, that's not unusual in a political arena. You find that that happens often. More often then it's healthy for a community. It's not unusual, it happens, it's been happening for as long as I can remember. I don't think you remedy it by taking the power or authority away from the elected officials. I think*

*what usually balances everything in my opinion in the long run is the vote of the public and I don't think you should legislate away powers of authority of an elected board. That's just my opinion.*

*Paul DiMauro: Sandy do you have anything to add to that?*

*Sandy Nesteriak: Well I thought we pretty well discussed this last time*

*Paul DiMauro: Let me back up a second first, this wasn't mentioned. The professional aspect is meant to clarify for all city positions that were called "professionals". This can happen on both sides, it can happen at the Board of Education and it can also happen within the city. Go ahead Sandy.*

*Sandy Nesteriak: For many years the City has tested for, has been in charge of the hiring process for all non professional employees of the City and the Board of Education. When we met the last time, which is almost a year ago, almost to the day there was a grand discussion and I think that some participants in the discussion became aware of some things that they were not aware of. I think one of the focuses was on the hiring of what the Board of Education deemed as being a professional with the appointment of an IT person, an IT Technician and an IT Director where the city felt that those were did not have the same, the designation of professionalism although they are all certified, they're well taught, they're trained, they have wonderful credentials it didn't necessarily fall into the same title of professional as we expect teachers and administrators. I think during and it went beyond the Director level to technician levels and I think that it wasn't realized just how many people at the table at that time that we can modify the testing process to instead of requiring a written and oral test perhaps certificates meeting certain high levels as determined by the Board of Education it would satisfy the educational criteria and we have ways especially in the Library. Anyone who applies for a certain position in the Library must have a Master of Library Science. I'm not going to develop a test that's equivalent of a Masters of Library Science. I feel that credential is proof and serves as a written test and we move on to the oral interview. I think we aired all of that, I thought we came away with some level of comfort in that but you know, and I think Mr. Sylvester, there probably will always be an on-going issue about professional and non-professional, what is it? And I don't know if that's a debate for this tables, but I thought we all shook hands and came away friends at the end of the meeting, as a matter of fact, I was reminding Sue before the meeting started we've done quite a few tests for the Board of Education in those positions we feel meet the criteria established by the current Charter and the Merit System. You folks all remember the Merit System because I know you Ann were way involved in it, Bob I don't know how much you were, but I know Ann was a long time ago, it's been revised a number of times, the last revision was April 2003 and it was presented the last time around, and as the Administrator of the Merit System I'm required to follow certain rules, here they are that are passed by the Board of Aldermen and I try to do that to the best of my ability. We tested, we completed testing for three Board of Ed positions actually four because one position has been placed on hold by the Board of Ed, they requested us to test later on the other position and there is going*

*to be a test in March for another position. Those are the ones that have been done for the Board of Ed.*

*Paul DiMauro: Those are not professional*

*Sandy Nesteriak: Correct*

*Paul DiMauro: Do you test for the City Engineer?*

*Sandy Nesteriak: Not since I've been here*

*Paul DiMauro: But they did test for that and I can tell you that, it was tested for when he was hired here, Bob was. Because I was on the panel on the oral, I know that*

*Sandy Nesteriak: The Merit System*

*Paul DiMauro: And that's a, and people would try to say and would say that the Engineer position is a professional position*

*Sandy Nesteriak: We just tested for an Assistant City Engineer, just recently and there was a written test and there was an oral board and the recommendation was made and we have a very fine woman whose a professional engineer on staff. So I mean that word professional seems to get in the way, a certificate*

*Paul DiMauro: Let me ask you this, if they wanted to replace the computer person they have today, could they do that by the regular procedure, by having an oral and bypassing the written procedure. So that could be done?*

*Sandy Nesteriak: Sure*

*Leon Sylvester: You're misunderstanding; I have not filed one comment about the testing procedure. My comment is not about her proficiency of the testing procedure. My comment is about the ability of an elected board to decide whether a position is professional or not.*

*Paul DiMauro: Well why would there be a need to*

*Leon Sylvester: Wait a minute; it's in the Charter. The Charter is designating to Corporation Council can make a decision as to whether it's, your recommendation is that the Corporation Council should make the decision whether it is a professional or not. I'm simply stating that the Board of Education is very capable and is an elected Board and should be able to make a decision as to whether they deem a position professional or not. And if it's not a professional then it should*

*Paul DiMauro: Be tested. The only reason that this paragraph is here and Sandy you have to help with this because you're the labor person, this paragraph is here to show*

*who is excluded from the Classified Service. That's what this paragraph is for. It's not about whether you can hire someone or can't hire someone, am I correct? So what is the reason why you would want to have someone*

*Leon Sylvester: There was a paragraph inserted in the Charter which said professional or not and then the Charter said, if my memory serves me correct, that if there was a debate or discussion that the Board of Education could decide whether it was a professional or*

*Paul DiMauro: And you are correct.*

*Leon Sylvester: And what happened Paul, there was a debate as to whether the Board had made a good decision or not, and there was a discussion between political groups as to whether this was the right decision or the wrong decision. So what I'm saying is the remedy is to take it away from the Board of Education and give it to the Corporation Council. I am here expressing my opinion, saying I don't think that's a good remedy, I think that the better remedy is to leave it with the Board of Education and to let the voters decide*

*Paul DiMauro: Let me go back and maybe I didn't express myself clearly. 8.2. Classified Service is what the paragraph that we're talking about, we did add to it that in the event that a definition of professional employee or consultant was required, and first of all consultants because the City could be hiring consultants on some basis whatever, shall be referred to the office of Corporation Council for a determination on a case-by-case basis, but prior to that what the paragraph is really about is the Classified Service shall include all appointees to offices which now or here after except the following, it excludes those that are not in the Classified Service, "Merit System" but would otherwise be teachers of their own venue. All elected officials are excluded from the Merit System, right? Persons appointed to fill vacancies in elected officials, members of Boards, Commissions or other bodies, professional employee and consultants. Positions involving temporary or seasonal or part-time employment, the Administrative Assistant, the Chief of Police, Corporation Council, Assistant Corporation Council unless Council is designated by ordinance as a full-time employee, Director of Public Works and Director of Emergency Management and Director of Health and such other volunteer personnel. All this is doing is saying that these are the people that cannot be in the Merit System. What I don't understand is if you can hire all those people you need for those positions whether it be computer or whatever, in a procedure that you've worked out with Sandy if you don't have a written test because these are top notch people, so now you want to bring in the two or three best and you want to set up your oral board, you want to interview and select the best person. I don't see where any of this harms you from doing it. What I don't understand, one second Leon, what I don't understand is why the insistence on calling them professional and not having them included within the Classified Service, that's the real difference is you don't want them in the Classified Service for whatever reason, not for selection purposes, not for hiring purposes but you don't want them in the Classified Service and that's what I'd like to hear as to why not.*



*Leon Sylvester: Paul, that's not what we are addressing here*

*Paul DiMauro: That is what's being addressed, does anyone disagree with me?*

*Leon Sylvester: Yeah, I do*

*Paul DiMauro: Does anybody else understand what I was saying there?*

*Susan Attard: I could speak on some of them*

*Paul DiMauro: I'd like to hear that, I'm not being argumentative guys, I just want to get this solved, believe me the last thing I want to do is argue about this.*

*Susan Attard: Part of my point and Leon might agree with some of the things I might say or disagree with them. There are certain key provisions, and we only have 13 positions that are very unique, that are non-union, that are not generally tested automatically, like custodian, like clerk, you know the big generic positions that we have at the school system. We only have 13 very unique independent positions that exist out of some 700 employees at the Board of Education. So, in my mind we are looking exclusively at part of that group not even the whole group. If you look at the Charter, you also see there are some key employees that are part of the Merit. Many are appointees and they don't work under the Classified Service, they are not tested for*

*Paul DiMauro: Who?*

*Susan Attard: Well I think there's a technology person, an administrative assistant*

*Sandy Nesteriak: I'm the only one*

*Paul DiMauro: The rest are named here*

*Susan Attard: And in that case certainly*

*Paul DiMauro: Would you please tell me the types of people that you are talking about and the type of positions that are unique and different to the Board of Education that should be considered professional rather than else wise like in every place else. What are the positions?*

*Susan Attard: Director of Personnel, my position, I feel would meet the criteria of professional, the Technology Director and two other positions in the Technology field, Network Technician Network Engineer rather, and the network position and I say that based upon their education requirement, responsibility level and again you've gone to a law firm that is key in labor work throughout Connecticut and gotten labor law clarification and from Corporation Council and have gotten two different opinions.*

*Paul DiMauro: I got four positions so far, you said 13*

*Susan Attard: Well we have 13 positions that are unique, most of which would go through Classified Service*

*Charles Carroll: Are those positions tested now?*

*Susan Attard: There are at least half*

*Charles Carroll: No, the ones you named, the four named*

*Susan Attard: No*

*Charles Carroll: They're not tested. So how would you hire?*

*Susan Attard: We would hire based upon resumes*

*Paul DiMauro: Well why would that be different that what Sandy*

*Susan Attard: Because it would be our fault, because if it doesn't become our fault we lose control. We lose control and it becomes Sandy's*

*Paul DiMauro: See I would think (inaudible), I would ask you to select the oral board*

*Inaudible*

*Leon Sylvester: I have to interject here, once again you want to bring up the debate as to what's professional or not. I didn't bring that to this table. I'm not here to debate whether these positions are professional or not. I am here specifically to address very explicit language in your Charter. You're saying that the Corporation Council is the person to arrive at whether if a new position becomes available or if any position becomes part of the Board of Education hiring process, that the Corporation Council is the one who would make the call. I am saying*

*Paul DiMauro: I think that was a compromise last time, wasn't exactly my wish to do that, it was an add on. We tried to come up with something that everybody would be happy with because we didn't want to leave it to the Board of Aldermen especially, and you could do that too, they fund it all*

*Leon Sylvester: Paul*

*Paul DiMauro: You know the argument that I'm going to get*

*Leon Sylvester: You're bringing some things in here that I don't think appropriate. I tried to make this very narrow and very simple. I did not address, no it's a basis of philosophy, that's why I'm here to put it in the open and then you decide, I mean I don't think it's a great huge issue, I didn't bring it here to bring into this table Sandy's*

*technique of hiring and interviewing etc. If I had a problem with that Sandy knows that I would be very upfront and I would say it right here at this table, I didn't say any of that. What I questioned was again, I'd like you to understand once again, the only thing I'm questioning is your use of the designation of this authority to Corporation Council. In my opinion, I'm saying is that it should be in the Board of Education. If that's not where it goes*

*Paul DiMauro: I think it should be selected by interview because I think the testing procedures and all are sometimes way out of whack. I'm running an organization, I want to hand pick Sue, I want to hand pick that person for computers. I would like to do that. In private industry we do that but here it's a little bit different, it's a different philosophy. The last time we all met*

*Leon Sylvester: I just wanted to clarify something Sue had answered to Charlie and I want to clarify something, how do we pick. Charlie we pick the head our technology department, I think you've met her. Tracy Atkins. She was extremely [powerful person in her arena although the Board of Education had the right to just do pick, in their opinion at that time, it was a professional we brought to the table a group of people from the entire community to interview. There was an interviewing process, not a testing process because in that particular position we felt that her credentials from where she was coming from didn't require a specific test but there were several rounds of interviews which we included people from the community, people from the technology department, people from City Hall and members of the Board of Education and staff. Obviously she going to work for us, so I was involved. So it was not a simple interview, it was a much more elaborate one*

*Paul DiMauro: And that's what an oral exam consist of*

*Leon Sylvester: Exactly*

*Inaudible*

*Paul DiMauro: They all could be hired that way, but I wasn't impressed last time when Tracy went down the line that everyone who worked for her had to be hand selected. I respect their ability, but you know you select by what there credentials are, you interview them and all, but the book is open to anybody. And I'm sure you had an advertising period and all similar to what Sandy would have done. Sandy, how did you feel? Sue, some people would question whether your position would have to fill that way, and you understand that, because the Director of Personnel is a position that many places would test for it*

*Leon Sylvester: Would test for it?*

*Paul DiMauro: Absolutely, would be tested for that position. There's a different philosophy in what you Leon and what the Board of Ed might think is in one arena or not. Sure, we all kike to hand pick*

*Leon Sylvester: When you say test, what*

*Paul DiMauro: They would probably test for Director of Personnel*

*Leon Sylvester: I don't understand what you mean by test*

*Paul DiMauro: They would have a test of some sort*

*Leon Sylvester: A written test?*

*Paul DiMauro: No not necessarily, it could be just credentials and then do a verbal interview as Sandy had suggested.*

*Sandy Nesteriak: That's what I do*

*Paul DiMauro: That's what Sandy does. See here's the problem, the only problem*

*Inaudible*

*Paul DiMauro: Maybe Sue should have been in the Classified Service is all I'm saying, that's the only place that I'm coming from. I'm not saying she shouldn't have been hired the way she was hired, I don't care. Maybe she should be in the Classified Service.*

*Leon Sylvester: Do you believe that?*

*Paul DiMauro: I don't know. Sandy? That's what the charter says. The only designation is that they don't get protection of the Merit System*

*Sandy Nesteriak: At the risk of repeating myself and trying to get to the point of the issues, I'd like to talk about the Library. I know it's a diversion but the Library is kind of like the Board of Education by Charter is designated by State Statute to be by themselves. So I'm going to use that as comparison. The Librarian said to me that we have to hire a Children's Librarian, an assistant Librarian. Lets look at the job description, ok what are you looking for. This is an actual conversation that I've had. Well they have to have a Master of Library Science. I am not going to come up with a test, as I said before, that's comparable. I don't see the need for a written test if someone is required to have certain high level credentials in their job descriptions. We do want to have an oral panel, we do want to have it broad enough to cover the entire community. Do you want professionals on it to ask the professional questions, we want the Library patron who wants to deal with someone that is warm and friendly and helpful. And obviously the educational qualifications is very important. So we looked at the Merit System to see what we could do. I get to develop the test that I deem necessary, obviously as I said I didn't feel that a written test was necessary, they had the proper education qualifications as in their job description. We set up the oral*

*board, we end up with five or six folks at the end. Thos five or six folks were ranked, they went and were interviewed by the entire Board of Directors of the Library. I didn't sit there and say we're going with number 1 no matter what. The entire list if qualified candidates were presented and interviewed privately by the Board of Library Directors and they selected who they felt was the best fir with the Library. I don't see anything wrong with that.*

*Paul DiMauro: This is where I'd see the problem, if the Board of Education lost control by not being in the selective process. That I would have a problem with. I don't think you should lose control over that. So who selects the oral group, I mean, it has to be someone agreed upon. They shouldn't lose control by*

*Sandy Nesteriak: On the positions that we do test for the Board of Ed, we usually consult. Sue and I will talk or Sue will talk with Linda and we'll say ok, we want to use so and so and so and so, can we set it up and we do it. I mean, there is cooperation*

*Paul DiMauro: So it really goes back to what I said before, whether or not a person should be in Classified Service or not in Classified Service. Forget about the last paragraph here on who decides it. If you took that away someone would still appeal it and say that person is not a professional, I mean what it really gets down to is why would you want to be in the Classified Service as a professional? And that's what it really amounts to. That's all I can see out of this whole thing is that the only difference in it.*

*Bob Lally: What was the purpose of the change in the first place? Was the system working ok the way it was?*

*Paul DiMauro: There was question on whether or not it was being abused. In retrospect I thought everyone was doing what they thought was best for the City. See I would have thought that even Sue's position, I thought though she's is a high selected position, she may have had a written test, she should have had an oral interview by possibly the whole Board of Education people, who cares, I don't care about that. And when she was selected she should have been a member of the Classified Service, protected by the Classified Service.*

*Leon Sylvester: She was selected*

*Paul DiMauro: I know that, but she wasn't kept in the Merit System because she was classified as a professional, therefore she's exempt from, am I missing something Sandy?*

*Sandy Nesteriak: She wasn't hired as the Director back in the day.*

*Leon Sylvester: She grew as the*

*Sandy Nesteriak: And the city was not involved in it*

***Paul DiMauro: Were you in a Classified position before?***

***Susan Attard: I was hired in the personnel***

***Paul DiMauro: So you were in the Classified Service and you elected to go out of the Classified Service, what's the big deal? Why didn't you just stay in the Classified Service? See I don't understand why that was done.***

***Sandy Nesteriak: It was the decision of the Board of Education***

***Paul DiMauro: But it's not detrimental for her to stay in the Classified Service or any individual is it?***

***Sandy Nesteriak: I don't think so***

***Paul DiMauro: They follow different rules for appeal don't they? What would happen if disciplinary action as a professional as opposed to someone in the Merit System? Does she have the right to go through the Merit Appeals***

***Sandy Nesteriak: I don't know what her recourse would be***

***Paul DiMauro: Does she have a contract?***

***Susan Attard: Yes***

***Paul DiMauro: So you have a contract? So that's totally different, now you're telling me what the difference is, the difference is you are a contract employee and you have a contract that goes to a certain number of years, at that time***

***Leon Sylvester: As Tracy does***

***Paul DiMauro: As Tracy does, as the two other individuals do below, I'm assuming those below also have a contract, so that's totally different, so if you say you want to specify someone to have a contract, there's good reasons for having contracts on both sides. Remember we pushed to have a Chief of Police under contract, under the Charter back when, remember? And it seems to have worked out very well, so there are certain positions, but the City is better off having individuals under contract, but at the end of your contract if they think you're not doing your job, they'll get rid of you. Looks to me you were better off under Classified Service.***

***Leon Sylvester: I got lost, I got lost in this discussion. We went through so many things, I'm not really sure what were we on***

***Paul DiMauro: Well, all I'm saying to you right now, I don't really care about that last paragraph, I don't care who decides who a professional is. It doesn't make any difference to me, but all I say is once you put someone in a professional position,***

*you've now said you're going to draw up a contract and have a contract for a specific period of years, etc they have no protection beyond that. And they are not City employees for life.*

*Leon Sylvester: Outside of our system, I think that's the way*

*Inaudible*

*Paul DiMauro: If a person is hired as a Classified position, they then get the protection of the Merit System etc. That's where we come down to, that's where the bottom line is*

*Inaudible*

*Leon Sylvester: You've opened up a new avenue, that's very correct. We have a contract with let's say Tracy. If we were not satisfied with Tracy's work or*

*Paul DiMauro: Different outlook, look at it that way. I was not aware that these individuals had "contracts", I thought they were there for life, I did not know they had a signed contract*

*Leon Sylvester: I am under contract. Teachers are under contract and the contract is renewed every year if we have a place for them and if there is a job available. Susan is under contract*

*Paul DiMauro: So if you wanted to*

*Inaudible*

*Leon Sylvester: and they negotiate a contract and if the Board decides not to give them a raise*

*Inaudible*

*Paul DiMauro: If you decided to contract out to ABC company down on Howe Avenue, that if they provide the service cheaper, you could eliminate the Technology group and just bring in a hired company*

*Leon Sylvester: Actually, the Board of Education could do that with the custodian.*

*Inaudible*

*Sandy Nesteriak: I have a question. How many people that have gone through the testing process have become contract employees after the testing process is complete? Like you, you got hired by the Merit System now you have a contract.*

*Susan Attard: I'm probably the only individual that I can think of*

*Paul DiMauro: How many people are "professional or contract". I thought you said 13.*

*Susan Attard: No, no. I'm sorry. I misunderstood, there are 13 people that fall. Of those 13, I think there are probably 5. 3 or 4 are Technology, 1 is me, and that's probably it.*

*Paul DiMauro: Fine, I understand it now*

*Susan Attard: We have HVAC personnel that fall under Classified Service*

*Paul DiMauro: So they're not in the union?*

*Sandy Nesteriak: If there was a grievance, would they be eligible to participate to the Employees Appeals Board or not. I am concerned about the due process for those people who don't have a contract.*

*Paul DiMauro: Well the Merit System people (inaudible), she would not get due process*

*Sandy Nesteriak: No because she's contract*

*Paul DiMauro: the other Classified people like the HVAC person would. They're in the Classified Service*

*Sandy Nesteriak: So their due process would be the Public Employees Appeal Board.*

*Paul DiMauro: Like the City Hall employees were pre unions. Then I understand that better. For different reasons Leon, we probably agree.*

*Leon Sylvester: I don't think we ever disagreed. I think where you were taking something whereas I didn't want it to go had to do with the testing process etc. I was only addressing one very narrow part of it and if it stayed with the Corporation Council then so be it. I just expressed my views*

*Inaudible*

*Paul DiMauro: So I think now that maybe we could come to some kind of recommendation based on what we've all heard tonight.*

*Charles Carroll: Just to be clear, are you talking about any specific job right now or anything going forward.*

*Leon Sylvester: Probably about something that will never happen again*



*Charles Carroll: But if it comes, the Board should be able to say*

*Leon Sylvester: If the Board wanted to, the Board should be able, I mean the Board is an intelligent Board obviously, elected to represent the community. They should be able to read the Charter and determine what's the intent of professional or using their staff and contact Corporation Council, contact their own attorneys and then make a decision as to whether it is a professional position or not. I don't think that taking the power away from them to make that decision helps anyone.*

*Paul DiMauro: The real bottom line is whether we add language or leave the language the way it is. And leave it as it was.*

*Leon Sylvester: Yes. All the decisions that have been made*

*Inaudible*

*Paul DiMauro: What's coming up now?*

*Sandy Nesteriak: Facilities Manager*

*Paul DiMauro: That's not a professional position*

*Leon Sylvester: The debate is whether it should be 1 or 2.*

*Paul DiMauro: We don't test for our head of Facility. Our person runs close to 5 million square feet of office space and that individual is interviewed. A person has to be well versed in operation, you can't have someone (inaudible)*

*Leon Sylvester: We went through that exact process and discovered that we didn't have anyone to recommend to that position.*

*Paul DiMauro: It's not an easy position to fill. It's a very difficult one.*

*Leon Sylvester: Thank you.*

*Paul DiMauro: Thank you very much for coming. Susan thank you.*

*Sandy Nesteriak: Do you have anything more for me?*

*Paul DiMauro: No Sandy, you've been very helpful.*

There could be no action taken on accepting the minutes from January 25th. The next meeting the Commission will need to accept three minutes: January 11th, 25th and February 8<sup>th</sup>, 2005.

There are still open items of the proposed Charter that will have to be addressed at a later time. Many of the open items are due to reviewing other chapters of the Charter as well as awaiting responses from Corporation Counsel and upcoming guests.

A consensus will be taken at a later date, once the guests have spoken with the Charter Revision Commission and what their suggestions might be.

There were two issues that were addressed to the proposed Charter. Section 7.16 was revised to show the paragraph in its entirety. During revision, some words were omitted. The other was Section 8.2 the Classified Service. The last sentence was stricken through.

Our guests for the next meeting will be a subcommittee of the CARE group. That meeting is scheduled for Tuesday, February 22, 2005 in Room 104 of Shelton City Hall.

### **ADJOURNMENT**

Charles Carroll motioned to adjourn. Bob Lally second the motion. The motion passed unanimously.

Paul DiMauro adjourned the meeting of the Charter Revision Commission at 8:27 pm.

Respectfully submitted,

Sophia V. Belade

Sophia V. Belade

Clerk-Charter Revision Commission

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