City of Derby
Board of Aldermen / Alderwomen

First Ward	Second Ward	Third Ward
Barbara L. DeGennaro	Joseph L. DiMartino	Jim DiMartino
Thomas J. Donofrio	Evelyn Browning	Louis Oliwa
Bev Moran	Ronald M. Sill	Charles Sampson

Board of Aldermen/Alderwomen Meeting Minutes
Derby City Hall
1 Elizabeth Street, Derby, CT
November 8, 2018

1. **Call to Order.**
   Mayor Dziekan called the meeting to order at 7:00 PM.

2. **Pledge of Allegiance.**
   Mayor Dziekan led the Pledge of Allegiance.

3. **Roll Call.**
   The Board of Aldermen / Alderwomen members present were Barbara DeGennaro, Thomas Donofrio, Bev Moran, Joseph DiMartino, Ronald Sill, Louis Oliwa and Charles Sampson. Jim DiMartino and Evelyn Browning were absent.

4. **Adoption of the Agenda**
   No changes were made. Mr. Sampson motioned to adopt the agenda as is. Mr. Sill seconded and the motion carried.

5. **Public Portion**
   Attorney Thomas – spoke regarding THC. The Board said that public portion should be about things on the agenda. Mayor Dziekan said they would make an exception. Attorney Thomas stated he wanted to clear the air about what THC is trying to do and stated that they would like to work with the P&Z commission. THC has been the subject of numerous false complaints. Attorney Thomas handed out a list of signatures in support of THC. See Attached. He stated that no addition is being added to the building. Weddings are currently being held there. He would like to add 55 parking spaces to accommodate the events. Without the provision, the parking issues will continue and the events will continue without adequate parking.

6. **Department Head Reports**
   - **6.1. Finance Director**
     Ms. DeGennaro spoke about the winterization for the VARCA building. She said that it's a city building and no committee is needed. If they need to winterize it they can just do it.

   - **6.2. Board of Education**
     No representative present as their Board meeting is tonight.

   - **6.3. Cultural Commission**
     No one was present. Mr. Baklik said that the cultural commission members stated that they want to finish up with the tree lighting and then they are resigning.

   - **6.4. Public Works**
     Ms. DeGennaro asked if someone from public works is watching over the people doing the milling. Mr. Armeno stated that they are out there either during or after the work is done. She said that around 3:30 PM one of the workers was looking at his phone while operating his machine from West fourth to Sterling Towers and has no idea she was watching him. Mr. Armeno said he would look into it.

     Mr. Donofrio spoke about Roosevelt Drive. UI was supposed to pave a section between Third and Seventh Streets after their work was completed. To date, the work has not been completed. Mr. DiMartino contacted the UI

Company and they are aware of the issue.

6.5. Building Department

Ms. DeGennaro asked about the RV situation. Mr. Sarmiento said they are speaking with corporation counsel to create an ordinance to assist with enforcement.

Mr. Sampson said he looks at the properties that have been foreclosed on. What takes it so long to complete? Corporation Counsel said the legal process can take a long time, but she did have the specifics on these properties.

6.6. Facilities Inspector

Nothing was discussed.

6.7. Fire Marshal

Mr. Sampson asked who is responsible to get the fire alarm system at 35 Fifth Street up to code. Funds had been allocated, but nothing was ever completed. Mr. Baklik said he'd contact Mr. Izzo.

6.8. Fire Department

Nothing was discussed.

6.9. Office of Emergency Management

Nothing was discussed.

6.10. Parking Division

Mr. Sill asked how often the meters were being emptied. Ms. Finn said they are being emptied once a week. Ms. DeGennaro asked if the lighting was completed. Ms. Finn stated that it was finished.

6.11. Police Department

No representative.

6.12. Water Pollution Control Authority

Mr. Sill spoke regarding the smell on Main Street. Mr. King state that they investigated and couldn't find the cause. DEEP is investigating it as well. Mayor Dziekan stated that Mr. King has resigned and he thanked him for his service. November 23rd will be his last day and the Board wished him well.

6.13. Chief of Staff

Nothing was discussed.

6.14. Corporation Counsel – Including Planning and Zoning, Labor Counsel, and Outside Counsel

Nothing was discussed.

6.15. Storm Ambulance Corps

Nothing was discussed.

6.16. Parks and Recreation

Nothing was discussed.

6.17. Revolving Loan Fund

Corporation counsel is looking into open issues.

6.18. Website Report of tickets for the month

Nothing was discussed.

6.19. Economic Development Liaison

Nothing was discussed.

6.20. Athletic Complex Building Committee

Mr. Donofrio asked if they were on schedule. Mr. McLiverty said they are a little behind as they hit some unexpected ledge.

6.21. Field House and Baseball Field Building Committee

7. Administrative & Appointments

7.1. Approval of Minutes

7.1.1. Move to approve minutes from Regular Meeting – October 11, 2018

Motioned to approve by Mr. Sampson, seconded by Ms. Browning and the motion carried. Ms. DeGennaro abstained.

7.1.2. Move to approve minutes from Special Meeting – October 25, 2018

Motioned by Mr. Sampson, seconded by Mr. Sill and the motion carried. Ms. DeGennaro abstained.

7.2. Move to approve tax refunds in the amount of $2,315.09.

Motioned by Mr. Sill, seconded by Mr. Sampson and the motion carried.

8. Committee Reports

8.1. Blight Committee

8.1.1. No action items.

8.2. Community Relations

8.2.1. Move to approve sale of 189 Water Street – Parcel 8-7-241 by sealed bid.

Motioned by Mr. Sill, seconded by Mr. Sampson and the motion carried.
Ms. DeGennaro asked if there was an appraisal done. Mr. DiCenso said this was an unbuildable lot.

8.2.2. Move to approve sale of Parcel 7-8-1 located between Main Street and Division Street by sealed bid.

Motioned by Mr. Sill, seconded by Mr. Joe DiMartino and the motion carried.
Mr. DiCenso said it is 25 acres and approx. 12 acres are buildable. They are awaiting appraisals. This is to be discussed further at the next meeting.

8.2.3. Move to approve the request of Our Lady Queen of the Apostles Ladies Guild to place a temporary sign at Main Street and Bridge Street from November 9, 2018 until December 11, 2018 for their annual cookie walk.

Motioned by Mr. Sill, seconded by Ms. Browning and the motion carried.

8.2.4. Move to approve the request of the Boys and Girls Club of the Lower Naugatuck Valley to utilize Bridge Street, Main Street, and Elizabeth Street to conduct the 2018 Commodore Hull Road Race.

Motioned by Mr. Sill, seconded by Mr. Joe DiMartino and the motion carried.

8.3. Operations and Procedures

8.3.1. Move to adopt new Recognition Policy for Athletic Teams and Individuals.

Motioned by Ms. DeGennaro, seconded by Ms. Browning and the motion carried.

Policy – Recognition for Athletic Teams That Win State Championships, and Individuals Who Win National, World, or Olympic Ttitles

The Board of Aldermen/Alderwomen in

Affirming that athletic teams or individuals that win championships is a source of community pride;

Realizing the City should recognize these teams and/or individual achievements;

Noting with regret past teams have not benefited from this resolution;

Recognizing the City has limited resources;

Designating a specific line item from the City of Derby budget by the Board of Apportion & Taxation;

1. Supports championship High School, and Derby Organized Youth Sports Program teams by offsetting costs of these teams as they see fit to utilize an amount designated by the Board of Alderman/Alderwomen, with approval from the Board of Apportionment & Taxation, not to exceed the amount in the line item designated, and knowing that this line item may be used for more than one instance per calendar year;
2. Recommends further the installation of signs acknowleding High School, and Derby Organized Youth Sports Program teams at all Welcome to Derby locations;
3. Proclaims individual national, world, or olympic titles will result in the installation of a sign acknowledging the accomplishment at all Welcome to Derby locations;
4. Confirms all signs at the Welcome to Derby locations shall be removed one year after installation.

8.3.2. Move to approve an ad-hoc committee for the possible uses for city-owned former VARCA building: Carmen DiCenso, Ronald Sill, Judy Szewczyk, Carlo Sarmiento, and Stephen Iacuone and that said committee will report back to the Operations and Procedures Committee thirty days from the date of their appointment.
Motioned by Ms. DeGennaro, seconded by Ms. Browning and the motion carried.

9. New Business

9.1. No action items.

10. Old Business

10.1. No action items.

11. Executive Session

11.1. WPCA – Labor Agreement Side Letter - Negotiations

Mr. Sampson motioned to enter into executive session at 7:40 PM and invite Corporation Counsel and Mr. Baklik. Seconded by Mr. Sill and the motion carried.

At 7:45 PM the meeting reopened to the public.

12. Regular Session Action from Executive Session

12.1. Move to approve WPCA – Labor Agreement Side Letter

Ms. DeGennaro motioned to approve the side agreement regarding the shift operator/lab manager, Ms. Browning seconded and the motion carried. Mr. Jim DiMartino and Mr. Donofrio recused.

SIDE LETTER AGREEMENT
BETWEEN
THE CITY OF DERBY
-and-
LOCAL 1303-006 OF COUNCIL 4
AFSCME, AFL-CIO
(DPW-WPCA)

RE: SHIFT OPERATOR/LAB MANAGER POSITION

This Side Letter Agreement is made and entered into this_____day of_____, 2018 ("Effective Date"), by and between the City of Derby ("City") and Local 1303-420 of Council 4, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO ("Union"), Santo Barbagiovanni and Christopher Carloni.

WHEREAS, the City and the Union are parties to a collective bargaining agreement for the period from July 1, 2017 through June 30, 2021 (the "CBA"); and

WHEREAS, Santo Barbagiovanni ("Barbagiovanni") and Christopher Carloni ("Carloni") are City employees in the Water Pollution Control Authority ("WPCA") and members of the bargaining unit represented by the Union; and

WHEREAS, the Union filed a certain claim with the State Board of Labor Relations ("SBLR") known as Case No. MPP 32681 (the "MPP"); and

WHEREAS, the Town denied the claims alleged in the MPP and denied any and all liability to the Union; and

WHEREAS, on or about May 31, 2018, without any admission or determination of the validity or invalidity of any claims or defenses alleged in the MPP, the parties entered into a settlement agreement to settle fully and finally the MPP (the "Settlement Agreement"); and

WHEREAS, pursuant to the Settlement Agreement, the parties agreed to establish the position of "Lab Manager" as a bargaining unit position and further agreed to meet and bargain over a position description and other terms and conditions of employment for the Lab Manager position; and

WHEREAS, pursuant to the Settlement Agreement, the parties met and bargained concerning the Lab Manager position and have now agreed that the position shall not be established as a bargaining unit position and, instead, shall be recognized as a supervisory position outside the bargaining unit;

NOW, THEREFORE, in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Union agree as follows:

1. Appendix A: Wage Schedule of the CBA is hereby amended to remove the WPCA Grade 4 "Shift Opr." (Shift Operator) position and to substitute a WPCA Grade 4 "Collection System Operator" position as follows:

APPENDIX A
WAGE SCHEDULE

…

WATER POLLUTION CONTROL AUTHORITY
(WPCA)
…

GRADE 4	**$32.39**	**$32.39**	**$33.20**	**$34.03**	**$34.88**
Mechanic and ~~Shift Opr.~~ Collection System Operator					

2. The "Lab Manager" and "Shift Operator" positions are hereby reclassified and established as a single supervisory position known as the "Shift Operator/Lab Manager," which supervisory position is expressly excluded from the bargaining unit.

3. Subject to the authority of the Chief Operator (currently the WPCA Department Head), the Shift Operator/Lab Manager position shall have supervisory responsibility for the operation and maintenance of the City's water pollution control facility ("Facility"), which supervisory responsibility shall include, without limitation, daily routine responsibility for managing personnel and operations at the Facility and at the Facility wastewater laboratory ("Lab").

4. The Shift Operator/Lab Manager also shall have responsibility for operating the Lab, which responsibility shall include, without limitation, daily routine responsibility for Lab procedures and reporting.

5. Bargaining unit employees shall remain eligible to perform certain Lab procedures (e.g., calibration, sampling and testing) ("Lab Work") in accordance with the CBA. Lab Work shall be compensated at the Lab Work rate, pursuant to Section 6.0(e) of the CBA.

6. The City shall make payments to each of Barbagiovanni and Carloni as follows:

    a. A one-time lump sum payment to Barbagiovanni in the amount of Four Thousand Five Hundred Dollars and 00/100 ($4,500.00), less lawful deductions and withholdings (the "Barbagiovanni Payment");

    b. A one-time lump sum payment to Carloni in the amount of Seven Thousand Five Hundred Dollars and 00/100 ($7,500.00), less lawful deductions and withholdings (the "Carloni Payment");

    c. The Barbagiovanni Payment and Carloni Payment shall be paid within thirty (30) business days of the Effective Date.

7. The parties to this Side Letter Agreement acknowledge and agree that as of the Effective Date, Edward Abel ("Abel") is and has been performing the duties and responsibilities of the Shift Operator/LabManager position. The parties to this Side Letter Agreement agree that Abel's performance of Shift Operator/Lab Manager duties and responsibilities shall not be deemed to evidence or constitute any prohibited practice or unfair practice or any unlawful or prohibited conduct of any kind and further agree that the parties hereto knowingly and voluntarily waive any such claims.

8. The position of "Collection System Operator" is hereby established as a bargaining unit position at the WPCA Grade 4 classification and pay rate set forth in the CBA. The Collection System Operator position shall require a CT Deep Class 3 Operator Certification and shall have duties and responsibilities for WPCA Capacity, Management, Operation and Maintenance ("CMOM") programs in addition to the duties and responsibilities of an Operator 3 position. The City and the Union agree to meet to negotiate a position description for the Collection System Operator position in accordance with paragraph 10 of this Side Letter Agreement.

9. The parties to this Side Letter Agreement acknowledge and agree that whereas Barbagiovanni has been employed in the WPCA "Shift Opr." role, in a Grade 4 classification, as of the Effective Date, Barbagiovanni shall instead be employed in the Collection System Operator position, subject to the terms and provisions of the CBA. In the event of a Vacancy in the Collection System Operator position for any reason, the Collection System Operator position shall be posted in accordance with the CBA.

10. As part of this Side Letter Agreement, the City and the Union agree to meet for the sole purpose of negotiating position descriptions for all bargaining unit positions including, without limitation, the Collection System Operator position. Such negotiations shall commence within sixty (60) days of the Effective Date of this Side Letter Agreement.

11. The parties to this Side Letter Agreement agree that nothing in this Side Letter of Agreement shall be deemed to evidence or constitute any prohibited practice or unfair practice or past practice, or any unlawful or prohibited conduct of any kind, and further agree that the parties hereto knowingly and voluntarily waive any such claims.

12. Except as expressly provided herein, this Side Letter Agreement does not modify any terms or provisions of the Agreement between the City and the Union.

IN WITNESS WHEREOF, the parties have affixed their signatures hereto:

CITY OF DERBY

By:_____

Date:_____

LOCAL 1303-420 OF COUNCIL 4, AFSCME, AFL-CIO

By:_____

Date:_____

By:_____

Date:_____

By:_____

Date:_____

By:_____

Santo Barbagiovanni

Date:_____

By:_____

Christopher Carloni

Date:_____

13. Adjournment

Mr. Sill motioned to adjourn, seconded by Mr. Jim DiMartino and the motion carried at 7:48 PM.

Respectfully submitted,

Terri Kuskowski

These minutes are subject to the Board's approval at their next scheduled meeting.