BOARD OF ALDERMEN

OPERATIONS & PROCEDURES SUBCOMMITTEE SPECIAL MEETING

SEPTEMBER 27, 2018 – 5:15 P.M.

JOAN WILLIAMSON ALDERMANIC CHAMBERS

MINUTES

Chair Barbara L. DeGennaro called the special meeting to order at 5:23 p.m. All rose and pledged allegiance to the flag.

Roll Call
Present: Barbara L. DeGennaro, Bev Moran, Charles Sampson

Also Present: Dr. Matthew Conway, Superintendent of Schools
Edward Armeno, Public Works Director
Marc J. Garofalo, Town & City Clerk
Vincent Marino, Corporation Counsel

PUBLIC PORTION
Ms. DeGennaro asked three times if anyone wished to address the committee. Hearing no requests...

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to close the public portion. Motion carried.

APPROVE MINUTES OF THE AUGUST 23, 2018 OPERATIONS & PROCEDURES SPECIAL MEETING
A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to approve the Minutes of the August 23, 2018 Special Meeting. ***Motion carried***.

PREVIOUSLY APPROVED FULL-TIME CLERICAL CLERK IN OFFICE OF TOWN/CITY CLERK'S OFFICE. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN
Ms. DeGennaro said the last time we discussed this matter was at our June meeting, noting that Mr. Garofalo was not in attendance and at the August meeting Atty. Marino was unavailable. She said Mr. Sampson had some concerns regarding the Board of Apportionment & Taxation (BOAT) funding. Mr. Sampson said the position was approved through the Board of Aldermen/Alderwomen (BOA) and the BOAT and it was funded for two years and now BOAT is no longer funding the position and he wants to know if the BOAT can do that. Atty. Marino said they can. He said due to the Charter the ultimate appropriating party is the BOAT and not the BOA. The budgetary process does come to the BOA. He said the BOA can pass a motion to say they authorize the expenditure; however the BOAT does not have to fund it. Atty. Marino said he feels that the Town Clerk needs to go back to the BOAT to explain why the position needs to be funded. Mr. Sampson brought up a hypothetical regarding funding the Police Chief's position. Can the BOAT just say next year that they feel the Police Chief is not needed and therefore they are not going to fund the position and thereby put that person out

of a job? Atty. Marino said you would have to then look at contractual and statutory obligations. He said a municipality is obligated to do specific things by statute – for instance they could not say we are no longer going to have trash collection.

Mr. Garofalo said there have been several opinions by Corporation Counsel that state the new Section 28 of the Charter states that the BOA is the legislative authority in the town. I came to the BOA to get the positions established – noting that he was the only person who has followed the procedure on how positions get established. Mr. Garofalo said all the backup material pertaining to this matter is in the packet this evening. He said he has been going about this for a year and a half and went to the BOAT and they wanted to fund the position as part-time. Mr. Garofalo said the real question is who is in charge of the City – the BOA or the BOAT. The BOAT has the funds in a Special Working Balance. It's frustrating that now it looks like it goes back to the BOAT. The Town & City Clerk's Office is regulated by State Statute. Mr. Garofalo said they have deadlines that are regulated by the Charter. He said they have also accepted additional responsibilities in the office with the stipulation that this position would be filled. He said by statute everything has to be kept by hard copy and the practical reality is no one is looking for the hard copy – they want it on line. Everything has to be done by duplicate to fulfill the obligations of the statutes. Mr. Garofalo said this was the only existing position that was not funded in the budget and now they're talking part-time when it is a full-time position.

Ms. DeGennaro said the part-time/full-time matter never came before the BOA. Mr. Garofalo said that's correct. Atty. Marino said he's been advised there have been two prior legal opinions on this matter and he has asked for copies of the opinions for about three to four months and has yet to receive the information. Mr. Garofalo said it states in the Charter that the BOA will regulate and oversee the finances of the City and this language goes back to 1922. He said he has also sought copies of the opinions from Atty. Joseph Coppola and Berchem, Moses and Devlin, former Corporation Counsel for the City.

Ms. DeGennaro said the BOA did approve the position in 2015 and then it went two years without it being filled. She said BOAT may feel that the position may no longer be needed or may question how important it is to fill the position. She would suggest bringing it back to the full BOA meeting and possibly have an executive session to fully discuss it and then possibly reach out to BOAT for their opinion. Ms. DeGennaro said she isn't trying to take sides. Mr. Garofalo said it is really one year this past April not two and he said there were discussions with the Union regarding the position and the duties that would fall to this person. There was then a discussion regarding how the positions came about after two retirements and how the office currently operates. Mr. Sampson said BOAT could be under the wrong impression how Mr. Garofalo is trying to update and rearrange the duties in the office. He suggested that Mr. Garofalo create a new timeline and explanation and re-present it to BOAT. Atty. Marino suggested that Mr. Sampson as President of the BOA reach out to the Chair of the BOAT to straighten things out. Mr. Garofalo said he would prepare a timeline and re-present to this committee at the next meeting.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to **TABLE** this item until Mr. Garofalo reports back with a time line for next month's meeting. ***Motion carried.***

REVIEW OF RECOGNITION POLICY FOR ATHLETIC TEAMS AND INDIVIDUALS. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

Mr. Sampson informed the committee that he has prepared a draft policy, which he presented. He would like everyone to read it and then discuss it at next month's meeting.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to **TABLE** this item until next month's meeting. ***Motion carried.***

PROPOSED ORDINANCE, CITY OF DERBY CODE, ENTITLED "PARKING FINES APPEALS." DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN.

Ms. DeGennaro said everyone should have a copy of the draft ordinance in their packet. Atty. Marino stated that Ms. DeGennaro had raised some concerns regarding the language in Section C. He said he worked on the Marshall Lane Ordinance first and asked that this item be tabled until next month's meeting.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to **TABLE** this item until next month's meeting. ***Motion carried.***

REDUCE THE VOTING MEMBERS ON THE ATHLETIC COMPLEX BUILDING COMMITTEE AS ESTABLISHED AT THE BOARD OF ALDERMEN/ALDERWOMEN MEETING HELD ON NOVEMBER 17, 2016. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

Ms. DeGennaro noted that this was discussed at the full Board of Aldermen/Alderwomen meeting. Mr. McLiverty, Chair of the Athletic Complex Building Committee has asked to reduce the voting members of the committee by two – Ken Hughes, Board of Aldermen expert and Andy Mancini, Board of Education. Both individuals have missed several meetings.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to recommend to the full Board of Aldermen/Alderwomen to reduce the voting members of the Athletic Complex Building Committee by two – Ken Hughes, Board of Aldermen expert and Andy Mancini, Board of Education member. ***Motion carried.***

PROPOSED ORDINANCE, CITY OF DERBY CODE, ENTITLED "MARSHALL LANE AREA RESIDENTIAL PARKING." DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

Atty. Marino passed out a draft ordinance that he has prepared, which is modeled after the W. 4th Street Parking Ordinance. He said there are questions that pertain to the hours. In the W. 4th Street Parking Ordinance the hours are limited from 10:00 a.m. to 8:00 p.m. and he has extended the Marshall Lane Ordinance to 10:00 p.m. since there would more likely to be issues in that area during the evening than the morning. Atty. Marino said he didn't know if those hours are acceptable or would the BOA want to make it something more like 5:00 p.m. on or 10:00 a.m. to midnight. He said we have to

consider the hours that you want to put the restriction on, if any, and then also the Proprietor section. Do you want to extend the opportunity to any local business owners to have permit for on-street parking purposes. Atty. Marino said other than those two items the Ordinance is identical to the W. 4th Street Parking Ordinance. Ms. DeGennaro said the W. 4th Street Ordinance came about due to the Courthouse. Mr. Sampson said as far as hours go normal weeknights they have to be closed by 1:00 a.m. so that's a problem if we limit it until 10:00 p.m. then people are going to park wherever they want. He said on Saturday and Sunday it opens at noon and during the summer they have large gatherings that start early in the day. Mr. Sampson said in speaking with some of the residents who live on Marshall Lane who have very small houses with small driveways, what do they do about their guests that they have visit and have to park on the street. How would we handle that? He said that was the biggest concern that the residents mentioned to him. Atty. Marino said that's a problem. He said you could add language that would permit a resident to come and get a special day permit if they're having an event at their house that they could give out to their guests for that specific day. Ms. DeGennaro said we're putting the onus on these people who aren't at fault. Ms. DeGennaro noted that Ms. Finn just informed her about the Connectivity Grant that the City received for work on Sodom Lane. Atty. Marino said he was told that the area the grant is going to cover would be around the entrance to Big Lots and would not go that far up on Sodom Lane. Atty. Marino said he would just like to have some input from the BOA members regarding the language that they would like in the Ordinance. He said if we were to make some areas No Parking then we run into the problem with the residents parking.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to **TABLE** this item until next month's meeting. ***Motion carried.***

PROPOSED ORDINANCE, CITY OF DERBY CODE, ENTITLED "TAX INCENTIVE ORDINANCE" AND PROPOSED "TAX INCENTIVE APPLICATION."DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

Ms. DeGennaro said she read through this and under Section B.2. eligibility – circumstances – under d. Project should have clear benefit to the City of Derby. How do we define "clear benefit?" Atty. Marino said he wanted to leave it slightly subjective as opposed to objective. He said this is not you come to Derby and you receive this. It is wholly discretionary within the BOA. In order to qualify you would need to meet specific monetary thresholds. The monetary thresholds are based on the investments made – increasing the Grand List, increasing your assessment above what it originally is. He said we're not giving credit for what their assessment is today. Their costs of improvement must increase their assessment and if you qualify for that threshold now you can submit the application. Now the BOA can consider a number of factors. Atty. Marino said he wanted to make it as broad as possible. Ms. DeGennaro questioned the vote of the BOA. It states that it is subject to a majority vote of the BOA. She said the way we handle it through the Charter for leases and contracts an affirmative vote applies. Atty. Marino said he can make that change. He said if you have a quorum and the quorum of nine is five and a majority of five is three.

Ms. DeGennaro said regarding d.1.a and d.2.a it states the Board of Aldermen may enter into a written tax agreement – are we entering into the agreement? We're making the agreement but shouldn't it be the City and then it's using the word "after they've already presented to us." Shouldn't it be "we shall enter into the agreement?"

Why does it say the Board of Aldermen entering into the agreement? Atty. Marino said the BOA is authorizing the agreement and the Mayor is signing it on behalf of the City based upon the Board's authorization. Ms. DeGennaro noted a typo in the second to last sentence under e.1.b. Ms. DeGennaro said we would also need a copy of the application. Atty. Marino said he will send the application to Mr. Garofalo. He said the application is very basic and it seeks to provide sufficient information for the BOA to evaluate the application. He said you can present the application to the full BOA and discuss it at that point but noted there is sufficient time to review the changes and the application before presenting to the full BOA. Mr. Sampson said he wants to make sure that the Building Official and the Tax Assessor both have to sign off on the application stating that they are in agreement that the work to be done would raise the Grand List.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to recommend to the full Board of Aldermen/Alderwomen the Proposed Ordinance with the proposed changes and copy of the application. ***Motion carried.***

PROPOSAL FROM WSP, USA FOR MONITORING AND REPORTING SERVICES FOR FISCAL YEAR 2019 AT THE CITY OF DERBY SOLID WASTE LANDFILL, PINE STREET. EDWARD ARMENO, DIRECTOR OF PUBLIC WORKS. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

Mr. Armeno informed the committee that the WSP Company has been monitoring the landfill since 2002. At this time they would like to extend the Agreement with the City of Derby until 2019. Ms. DeGennaro said in reviewing the fee proposal that it is over the bid amount and it says in the fee amount it notes that they have completed the monitoring for July 2018. She asked Mr. Armeno if they have been paid for that work. Mr. Armeno said they were. They completed the 2017 monitoring and began 2018 and the 3rd quarter monitoring is the last bill the City received. Mr. Sampson said July 1, 2018 when they begin the second of the third quarter is there a contract in place. Mr. Armeno said he doesn't know if there's ever been a contract the City has just continued using the same company. Ms. DeGennaro said she didn't recognize the name since it's changed but she recalls that a company has been coming – she thought that Anchor was part of that. Mr. Sampson asked if there is a line item in place for this work. Mr. Armeno said there is a line item for well monitoring and the money set aside is well within the cost for the work. Mr. Sampson said it may be well within the line item but it's not well within the Charter where it states it should go out to bid. Ms. DeGennaro said that's why she questioned this. She thought perhaps there were just giving a cost estimate then she was told the work was done and this was the payment. Ms. DeGennaro said we can always refer it with a waiver. Mr. Sampson asked Mr. Armeno if he would be able to get three quotes for the work. He realizes this company has been doing the work forever but it also never hurts to shop around. Atty. Marino said he understands the issue that is being raised; however part of his concern is the vendor has been working under the belief, correct or not, that they have a contractual relationship with the City and they have been providing services. He said best practices is if we know of a contract that is going to be renewed or subject to renewal at a certain time that it be presented to the BOA at least 90 days in advance. He said some of the contracts have automatic renewal and some require termination notices being sent at a specific time. Atty. Marino said that we're starting to look at this process. He noted that the historical practice was simply to renew this with this particular vendor. Atty. Marino said all contracts should be a standing item on the February or March agenda. Everyone was in agreement that a system to gather all

contract information is strongly needed. Mr. Armeno informed the committee that this service is needed and it is a DEEP requirement and this company runs their services by calendar year. There was a discussion regarding their interpretation of fiscal year and the City's as it appears we have two different fiscal year ending.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to recommend to the full Board of Aldermen/Alderwomen the contract for WSP Co. based upon the advice from Atty. Marino.

DISCUSSION ON MOTION
Ms. Moran said it is required and we have to do it. Both Ms. Moran and Mr. Sampson stated that we need to get a clear start and end date from WSP.

MOTION CARRIED

DISCUSSION REGARDING THE CREATION OF AN AD HOC SUBCOMMITTEE FOR THE POSSIBLE USE(S) FOR CITY-OWNED FORMER VARCA BUILDING. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN
Ms. DeGennaro said the Mayor's Office requested this be placed on the agenda this evening. She said this has been briefly discussed in the past and would ask that Corporation Counsel provide some parameters for the makeup and duties of this committee. Ms. DeGennaro said it would be in line with how the Infrastructure Committee was formed to oversee the WPCA bond project.

A MOTION was made by Ms. Moran with a second by Mr. Sampson to **TABLE** this item until next month's meeting. ***Motion carried.***

FOOD SERVICE TRUCK MEMORANDUM OF AGREEMENT BETWEEN THE CITIES AND BOARDS OF EDUCATION OF DERBY AND ANSONIA. DR. MATTHEW CONWAY, SUPERINTENDENT OF DERBY PUBLIC SCHOOLS. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN
Ms. DeGennaro recalled that Derby and Ansonia both paid $7,500 from a grant. Dr. Conway said the grant paid $15,000 with the total cost of the van being $30,000. The State Grant for Inter-Town purchase paid $15,000, Derby paid $7,500 and Ansonia paid $7,500. He said we're buying out a portion of the van to have it 100% as opposed to just the percent of time that we have it now. Dr. Conway said while the total agreement is $15,000 it's not another $15,000 for the van. He said through the Shared Services Program the MOU (Memorandum of Understanding) for the Shared Services, which was submitted included a 10% proceeds from the food service program went back to Dominic. He said we would not be where we are today with the Food Service Program if it weren't for Dominic's leadership. Dr. Conway said in the first year of that program paying that 10% made perfect sense because it got us to where we are today. He said we have a great functioning, profit producing food service program that we didn't have before. It is has produced a lot of funds for the Food Service Program. Between those funds and grant funds we've been able to re-do every kitchen in the district over the past three years. He said in the past year Dominic did not have to be involved explaining that Sal Giannotti runs the program. Dr. Conway said there was no need to continue the shared services and pay them 10% of our proceeds every year with nothing in return. He said they told them we would pay them for last year every though there wasn't any work done, but there was a signed contract, so we

paid that and bought out the van for a total of $15,000. So it really breaks down to our profits last year were $60,000 and we paid them $6,000 and then the other $9,000 for the van. To dissolve both the Shared Services and the van we made the offer of the $15,000. Dr. Conway said at the end of the day we're paying $15,000 for a $30,000 van. Mr. Sampson asked if we would be violating the terms of the grant. Dr. Conway said we would not be.

A MOTION was made by Ms. Moran with a second by Mr. Sampson to recommend to the full Board of Aldermen/Alderwomen the food service truck Memorandum of Agreement between the Cities and Boards of Education of Derby and Ansonia. ***Motion carried.***

ADJOURNMENT

A MOTION was made by Ms. Moran with a second by Mr. Sampson to adjourn the meeting at 6:22 p.m. ***Motion carried.***

Respectfully submitted,

Patty Finn

Patty Finn
Recording Secretary

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ALDERMEN OPERATIONS & PROCEDURES SUBCOMMITTEE AT THEIR NEXT MEETING.