

BOARD OF ALDERMEN

OPERATIONS & PROCEDURES SUBCOMMITTEE SPECIAL MEETING

MONDAY, NOVEMBER 10, 2014 – 6:45 P.M.

CITY HALL – 2ND FLOOR CONFERENCE ROOM

MINUTES

Chairwoman Barbara L. DeGennaro called the meeting to order at 6:45 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Barbara L. DeGennaro, Stephen M. Iacuone, Arthur T. Gerckens (Alternate)

Absent: David M. Lenart

Also Present: The Honorable Mayor Anita Dugatto
Keith A. McLiverty, City Treasurer
Anthony DeFala, Street Commissioner
Alderman Ron Sill
Thomas Welch, Corporation Counsel

ADDITIONS, DELETIONS, CORRECTIONS TO THE AGENDA

As this is a special meeting there are no additions, deletions or changes to the agenda.

PUBLIC PORTION

Ms. DeGennaro asked three times if there was anyone wishing to speak during public portion. Hearing no requests...

A MOTION was made by Ms. DeGennaro with a second by Mr. Gerckens to close the Public Portion. **Motion carried.**

APPROVAL OF THE MINUTES OF THE OCTOBER 14, 2014 MEETING – DISCUSSION/POSSIBLE ACTION

A MOTION was made by with a second by to approve the Minutes of the October 14, 2014 meeting as presented. **Motion carried.**

REVIEW OF PEDDLING AND SOLICITING ORDINANCE AND VENDOR PERMIT PROCEDURES, CITY OF DERBY CODE CHAPTER §136 ET SEQ. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN

Ms. DeGennaro said everyone should have a copy of the memo from Tom Welch with regard to some of the concerns from our last meeting.

Atty. Welch said he has reviewed the items from the last meeting – some things that this committee wanted and some that the Chief of Police had requested. He said the

Chief of Police indicated that he wanted some type of baseline when he conducts his background check. It used to be any violation of an Ordinance you were denied a permit. Atty. Welch said he used the language "moral turpitude" – basically it falls within a category of something that a reasonable person would find offensive. This gives the Chief a baseline that he is comfortable with. Another change on the application is the inclusion of a date of birth.

Atty. Welch said once the Board of Aldermen designates something as a Special Event (Derby Day, Fireworks, etc...) all someone has to do is make an application to the Chief of Police and if they pass the background check he will issue the license – it will not have to come back to the subcommittee or the Board of Aldermen.

Ms. DeGennaro said if someone already has a vendor permit then they wouldn't need a new permit for a special event. She said there is still a concern where they go once they pass the background check – who takes the fee. Atty. Welch said the Chief of Police is fine with issuing the license. There just seems to be some confusion – some were paying the Finance Office, some the Town Clerk, some the Police Department. Mr. Iacuone said he feels all the money should be handled by one office at City Hall. Ms. DeGennaro noted that the fee covers the cost of performing the background check.

The subcommittee then walked through the process of getting the vendor license. We can't be having people come the day before an event to get a vendor license. Mr. Iacuone said when the vendor receives the application it should be time stamped once they have paid. The subcommittee again discussed what department would ultimately be charged with issuing the actual permit/license.

For Special Events the person would make application to the Town Clerk, pay the Town Clerk who would in turn send the information to the Police Department to have a background check performed. The Police Department issues their finding and sends back to the Town Clerk who then issues or denies the license.

For a Vendor's Permit (non Special Event) the person would make application to the Town Clerk, pay the Town Clerk who would in turn send the information to the Police Department to have a background check performed. The Police Department issues their finding and sends back to the Town Clerk who then will forward the information to the Community Relations Subcommittee who will vote to send to the full Board of Aldermen with their recommendation.

After a lengthy discussion the following change was made to §136-3 A.c:
If the applicant passes the background investigation, the Chief of Police shall notify the ~~Finance Office~~ **Town Clerk**, in writing.

The other change made after discussion was to §136-4. Issuance or denial of license [Amended 4-20-1995; 11-21-2002; 7-26-2007]:

After receipt of the results of the background check, along with written approval of the owner of the location for which said license is requested, if said location is private property, and any applicable food service license issued by the Naugatuck Valley Health District, the ~~Finance Office~~ **Town Clerk** shall submit the application to the Community Relations Committee, which shall either recommend approval or disapproval of the application and submit it to the Board of Aldermen, which shall either:

Ms. DeGennaro said wherever it is listed as Finance Office it should read Town Clerk. The fee was briefly discussed. Mr. McLiverty said the Town Clerk will accept the fee and it would be appropriately batched in the same manner as other fees he collects – Birth Certificates, Death Certificates, etc....

A MOTION was made by Ms. DeGennaro with a second by Mr. Iacuone to recommend to the full Board of Aldermen the changes proposed by Corporation Counsel with regard to the Peddling & Soliciting Ordinance as to special events and clarifying the process of the vendor permits. **Motion carried.**

Mr. Iacuone suggested having a type of “road map” explaining the process. Ms. DeGennaro also suggested changing the numbers in the Ordinance so that it would flow better.

REVIEW OF PROPOSED ORDINANCE TO CITY OF DERBY CODE ENTITLED “BOAT LAUNCH-PERMIT” AND PROCEDURE THEREOF. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN.

Ms. DeGennaro said she doesn't know if we're ready to tackle this yet and noted that this was referred from the Community Relations subcommittee.

Mr. Gerckens informed the committee that several administrations have tried to move this forward. He said we are one of only a few towns that do not charge to launch water vehicles. This causes a lot of people to come here hogging space and leaving the area very messy. Mr. Gerckens said feels that a permit system would go a long way in fixing that situation. One suggestion would be:

Derby Resident – No Charge
Out of Town - \$100.00 per year
Veteran – No Charge (proof of service would be needed)

Mr. Gerckens said he would like to see this move forward. He realizes this is the first draft and it will need tweaking. It is based on Shelton's Ordinance. Atty. Welch said he can get a copy of the Shelton Ordinance and email everyone a copy. Mr. DeFala said he knows that you run into a lot of rules and regulations from the State once you start charging a fee. Ms. Finn said she would research what was needed when we first looked into a grant for a boat launch. Mr. DeFala said that people for the most part are pretty respectful and follow the rules. Mr. Iacuone said he was of the understanding that the fire department uses this as their boat launch. Ms. DeGennaro

said that is correct – Dave Lenart initiated it several years ago. Atty. Welch said he would look to see what other towns have this and how they oversee the use.

A MOTION was made by Ms. DeGennaro with a second by Mr. Gerckens to **TABLE** this item and discuss further at next month's meeting. **Motion carried.**

DISCUSSION OF PROPOSED ORDINANCE TO CITY OF DERBY CODE ENTITLED "ORDINANCE REGULATING BURGLAR, HOLDUP AND FIRE ALARM SYSTEMS AND USERS."
DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN

Ms. DeGennaro said a few months back the committee was approached by someone to look into this – the issue of false alarms that the police respond to. The information before you tonight is from Milford – this is just a jump off point and we will need to get information from our Police and Fire Departments.

A MOTION was made by Ms. DeGennaro with a second by Mr. Iacuone to **TABLE** this item and discuss further at next month's meeting. **Motion carried.**

DISCUSSION OF INSTALLMENT PAYMENT SYSTEM FOR CITY OF DERBY REAL ESTATE PROPERTY TAX BILLS. DISCUSSION/POSSIBLE ACTION TO THE FULL BOARD OF ALDERMEN

Ms. DeGennaro said this was brought up last month to look into changing and setting up a payment system.

Atty. Welch said Alderman Ron Sill had specific questions about the possibility of setting this up to be a three payment system. The State Statute says you can do it for 1, 2 or four payments.

Mr. McLiverty said this really boils down to a cash flow issue from outside. There are two points – qualitative and quantitative. The qualitative is going to be driven by what's best for the constituents. If we go to more than two payments we're allowing property owners the ability to absorb the current tax rates or future tax rates. The premise being to keep the money in their pockets. For those who have mortgages all we're tally affording is for the banks to earn additional arbitrage on the taxpayers' payments because they're going to hold the money theoretically even longer – it really benefits the banks. Those who have title and own the property outright will benefit by keeping the money in their pocket.

Mr. McLiverty said his concern on the qualitative side is he doesn't want it to disguise or hide the ability or the pressure that taxpayers place upon us to control spending and generate revenue. If I knew my taxes were going up and I can't absorb it I'm going to put pressure on local government to either cut spending or start getting revenue in. He said If you make it too powerful where increases can be absorbed without notice I don't want it to lose the hammer that the taxpayer has on each of us to cut cost and generate revenue.

Mr. McLiverty said from a quantitative side we have to run the numbers. What we have to do is take three to five years of actual expenditures and put it into a cash flow model

based upon either 1, 2 or 4 payments. We would have to see how our demand and expenditures match up with that revenue stream being altered. We have to think probability values if we go to multiple payments and collection rate goes down – our collection rate is stellar – so we would have to adjust for a cash flow change because revenue would be coming in differently. Then if there's a downtick in payments – if the economy turns, etc... we have to assign some probability that could happen. Mr. McLiverty said he doesn't want to shut the door on this however it really needs to be carefully researched before anything is decided. He suggested waiting until the Tax Collector comes back from vacation so that it may be researched in full.

A MOTION was made by Ms. DeGennaro with a second by Mr. Gerckens to **TABLE** this item and discuss further at next month's meeting. **Motion carried.**

REMOVAL OF TREE STUMP AT IRVING SCHOOL IN ACCORDANCE WITH CITY OF DERBY CODE, CHAPTER 182 "TREES", §182 ET SEQ. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN

Ms. DeGennaro said they received a request from Matt Conway, the Superintendent of Schools, who would like to have the tree stump at Irving School removed. It is a 12' x 3' tree stump that was left when the tree was removed some 5-6 years ago. The stump is now dead and bug infested according to Dr. Conway.

Mr. DeFala said the tree is indeed dead and bug infested and needs to come down sooner than later.

There was a discussion about the history of the tree and how people were upset when it was first cut down without prior approval from the Board of Aldermen. It was noted that the tree was planted in honor of it is believed Mr. Irving. Mr. DeFala said as Tree Warden he has verified that the tree is dead and also bug infested and again it needs to come down. Mr. Iacuone suggested that perhaps a marker can be placed where the tree was in honor of the person that the tree was originally planted for.

A MOTION was made by Mr. Iacuone with a second by Mr. Gerckens to recommend to the full Board of Aldermen to take down the stump and look into the possible placement of an historical monument or plaque. **Motion carried.**

ADJOURNMENT

A MOTION was made by Mr. Gerckens with a second by Mr. Iacuone to adjourn the meeting at 8:26 p.m. **Motion carried.**

Respectfully submitted,

Patty Finn
Recording Secretary

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