

STATE OF CONNECTICUT
MUNICIPAL ACCOUNTABILITY REVIEW BOARD
SPECIAL MEETING MINUTES

Meeting Date and Time: Thursday, March 21, 2024, 10:00 AM

Meeting Location: This was a virtual meeting. Meeting materials can be found at <https://portal.ct.gov/OPM/Marb/Full-Board-Meetings-and-Materials>

Call-In Instructions: Telephone: 1-860-840-2075
Meeting ID: 346 956 756 #

Members in Attendance: Secretary Jeffrey Beckham, Andrea Comer (State Treasurer’s Designee), Stephen Falcigno, Thomas Hamilton (joined at 10:16am), Lisa Hammersley, Sal Luciano (joined at 10:29am), Mark Waxenberg, Robert White and Susan Weisselberg.

Municipal Officials in Attendance: Mayor Dorinda Borer, David Taylor, Rick Spreyer, Brian Laucks, Paul Dorsi, Chris Hodgson, Craig Thompson, and John Walsh (Police Union).

Staff in Attendance: Kimberly Kennison, James Caley, Gareth Bye, John Mehr, Simon Jiang, Bill Plummer, Michael Reis, and Lori McLoughlin.

I. Call to Order & Opening Remarks by Secretary Jeffrey Beckham

The meeting was called to order at 10:02 a.m.

II. Approval of Minutes

a. February 22, 2024, Regular Meeting

Ms. Comer made a motion to approve the February 22, 2024, Minutes with a second from Ms. Hammersley. The motion carried with Ms. Weisselberg abstaining. (Mr. Hamilton and Mr. Luciano joined the meeting after the minutes were approved.)

b. March 7, 2024, Special Meeting

Mr. White made a motion to approve the March 7, 2024, Minutes with a second from Ms. Weisselberg. The motion carried. (Mr. Hamilton and Mr. Luciano joined the meeting after the minutes were approved.)

III. Review and Discussion: Binding Arbitration Between City of West Haven and West Haven Police Union, Local #895, UPSEU-C.O.P.S. regarding Police Pension - Draft Issues List

At the February 22, 2024 meeting, the MARB voted down the West Haven Police Pension Agreement. The City and the Police Union were given 10 days from the date of rejection to consider MARB’s concerns and propose a modified agreement.

At the March 7, 2024, Special MARB meeting, no approved modified tentative agreement was provided to the MARB by the City and the Union. Since the MARB did not receive a modified agreement, the statute, Section 7-576e(a)(3)(iv), requires the MARB to impose binding arbitration on the parties.

Secretary Beckham stated that this meeting was called to discuss and to approve the Issues List that will be provided to the arbitrator, a list of three (3) arbitrators, and the Bylaws that will govern the arbitration. Subsequently, a review of these draft documents may include some legal and statutory questions.

Mr. White made a motion to go into Executive Session to discuss the items, with a second from Mr. Falcigno. The MARB went into Executive Session at 10:05am.

Executive Session pursuant to Connecticut General Statutes sections 1-200(6)(E) and 1-210(b)(10), for communication privileged by the attorney-client relationship. The following attend the Executive Session: all MARB members, Attorney Caley, Attorney Bye, and OPM staff.

Mr. White made a motion to come out of Executive Session with a second from Ms. Comer. The MARB came out of Executive Session at 11:18am.

After returning to the Special Meeting, Secretary Beckham inquired if the MARB had additional questions or concerns regarding the Issue List.

Mr. White made a motion to add two items to the Issues List for the arbitrator to address:

- 1) Issue No. 16: The police pension plan must be on a fiscally stable position going forward and
- 2) Issue No. 17: The MARB is concerned with the overall plan for retention and recruitment of police officers, of which the proposed pension plan changes are a part of.

Mr. Hamilton seconded. Motion carried.

Secretary Beckham noted that interpretation of the Statute indicates that additions can be made to this List at any time prior to the completion of the arbitration.

Ms. Comer made a motion to approve the Draft Issue List as amended with the additional two items and was seconded by Mr. White. Motion carried.

Secretary Beckham noted that the issues List as drafted and amended is now available to anyone who wants to see it. This list will be presented to the selected arbitrator.

IV. Review, Discussion and Possible Action: Draft Amendment of MARB Bylaws

As part of this arbitration process, the MARB needs to amend its Bylaws to include procedures for binding arbitration.

- a. Draft Arbitration Procedure Rules (Exhibit A)

The Draft Amendment of MARB Bylaws was presented for review at the last meeting. A clean copy and a draft redline copy of the Bylaws and the “Rules of Procedure for Binding Arbitration for Tier IV Municipalities” prepared by the attorneys was included in the meeting packet for discussion.

Ms. Kennison noted that in the updating of the draft, legal counsel requested additional language to Exhibit A – Section B. 9, page 13, to include “Notwithstanding the foregoing, the arbitrator shall, in all cases, have discretion to vary the time frame to accommodate scheduling conflicts.” Ms. Kennison asked that this additional language become part of the Bylaws.

A motion was made by Mr. Falcigno to approve the additional language to be part of the MARB Bylaws and was seconded by Mr. Hamilton. Motion carried.

A motion was made by Mr. Falcigno to approve the MARB Bylaws as amended with the additional language and was seconded by Ms. Hammersley. Motion carried.

V. Discussion: Potential Arbitrators for the Governor’s Arbitrator List

As part of the Arbitration process, Section 7-576e(a)(3)(v) states binding arbitration requires an arbitrator be selected by the Governor from a list of three (3) potential arbitrators approved by and submitted to the Governor by the Board. The MARB was presented with two lists, one from OPM with three (3) recommendations and one from the City of West Haven with three (3) recommendations.

Mr. Waxenberg moved, and Mr. Hamilton seconded that the names of the three (3) individuals provided by OPM be provided to the Governor. The motion passed unanimously.

VI. Review, Discussion and Possible Action: West Haven Non-Labor Contracts:

a. City and Glacier Computer – Purchase of Mobil Data Terminals for Police Department

This contract is for the purchase of 28 Mobile Data Terminals for the West Haven Police Department at a cost of \$149,995.16. The vendor is Glacier Computer, which is part of the Sourcewell contract, a purchasing type co-op used by the Police Department. This purchase will be funded by a State DEHMS Urban Grant.

Mayor Borer stated that this is a continuation of an \$880,000 State bonding grant the City received two and half years ago for its communication system.

Mr. Waxenberg made a motion to approve the contract with a second by Mr. Falcigno. The motion passed unanimously.

b. BOE and Antinozzi Associates, P.C. – Architectural Design for Cafeteria Improvements Carrigan to Middle School

The Board of Education is looking to update the food service area at Carrigan Intermediate School with the replacement of interior finishes and kitchen equipment. The target date for the project is during the summer of 2024. The City has an On-Call Architectural list that includes Antinozzi Associates. The Board of Education is looking to hire Antinozzi Associates to perform Professional Design Services for this project at a cost of \$96,038. This project is being funded through an incentive program offered through the food service provider Sodexo (also called Board of Education "Fund 801").

Mr. Spreyer noted that this contract is for much needed improvements to the cafeteria including flooring and kitchen equipment. This is funded through an incentive program with Sodexo. This contract is for the design only portion of the project.

Ms. Comer made a motion to approve the contract with a second by Mr. Hammersley. The motion passed unanimously.

c. City and Prism Response, LLC – Abatement of Hazardous Materials for City Hall Windows Replacement

The City of West Haven advertised bids to replace the windows at City Hall. The City was seeking contractors to replace the windows and to perform abatement work. The abatement piece of the project had to be re-bid and resulted in one bid. The bid was reviewed by the ARPA Committee with the abatement bid for this project being awarded to Prism Response, LLC of West Haven at a price of \$193,900. This project is ARPA funded.

Mr. Spreyer noted that this went out to bid twice. The bid was split into abatement and the installation of the windows. This was the only bidder to the abatement bid and was lower than the budgeted amount.

Mr. Hammersley made a motion to approve the contract with a second by Mr. Hamilton. The motion passed unanimously.

d. City and 4 You, LLC – City Hall Windows Replacement

The City of West Haven advertised bids to replace the windows at City Hall. The City was looking for contractors to replace the windows and to perform abatement work. The City received three (3) bids for the window replacement piece for the project. The bids were reviewed by the ARPA Committee with the window replacement bid for this project being awarded to 4 You, LLC of Woodbridge at a price of \$297,680. This project is ARPA funded.

Mr. Spreyer noted that of the bids received, 4 You, LLC was the lowest responsible bidder. The timeline on this project is 90 days lead time and once delivered, a 90-day installation period.

Ms. Comer made a motion to approve the contract with a second by Mr. Hammersley. The motion passed unanimously.

e. City and Bigbelly Solar, LLC – Purchase of Trash Receptables

This contract is for the purchase of ten (10) Sense Max Double Station trash receptacles with accessories for \$69,487.10. The vendor is BigBelly Solar of Needham, Mass. This purchase is through the cooperative contract, FAC113 Designated DEP and is being funded using “NIPS” money from the State.

Mr. Spreyer stated that “NIPS” money must be used for environmental issues. The City is using a Massachusetts State contract that it is allowed to piggyback off as being a municipality. These trash receptacles will be placed around the City and the beach area. They are solar powered and will continually compact the trash to reduce the need to be emptied.

Mr. Hamilton made a motion to approve the contract with a second by Ms. Hammersley. The motion passed unanimously.

f. City and Arts Council of Greater New Haven, Inc. – ARPA Micro Grants

The City of West Haven appropriated ARPA funds for “Support for Arts Community Funding”. The City issued an RFP in August 2023 seeking contractors to assist in disbursing these funds. The Arts Council of Greater New Haven was the only bidder. The bid was reviewed by the ARPA Committee and the Arts Council was awarded the bid.

This is a Service Agreement between the City of West Haven and the Arts Council of Greater New Haven for \$135,000 with a term that ends September 1, 2024. The Arts Council is responsible for the issuance of microgrants ranging from \$2,500 up to \$10,000 that total up to \$116,250. These microgrants are for artists, arts organizations, and creative businesses that will deliver high-quality arts and culture to the West Haven community. For this service, the Arts Council of Greater New Haven will be paid \$18,750 administrator services fee.

Mayor Borer remarked that the ARPA Committee and the City Council earmarked funds for the arts community. These are microgrants that the City is not structured to administer. The Greater New Haven Arts Council will be advertising and administering these grants for a 7% fee.

Ms. Comer made a motion to approve the contract with a second by Mr. Waxenberg. The motion passed unanimously.

VII. Adjourn

Mr. Falcigno made a motion to adjourn. Motion passed. The meeting was adjourned at 11:40am.