

DRAFT

TARRYWILE PARK AUTHORITY
REGULAR MEETING

March 17, 2009

CALL TO ORDER:

On Tuesday, March 17, 2009 at 6:36 p.m., the regular meeting of the Tarrywile Park Authority, was called to order at Tarrywile Mansion, 70 Southern Blvd., Danbury, CT, by Chairman M. Marcus.

ATTENDANCE

The following board members were recorded as present:

Board Members: M. Marcus, B. Talarico, J. Preston, R. McGarrigal, D. Manacek & T. Cutsumpas

Board Members Absent: M. Repole, J. Harner & W. Platz

Park Staff Present: S. Moy

Guests: Cyndi Jugler (Friends of Tarrywile Vice-Chairman)

AGENDA:

1. **Friends of Tarrywile Report:** Friends of Tarrywile Vice-Chairman Cyndi Jugler reported that the Friends are currently working on the Night at the Mansion event on June 12th and that plans are progressing.

2. **Minutes:** A motion was made by T. Cutsumpas to approve the minutes of the February 17, 2009 regular meeting. D. Manacek seconded. The motion passed unanimously.

2. **Financial:** A motion was made by R. McGarrigal to approve the February 2009 Financial Reports. B. Talarico seconded. The motion passed unanimously.

S. Moy also reported on the Neighborhood Assistance Act (NAA) seminar on April 8, 2009. The program gives corporations tax credits for donating to qualifying entities. The Board suggested that the Friends take a look at the information to see if there was a possibility that they could qualify.

3. **Correspondence:** NONE

4. **Chairman's Report:** Chairman Marcus reported that he is stepping down as Chairman of the Grounds and Building Committee since he is already Authority Chairman.

5. **Committee Reports:**

A. **Appointments to Standing Committee:** Chairman Marcus reported that he has appointed Janet Harner as Chairperson of the Grounds & Buildings Committee and he is also appointing new Authority member Dave Manacek to serve on the Grounds & Building Committee

B. **Over Time Review:** Chairman Marcus requested that this item be moved to the end of the Agenda.

6. **Staff Reports:**

A. **New Business:**

1. **Clean City Danbury Day:** S. Moy reported that Clean City Danbury Day will be held on May 2nd. The Authority has participated for the last 6 years and usually has worked on Brushy Hill. The staff has kept up with this area and it isn't necessary for a crew to work the road this year. Discussion followed. Vice-Chairman Cutsumpas requested that the volunteers be used on Mountainville Rd. S. Moy will contact one of the previous Clean City Danbury Day volunteers Steve Hull to see if he would like to lead the group again this year. She also asked what Board members could participate. None of the Board members were sure of their schedules, so S. Moy will inquire again at the April meeting.

BY:



6. Staff Reports - continued:

A. New Business - continued:

2. March 2009 Park & Mansion Use Reports: The March use report stated that there are 11 events scheduled for the Park with 240 people anticipated. There are 6 events scheduled for the Mansion with apx. 164 people attending. In March a total of 17 events will be held at the Park and Mansion with apx. 404 people attending.

B. Old Business:

1. Arbor Day: S. Moy reported that Arbor Day was held on March 7th. Three tree companies, Bartlett Tree, Sunset Tree and the City of Danbury Forestry, Parks & Highway Departments participated in the event. A total of 17 workers were present and all but one job was finished. Work included pruning of the Copper Beech, cleaning up the view from the overlook above the water cistern, removal of 6 dead Hemlocks in the area between the lower parking area and the Red Barn, removal of the dying tree immediately to the right of the main entrance way and trimming of several other trees around the Mansion area. We provided the crews with coffee & donuts in the morning and lunch at mid day. Thank you letters will be sent to the companies along with a group picture appearing in the Neighbors section of the Danbury News Times.

7. Other Business:

A. Authority Vacation Schedule – April thru September: S. Moy asked that the Authority check their calendars and let her know if they were going to be present for the next six meetings to help determine if quorum was going to be met and also who would be signing checks.

B. Building Projects – Status Reports: T. Cutsumpas reported that both the Pavilion and the Garage projects are shovel ready. However because of the current economic times, Bonds are not being funded by lending institutions as quickly, therefore the projects are on hold until such time that funds can be approved.

C. Castle Task Force Committee: M. Marcus & T. Cutsumpas reported that there are no updates. T. Cutsumpas did report that the City of Danbury has received the “Certified Local Government” status, however before any project can receive funding from state grants, the City must first establish a “Historical Properties Commission”. The Mayor will be setting up that Commission in the coming weeks.

D. Master Plan Update: Chairman Marcus reported that he felt with the new Board members and the fact that it has been 5 years since the adoption of the Master Plan, that it was time for a review of the plan to see how we are progressing. Executive Director Moy has compiled a list of projects from the Master Plan that are completed, are in the process of being completed and/or are already in the planning stages. The list was passed out to the Authority members. Much discussion followed. Chairman Marcus asked that the staff get a copy of the Master Plan to each Board member for their review. The Board will have a brief meeting in April followed by the Master Plan workshop.

E. Overtime Review – Committee Report: Chairman Marcus reported that he had received a recommendation from the Overtime Committee. Chairman Marcus asked the Chairman of the committee R. McGarrigal to prepare a motion for discussion

A motion was made by R. McGarrigal for the Authority to discuss the findings of the committee set up for the overtime review. T. Cutsumpas seconded.

Discussion followed. Chairman Marcus stated that there was a recommendation from the committee to him that the Board, based on its study, change the position of Executive Director from an hourly position to an exempt position.

7. Other Business - continued:

E. Overtime Review – Committee Report - continued:

A motion was made by R. McGarrigal for the Authority to accept the recommendations as made by the Overtime Committee to move the Park Director position from a non-exempt to an exempt category. B. Talarico seconded (R. McGarrigal withdrew his first motion & T. Cutsumpas withdrew his second on the original motion).

Discussion followed. Chairman Marcus reported that there had been some discussion on whether the discussion should be held in Executive Session or in open session. Since the discussion is about a position matter not a personnel matter it will be held in open session. Discussion followed. R. McGarrigal stated that he did not feel it was appropriate for the staff member whose position is being discussed to be present during discussion. Chairman Marcus noted that since the discussion is being held during open session and not Executive Session that legally, the employee can be present.

Chairman of the Overtime Review Committee, R. McGarrigal reported that the committee consisting of W. Platz, T. Cutsumpas, J. Preston and himself, set about to look at overtime issues and then the discussion lead to whether all the positions at Tarrywile are coded correctly as either exempt or non-exempt positions. The Committee found no irregularities or issues with overtime, nor had they expected to. However upon reviewing the positions, the Committee determined that the Executive Director position should be an exempt position.

In their report to Chairman Marcus the Committee reported: “While it was not part of the original request, the Committee decided that it would be helpful to the Chair to provide our thoughts on establishing a salary level for the Directors position. In reaching our recommendation, we reviewed the following; salary levels of all Danbury Authority positions, number of employees under management, tenure for each Director, required overtime and benefit packages.”

The report went on to say “the reason we did the comparison was not to look for one thing but to look for exceptions. In addition, we reviewed the Directors actual compensation for the last three years including overtime, then calculated the percent of overtime vs. the total W2 compensation. The Committee felt that this would provide a better picture of the expected overtime rather than making an uneducated guess. Having said that we realize some percentage of overtime is as a fill in for things such as House Supervisor and should be handled and could be handled at a lower cost. In being fair to the employee we also wanted to be sure we were not causing a hardship when arriving at a recommended salary level, that is why we looked at actuals over a three year period. We felt looking at actuals gave us a baseline to understand what were the requirements because we have some real world situations, such as Authority meetings or Common Council meetings. All of our supporting documentation is attached for review and the facts we reviewed like the salaries for the three years, the percent is consistent in the last three years with 19 – 20% of total income was overtime. The position has one of the best benefit packages of those director positions reviewed. No one factor was an issue it was just comparisons. No other Director positions in the City are entitled to overtime, all positions include expected overtime, meaning the job requirements say there will be overtime.”

The committee then set a salary range as a recommendation. At that time it was up to the Chairman to look at it. If you look at the positions of exempt vs. non-exempt, job titles are not the issue it is your actual duties. It is things such as managing people, you hire people, you can fire people, your responsible for reviews, your responsible for budgets, etc...those are the things that would determine exempt vs. non-exempt. The Committee felt that the recommendation to make the Directors position an exempt position was necessary for two reasons; it clearly matched up as an exempt position and the Authority could be held liable at some point and be found at potential fault for not putting positions in

7. Other Business - continued:

E. Overtime Review – Committee Report - continued:

the right category and therefore opening itself up to criticism that you were having an employee manage their own overtime, it is unfair to the employee and unfair to the Authority.

That is why the Committee felt they had to make a recommendation that said the position is clearly an exempt position not a non-exempt position and should be so coded.

Further Discussion followed. R. McGarrigal noted that he had met with S. Moy and she did note several items in the report were not accurate and therefore were not listed in the report given tonight. R. McGarrigal noted that those inaccuracies do not need to be discussed as he felt that they do not take away from the bare facts of what was just discussed.

D. Manacek asked the question as to what the salary was going to be and if the new base salary would be at the current salary level being paid plus the overtime added in to come up with the new salary. R. McGarrigal replied that the range was not based on the current level plus the overtime. Discussion followed. Chairman Marcus asked that since the motion only applied to the actual determination of making the position non-exempt vs. exempt that the discussion be limited for the time being to that and salary would be discussed in a separate motion.

S. Moy did note that in response to a question asked by D. Manacek during discussion that the reason the Executive Directors position is a non-exempt position is that at the time that she was made the Director, the Authority did not have the money to give her a raise comparable with that of what a Directors position would be. Therefore the Authority elected to leave her as a non-exempt employee so that she could be compensated for all her hours worked. S. Moy also noted that there is another Director within the Danbury Authorities that is an hourly salary and she is not the only Director on an hourly salary basis. S. Moy also commented that while she understands what the Committee and the current Authority is trying to do, she noted that each Authority in the City is unique and that they are run by their own rules. Because of this the Authority at the time of her being made Director, felt that the way they had handled the exempt vs. non-exempt status worked well.

The motion passed unanimously.

Discussion then began on when the change from exempt to non-exempt should happen. Chairman Marcus still needs to talk to Executive Director Moy in regards to the salary level, so time has to be given for this meeting to be held.

A motion was made by R. McGarrigal for the position of Executive Director to be changed from exempt to non-exempt effective May 3, 2009. T. Cutsumpas seconded.

Discussion followed in regards to the benefits of the change occurring immediately vs. in the new fiscal year. Chairman Marcus recognized S. Moy to speak and she stated that in regards to the budget, usually once it is passed it is not changed during the current fiscal year. T. Cutsumpas stated that he felt that the budget could be changed at any time and that it was just a personal choice on the part of S. Moy. S. Moy stated that it was not her personal opinion but a management decision that the Authority has always followed. T. Cutsumpas noted that he felt it was inappropriate for S. Moy to be talking on the issue since it affects her position. Chairman Marcus pointed out that he had given permission for her to speak. M. Marcus & R. McGarrigal also both noted that if the budget was changed mid year that it would have to be by a vote of the Authority.

The motion passed unanimously.

Adjournment

A motion was made by D. Manacek to adjourn the meeting at 8:05 p.m. Seconded by T. Cutsumpas. Motion passed unanimously.

Respectfully Submitted,



Jeffrey Preston, Secretary

***NOTE: These minutes are a draft copy of the March 17, 2009 Tarrywile Park Authority Board Meeting. A final approved copy will not be available until such time as the Board votes on them at their next regularly scheduled Board Meeting. Any corrections will be reflected in the next months minutes.