

BOARD OF ALDERMEN
OPERATIONS & PROCEDURES SUBCOMMITTEE MEETING

MAY 23, 2019 – 5:15 P.M.

JOAN WILLIAMSON ALDERMANIC CHAMBERS

MINUTES

Chair Barbara L. DeGennaro called the meeting to order at 5:27 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Barbara L. DeGennaro, Charles Sampson, Ron Sill

Absent: Bev Moran (Excused)

Also Present: Andrew Baklik, Chief of Staff
Marc J. Garofalo, Town & City Clerk
Vincent Marino, Corporation Counsel

ADDITIONS, DELETIONS, CORRECTIONS, AND ADOPTION OF THE AGENDA

A MOTION was made by Ms. DeGennaro with a second by Mr. Sill to add the following item as New Item #13 - Letter from the State of CT, Department of Transportation, regarding the Horizontal Alignment Treatments on State Roads in District 4 for State Project No. 0174-0417. Discussion/Possible Action. **Motion carried.**

After discussion with the committee members:

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to **TABLE** the following agenda items until the City has resolved the budget issue:

- Item #7. Discussion regarding creation of a Veterans' Tax Abatement Ordinance pursuant to State of CT Public Act 18-102 and/or creation of Ordinance pursuant to State of CT Public Act 17-65 entitled "An Act Concerning a Municipal Option Property Tax Exemption for Gold Star Parents and Spouses."
- Item #9. Discussion regarding the creation of a Redevelopment Agency Ordinance.
- Item 10. Discussion regarding the possible use of a city-owned vehicle by the Building Official Carl Sarmiento.

- Item 12. Review of mid-year Tax Suspense List dated March 19, 2019 (Grand List years 2004-2017) and Transfer of Uncollectable Taxes to Suspense List per May 2, 2019 request from Denise Cesaroni, Tax Collector.

MOTION CARRIED.

Atty. Marino said he would get in touch with Matt Sussman and have him come to next month's meeting to discuss redevelopment agencies. Mr. Baklik said he and Carmen DiCenso met with CERC and he will provide any documentation they have regarding redevelopment agencies.

PUBLIC PORTION

Ms. DeGennaro asked three times if anyone would like to address the committee. No one wished to address the committee and the public portion closed.

APPROVE MINUTES OF THE MAY 7, 2019 OPERATIONS & PROCEDURES SPECIAL MEETING

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to **TABLE** the Minutes of the May 7, 2019 meeting as presented. **Motion carried.**

~~**DISCUSSION REGARDING CREATION OF A VETERANS' TAX ABATEMENT ORDINANCE PURSUANT TO STATE OF CT PUBLIC ACT 18-102 AND/OR CREATION OF ORDINANCE PURSUANT TO STATE OF CT PUBLIC ACT 17-65 ENTITLED "AN ACT CONCERNING A MUNICIPAL OPTION PROPERTY TAX EXEMPTION FOR GOLD STAR PARENTS AND SPOUSES."**~~
~~**DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN.**~~

~~**DISCUSSION REGARDING PARKING SPACES AT GILBERT STREET RESIDENTIAL PARKING LOT, CITY OF DERBY CODE, CHAPTER 186, VEHICLES AND TRAFFIC, ORDINANCE ARTICLE X §186-58 ET SEQ. ENTITLED GILBERT STREET RESIDENTIAL PARKING LOT.**~~
~~**DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN.**~~

Ms. DeGennaro asked Mr. Sampson if he had a chance to meet with Chief Narowski. Mr. Sampson said he didn't. Mr. Sill asked if we know the number of parking spots. Ms. DeGennaro said there are 17 plus 2 handicap spaces. She said we need to get an updated list. Mr. Sill said are there more than 5 empty spaces. Ms. DeGennaro and Mr. Sampson both said yes with Mr. Sill noting that on the weekends the lot is practically empty. Mr. Sampson said we did the list in 2015 so it needs to be updated.

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

~~**DISCUSSION REGARDING THE CREATION OF A REDEVELOPMENT AGENCY ORDINANCE.**~~
~~**DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN.**~~

DISCUSSION REGARDING THE POSSIBLE USE OF A CITY-OWNED VEHICLE BY THE BUILDING OFFICIAL CARL SARMIENTO. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

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

Ms. DeGennaro said this was brought up some months ago – September, October maybe August of last year. She said that Mr. Sampson asked that it be placed on tonight's agenda.

Mr. Sampson said in re-looking at this item where we ended off in October we talked to Corporation Counsel who asked us to gather the list of roads that we would like to incorporate into this parking ban. He told the committee that he took the liberty of re-writing this from scratch and he based it upon what is used over in the Griffin Hospital area. Mr. Sampson said he would like to take the word "permit" right out of the ban as he doesn't want to burden the people who live there and feels that it is a burden for them to have to come down and go through the permit process. It would just canonize the fact that if you live in the area you can park there, and he hopes the police department use common sense if ticketing and/or towing. He brings this up because we know that THC (The Hops Company) is the problem precipitating this noting they have just received approval for an extra 900 ft.² building on top of the 900 ft.² building that they're currently using for storage. So, they will be clearing that out and will now have an 1,800 ft.² building that they're going to utilize for hall rentals. This got heated last summer with the parking conditions and people who go there still park behind the old Walmart, which will soon be the new Big Y. If you don't live there No Parking signs are up, which give the police department the authority to tow and he feels that we need to back it up with an ordinance that says the same thing.

Ms. DeGennaro asked how the police would know whose car it is. Mr. Sampson said they can drive by and run the license plate and find out who it's registered to. Mr. Sill said it could be one of the homeowner's daughter who is married and has a different last name. Mr. Sampson said it comes down to common sense. If there are 8 to 10 cars lined up on Marshall Lane going up the hill in the area of THC common sense would tell you that something is going on there and the cars shouldn't be parked there. He gets when the Chief tells him that we're the busiest smallest town in the State of CT, but something tells him that they could get out of their car and probably figure it out within the first three minutes.

Atty. Marino told Mr. Sampson that he truly appreciates the spirit of what he is trying to do but his concern is this may not withstand constitutional scrutiny because you are not providing the legal protection under the law. You're creating a special class of citizens in giving them heightened privileges and/or selectively discriminating against another class of people who are parking in a public right of way. Atty. Marino said if you want to accomplish a parking with permit only then you would have to have a permit. Mr. Sampson said he doesn't want to use the word permit. Atty. Marino said maybe what we can do, which won't solve the problem but would make it better, is provide some

language that basically gives an exemption to motor vehicles that are registered in the City of Derby. He said the City Assessor can provide a list of any person who receives a car tax bill so if they were to go to The Hops Company they could park in the street. Atty. Marino said if you're trying to have the ordinance withstand scrutiny this may be the way to go because you are now creating an equal class across the city. There was then a brief discussion regarding the Division Street and W. 4th Street ordinances and whether or not they would have to be repealed. Ms. DeGennaro said they receive permits under those ordinances. She noted that both were enacted due to Griffin Hospital being in the Division Street area and the Court House being in the W. 4th Street area.

Mr. Sampson said he's assuming that the Police Commission is authorized to erect "No Parking" signs in an area. Atty. Marino said absolutely. Mr. Sampson said the No Parking signs are already erected and we just need to have the police department enforce it. Atty. Marino said you can adopt whatever you want to adopt and said it is his job just to raise a potential concern that what you're doing may not ultimately withstand judicial review. It doesn't mean that you're legally prohibited from doing it – it's just that you're doing it with the understanding that if he goes to court he might lose.

Ms. DeGennaro said she feels that the police are not going to get out and check a car unless they get a complaint noting we don't have enough officers on the road, and we don't have enough to go check cars the way that you want to do it. She realizes that it's burdensome on the people who live there and she's trying to think of another way, so it is not so burdensome all around. Mr. Sampson said it is extremely easy for the officer to do their job. He's not saying that they have to be there 24/7 checking every car that parks on the street. He's saying on a Friday night when that road is packed, and people can't pass, and are parked all over the place an officer goes up there. He just wants to make sure they have the authority and the backing of the City to do their job.

Ms. DeGennaro said she feels some of Mr. Sampson's concerns need to be addressed to the Police Commission because you're trying to direct them to do their job that way. Mr. Sampson said he's not trying to direct them to do their job that way – they already know how to do their job. He just wants to make sure they have an ordinance behind them when they do their job. Mr. Sampson said he is going to go to the Police Commission and tell them that they need to include these streets as No Parking.

Atty. Marino said what if you were to recommend to the Board of Aldermen/Alderwomen that they refer a question to the Police Commission. You can indicate that the Aldermen/Alderwomen have concerns based on complaints received regarding the parking situation. So, you refer the question to the Police Commission for review and consideration. This way we're allowing, from a procedural standpoint, the appropriate body to come to a solution. So, if you still receive complaints you could say that the Board of Aldermen/Alderwomen raised their concerns and forward the individual(s) to the Board of Police Commissioners.

Ms. DeGennaro said she thinks when The Hops Company initially opened it caused those No Parking signs to go up. There may have been one, but they have added additional signs. Mr. Sampson said the summer is upon us and he's going to be getting complaints. He also told the committee members that the Police Chief has asked us to make the fines all similar, which he believes is \$25.00. If you look at the ordinance that is on the books for all our off-street parking there are different fines for every area, which means if the Chief is going to create parking tickets he has to create all these different areas. Mr. Sampson said wouldn't it be simple just to say that anyone who violates this article should be fined \$25.00. Atty. Marino said \$25.00 is not a disincentive to him not to get a ticket. He feels it should be higher – like \$100.00 – because you're trying to create a disincentive. Atty. Marino said we can make it a uniform fine and keep it confined within that ordinance or you have a stand-alone according to the ordinance and you create a fine section, which is a stand-alone ordinance to the extent that's where you want to keep your money in one thing so every ordinance then that has a fine would ultimately point back to this (inaudible.) Ms. DeGennaro said you could do one ordinance – say Ordinance #1 and then you list each Ordinance section if the fine amount is different - \$25.00 for this, \$50.00 for that – or make it the same. Atty. Marino said we could look into this from kind of a (inaudible) to see if we could potentially create an Ordinance that says by action of the legislative body any Ordinance that has a fine provision that provision is hereby repealed and replaced with this new Ordinance then you don't even have to look. Then you just leave all the other Ordinances alone – those sections are repealed by that action and then going forward this is the one section (inaudible.)

There was a discussion whether or not to refer this to the full Board of Aldermen/Alderswomen. Mr. Sampson said he could approach the Police Commission himself. Atty. Marino said he feels it is more meaningful from a records standpoint that this is an issue that this committee feels is important enough to forward to the full Board of Aldermen/Alderswomen for them to send a message to the Board of Police Commissioners.

A MOTION was made by Mr. Sampson with a second by Mr. Sill to refer to the full Board of Aldermen/Alderswomen the issue to the Police Department, Board of Police Commissioners and Traffic Authority the Marshall Lane area parking around The Hops Company for discussion and enforcement of any Ordinance or State Statute available.
Motion carried.

REVIEW OF MID-YEAR TAX SUSPENSE LIST DATED MARCH 19, 2019 (GRAND LIST YEARS 2004-2017) AND TRANSFER OF UNCOLLECTABLE TAXES TO SUSPENSE LIST PER MAY 2, 2019, REQUEST FROM DENISE CESARONI, TAX COLLECTOR. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN.

LETTER FROM STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION REGARDING HORIZONTAL ALIGNMENT TREATMENTS ON STATE ROADS IN DISTRICT 4, STATE PROJECT NO. 0174-0417. DISCUSSION/POSSIBLE ACTION
ADJOURNMENT

Atty. Marino informed the committee that the Mayor forwarded to him the letter in question, which is dated August 18, 2017; however, like many other projects at the State this is likely a project that was slated to begin back in 2017 or 2018 and is now scheduled to occur during the 2020 construction season. He suspects that they just didn't re-date the letter when it was recently sent out, the reason for the date being so old.

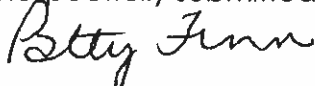
The State is planning to install horizontal alignment warning signs and pavement markings at curves on all State-owned and maintained roads in District 4, which Derby is part of. The new warning signs will have yellow retro-reflective sheeting and yellow delineators will be installed on the signposts. These upgrades will be in compliance with national standards and will improve motorists' awareness of a change in the roadway alignment.

The letter goes on to state that it is not anticipated that an informational meeting or formal public hearing will be necessary for these projects due to the limited nature of the proposed work. The State DOT is asking each City to sign and return the notice indicating their consent that neither a public informational meeting nor a public hearing is needed for the installation of curve warning signs and pavement markings on various state routes under State Project No. 0174-0417. Atty. Marino said that he reached out to Ted Estwan, Chair of the Planning & Zoning Commission and Mr. Estwan feels that neither a public informational meeting nor a public hearing is necessary.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sill to refer to the full Board of Aldermen/Alderwomen the letter from the State of Connecticut, Department of Transportation regarding State Project No. 0174-0417 with the recommendation to have the Mayor sign the letter on behalf of the City of Derby. **Motion carried.**

A MOTION was made by Mr. Sill with a second by Ms. DeGennaro to adjourn the meeting at 6:10 p.m. **Motion carried.**

Respectfully submitted,



Patty Finn
Recording Secretary

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