

**BOARD OF ALDERMEN**  
**OPERATIONS & PROCEDURES SUBCOMMITTEE MEETING**

**TUESDAY, APRIL 8, 2014 – 7:00 P.M.**

**JOAN WILLIAMSON ALDERMANIC CHAMBERS**

**MINUTES**

Barbara L. DeGennaro called the meeting to order at 7:04 p.m. All rose and pledged allegiance to the flag.

**Roll Call**

Present: Barbara L. DeGennaro, Stephen M. Iaccone

Absent: David M. Lenart, Alternate Arthur T. Gerckens

Also Present: Keith A. McLiverty, City Treasurer  
Anthony DeFala, Public Works Director  
Alderman Carmen DiCenso (arrived at 7:20 p.m.)  
Alderman Ron Sill (arrived at 7:20 p.m.)  
Kevin M. Blake, Corporation Counsel

**ADDITIONS, DELETIONS, CORRECTIONS TO THE AGENDA**

There were no additions, deletions, or corrections to the agenda.

**PUBLIC PORTION**

Ms. DeGennaro asked if anyone would like to address the committee.

Keith McLiverty, City Treasurer – City of Derby

I rise for two purposes. One is I had a vision that when we went to referendum and we put a bond market in June that we were going to pursue a bond upgrade and one of the things that the rating agencies were looking for us to achieve that upgrade was a reduction in density and an increase in our socio economic indicators. I understand that there are a lot of legalities on how to reduce density and what we can and can't do. So I don't think we're going to be able to achieve the reduction of density to the level that will make a difference to the rating agencies and I don't think that we're going to have an upgrade in our socio economic indicators but that's ok because we still have a strong bond rating. But I guess what I come from is the frustration from on how we're increasing density. I stood before your committee on an item a month ago about the split on the parcel on Academy Hill and Derby Avenue. And out of respect and trying to follow the process I was told that it would be dealt with the Building Official and P&Z. There's been no meeting. The drawings that are on file are now, I can prove, incorrect. They don't meet the zoning regulations for the proper drawing to be filed. There's now a second for sale sign on the property. For the white house they split

it, clearly making it more non-conforming. They took away the second parking spot, which is required by zoning. And I can't get anyone to address or resolve this issue. We're going to put in another house, which is increasing density. This isn't Keith McLiverty breaking chops; this is the Treasurer who is trying to reduce density. And as an elected official I can't get anywhere. I don't understand how our citizens who have problems can get anywhere. You were told that it was going to be addressed by the Building Official – no meeting has taken place – zero. No one is asking what the violations are – zero. So I'm getting jerked around now. So I'm going to come to you as my aldermen in the first ward and ask for help because this is getting ridiculous now. I have pictures of cars parked all over that piece of property – on the street, on the curb, sticking out of the back. We have a problem there and all we're doing is (inaudible.) Teddy Estwan met me Thursday morning – he said I see what you're saying. We did take away a second parking spot. We're all agreed that it's not being fixed. So I need help with that. The second issue is I gave Barbara Dege the audit – we ended last year with a surplus of about \$300,000 – a positive thing. It would have been a million dollars except they reduced the surplus by the claim counsel had put in his letter of the \$750,000 for O'Sullivan Island. So if counsel settles anything below \$750,000 our surplus goes higher. So we're reserving \$750,000 for that claim. I guess I want to know how – Barb you want me to present. Do you want me to just mail it out to all the aldermen – the audit with those comments? How do you want to handle that? Because in the past some people would never even take the audits.

Ms. DeGennaro – Well I read it.

Mr. McLiverty – Should I send the same stuff to everybody just so they're aware of it.

Ms. DeGennaro – If you want – yes.

Mr. McLiverty – And what I want to stress when you look at it is if counsel had given us a letter that the liability was \$4 million they would have reduced our fund balance by the \$4 million and we would have had a \$2 million deficit – it's very simple. The new bond counsel is telling me that's not true – I can prove that it's true. I called the rating agencies and they all agreed. The auditors agree. Now the focus has to be on us getting the \$750,000 claim lower than \$750,000. Our fund balance is still strong. We're still at the 5.5% rate.

Mr. Blake – The letter was fine.

Mr. McLiverty – The letter was good. A \$4 million letter would have bankrupt the City and we would have been downgraded instantly. So we're in good position.

Ms. DeGennaro said Keith if I could just ask you to get back to the Academy Hill lot. You met with Teddy last week. Mr. McLiverty said he met with Mr. Estwan last Thursday. Ms. DeGennaro asked Mr. McLiverty if he knows if Mr. Estwan is going to be placing this item on for another meeting. Mr. McLiverty said he was putting it to Milone & MacBroom to ask for a meeting with them to discuss it. He said Mr. Estwan cc'd Marjorie (?) in case she needed to get involved but there's been no further discussion.

Mr. McLiverty said he is afraid if someone buys that second parcel whoever owns that first parcel you can't make them take that garage down in order to build. There is nothing on that deed that says a separate lot has to have a garage in order to be compliant. There's no second off-street parking spot for the first house. Ms. DeGennaro said so now we're back to where we were. She said we can only deal with the process although she feels that they should still have some kind of involvement in what happens out of the Building Department – whoever it's with – for that process of splitting a lot. The Zoning Board issue is out of our jurisdiction. Ms. DeGennaro said it was her understanding that it was going to be brought up at that last Zoning Commission meeting. Mr. McLiverty said it was not put on their agenda and it was not brought up and they were told to wait for a meeting so we missed another month. Mr. Iacuone asked if we know if any work is being done on the other house. Mr. McLiverty said they do it on the white house – his car is there. Mr. Iacuone questioned whether the Building Department should place a cease and desist on the work being done, which would totally resolve the issue before somebody starts renovating something that they can't go back from. Ms. DeGennaro said we don't have the authority but we have the authority to ask the Building Department to look into it. Mr. Iacuone said we could make a recommendation from the full Board of Aldermen to the Building Department.

There was no further public comment. Ms. DeGennaro declared the public portion closed.

#### **APPROVAL OF THE REVISED MINUTES OF THE FEBRUARY 11, 2014 MEETING AND THE MARCH 11, 2014 SPECIAL MEETING**

**A MOTION** was made by Ms. DeGennaro with a second by Mr. Iacuone to approve the revised minutes of the February 11, 2014 meeting and the March 11, 2014 Special Meeting as presented. **Motion carried.**

#### **AMENDMENT TO PREVIOUSLY ADOPTED MEETING SCHEDULE FOR 2014. DISCUSSION/POSSIBLE ACTION**

Ms. DeGennaro noted this was on last month's agenda and it was inadvertently skipped over. One of the items we last discussed was changing the time of the meeting. She noted that tonight the Blight Committee began at 6:00 p.m. and were done at 6:30 p.m. and Community Relations who was originally scheduled for 6:30 p.m. changed and made their meeting for 7:00 p.m. This evening Blight had a pretty heavy agenda and an Executive Session and they were still done by 6:30 p.m. Ms. DeGennaro said this subcommittee has always been at 7:00 p.m.

Mr. Iacuone suggested leaving it at 7:00 p.m. for now until we find out whether or not Community Relations changed their calendar.

**A MOTION** was made by Ms. DeGennaro with a second by Mr. Iacuone to **TABLE** this item. **Motion carried.**

**REVIEW OF PROCEDURES WITH STREET COMMISSIONER ANTHONY DEFALA FOR CITY ROAD CUTTING AND REPAIR BY OUTSIDE CONTRACTORS. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN**

Ms. DeGennaro said prior to the meeting she did speak with Mr. DeFala and she informed those present that she found an Ordinance in Shelton – this might be something that we should look into.

Mr. DeFala distributed items to the committee. One of the copies was an excavation permit that he would like to start using. He said most towns use a similar format and noted that the present permit for Derby is antiquated.

The second item is a two page specification regarding permanent patching. He said a lot of the information on the specification is referenced from the DOT 816 section, which is over 800 pages long. Mr. DeFala said Ansonia, Shelton, Woodbridge all use basically the same format. This would be the specifications that a contractor would have to follow in order to do permanent patch work in Derby. Mr. DeFala said currently we have nothing. So anything we do from this point on is a plus. Ms. DeGennaro said just from what she read today in the ordinance contractors don't come back – they don't finish up. Mr. DeFala said future patching will be monitored better. He feels that permits should solely come from the Public Works Department – not the Building Department. It was noted that at one of the meetings it was discussed that permits could be picked up at the Building Department after hours. Mr. Iacuone said that it should come right from the Public Works Department.

Ms. DeGennaro said we're still going to have the problem of people leaving the job and not finishing up. Mr. DeFala said when the contractor pulls the permit they are now going to be subject to following the specifications and if they do follow them we're going to have fewer problems in the future. He said another problem is once the contractor is done you will probably never find them. All they do is continue to change their name or LLC.

Mr. DeFala said we have to change things so that they come to my department to get the permit and the copy of the specifications. Ms. DeGennaro said this information is fine; however we're still at a start. She said the City has to be able to enforce something – right now you can't enforce either of those documents without an Ordinance.

Mr. Iacuone asked Mr. DeFala his thoughts on taking the money upfront for the patching. Mr. DeFala said a lot of the towns that he has talked to even the Police services are pre-paid. He said a few of the towns run into problems.

Ms. DeGennaro said that is included in the Ordinance. It also has emergency road cutting included. Mr. Blake said a lot of times you would be chasing companies that are gone. Mr. Iacuone noted that is the meaning for the bond. Mr. DeFala said all this information could be incorporated into the Ordinance. He said he just wants to keep moving forward in his department and come to a resolution sooner than later.

There was a discussion about the utility companies. Mr. Iacuone said he believes the Gas Company paid up front the last time. Ms. DeGennaro said in the Ordinance there was a whole thing about the utility companies and actually it is covered statutorily by the Connecticut General Statutes. Mr. Iacuone said it is a lot of work keeping track off the patches. Mr. DeFala said someone has to keep track of them and noted that right now no one is. He said there is going to be other people in his department who will be trained to oversee the patching.

Ms. DeGennaro told Mr. DeFala that she appreciates the fact that he wants to move forward. She said the Ordinance is the job of this subcommittee and that the specifications would be the Ordinance – they have to match. Mr. DeFala said when a contractor comes in for the permit they would also receive the specifications. Ms. DeGennaro said or a copy of the Ordinance. Mr. Iacuone said he doesn't think the contractor would read an Ordinance. He told Mr. DeFala to fine tune the specifications – manholes, paving, etc... Ms. DeGennaro told Mr. DeFala once again that unfortunately things don't move so fast. Everything needs to match up. We wouldn't be able to enforce an Ordinance that doesn't appear on the application. Ordinances don't happen overnight. Ms. DeGennaro will forward the Shelton Ordinance to Mr. DeFala to review.

Mr. DeFala said he is also having a problem with sidewalks. He needs to inspect them. Ms. DeGennaro noted that the form was changed last year. Mr. DeFala said they are pouring on Saturdays. He told them that it can't be on a Saturday since there is no one to inspect. Mr. Iacuone said if they insist on a Saturday then they're going to have to pay for someone to come out and inspect. Ms. DeGennaro asked if it indicates on the permit when they can pour. Mr. DeFala said no – it needs to be tweaked. Mr. Iacuone said write one that works for you and your department. Mr. DeFala said since he is new in this position he doesn't want to overstep his boundary and do something without approval. Ms. DeGennaro again stressed that Ordinances don't happen in a month. We need to make sure it is correct since this will continue on after we're gone and noted that she wasn't putting her name on something that is wrong.

Ms. DeGennaro said this item will be discussed again next month.

**RULES AND PROCEEDINGS OF THE BOARD OF ALDERMEN MEETINGS AND DUTIES OF THE TOWN/CITY CLERK RELATED TO SAID BOARD OF ALDERMEN AND ITS MEETINGS PER SECTIONS 19 AND 22 OF THE CITY OF DERBY CHARTER. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN**

Ms. DeGennaro said this is brought back again to try to determine how we deal with items for the agenda. Unfortunately Mr. Garofalo could not make this evening's meeting due to a prior commitment. She noted that she received the correspondence from Corporation Counsel after last month's meeting. Ms. DeGennaro said we could cut off items for getting on the agenda and if we wanted to put them on we could do it the night of the meeting because of Robert's Rules of Order. She noted that really isn't even the issue at hand.

Ms. DeGennaro said the real issue is getting the items to the Town Clerk in a timely fashion in order for that department to get them to the Board. Mr. Iacuone said he still feels that it should be the Thursday before the meeting so the Town Clerk can get it out on Friday. He said if they don't get it in by that date don't come crying to the Board.

Mr. Blake said there's always going to be something that needs to get on the agenda and that's where you have the two-thirds vote to get it on the agenda the night of the meeting. Ms. DeGennaro reviewed the minutes of the prior meeting where it was discussed to have the items to the Town Clerk the Thursday before the meeting so that they could be sent to the Board members to review. She said should something come up that needs to get on the agenda then it can come to myself as President or the Mayor. Mr. Iacuone said we all recognize that things happen and emergencies do come up where someone won't get the information to the Town Clerk in time and it will need to be placed on the agenda – we're not going to turn it down. Ms. DeGennaro noted that Corporation Counsel suggested in his letter 72 hours. That really doesn't help the Town Clerk's Office. We have to make a recommendation to the full Board exactly what the standing rule is going to be.

**A MOTION** was made by Mr. Iacuone to recommend the standing rule for approval to the full Board of Aldermen.

Ms. DeGennaro said we need to be a little bit more specific as to what exactly is the standing rule. Mr. Blake said you would have to put a specific time and date for the cutoff for the agenda. There was a discussion as to how exactly the standing rule would be worded.

#### **MOTION WITHDRAWN.**

**A MOTION** was made by Ms. DeGennaro with a second by Mr. Iacuone that they recommend to the full Board of Aldermen that there be a standing rule for items for the Board of Aldermen agenda be presented to the Town/City Clerk no later than Thursday at 5:00 p.m. the week before the regularly scheduled Board of Aldermen meeting. Any item that is requested to be on the agenda must be received no later than Monday the week of the meeting and sent to the President of the Board of Aldermen or the Mayor for inclusion on the agenda for the upcoming meeting and any other items submitted after those two times would be considered the night of the meeting only upon two-thirds affirmative vote by the members.

#### **DISCUSSION ON MOTION**

Mr. Iacuone said this works for him. At least the template is there for the items to get to the Town/City Clerk. There was a brief discussion as to how the agenda is laid out. Ms. DeGennaro said the layout of the agenda is a whole other issue that is not going to be addressed tonight.

#### **MOTION CARRIED.**

**REVIEW OF PROPOSED ORDINANCE – ARTICLE XXIX – DIRECTOR OF COMMUNITY ENGAGEMENT – DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN**

Ms. DeGennaro said she had the opportunity to take a quick look at this once she returned from vacation last evening. Mr. Blake said he looked at a couple of other positions and tried to copy how those Ordinances were written. Ms. DeGennaro said the way she read it in comparison to the other Ordinances that deal with positions it had to do with the way it was worded for the salary. She said it says compensation and benefits of the Director of Community Engagement shall be detailed in the position described and description adopted and amended from time to time by the Board of Aldermen. Mr. Blake said he copied the wording from the Chief Administrative Officer's position. He said and description should be taken out and have the word as inserted. Ms. DeGennaro said some of the salaries say recommendation from the Mayor and they have to be approved. Mr. Blake said this is not a Union position. Ms. DeGennaro said she knows that. She said we're trying to do a contract on a position. We're setting up a position again that's not funded – that would have to be funded by the Tax Board. We're also saying we want to have a contract position; however the Board of Aldermen have something to do with that. Mr. Blake said you should have received a draft of the contract. Ms. DeGennaro said the only contract that she has is the one from a couple of weeks ago. Mr. Blake said he will check with his secretary. Ms. DeGennaro said past contracts have referred back to the Board of Aldermen having control and we can't control something that doesn't exist yet. Mr. Blake said he would get the copy to the subcommittee. He said he needs to get the Ordinance. Ms. DeGennaro said we're not going to be in a position again – we can't adopt a contract without an Ordinance. She said we're not going to get this done at this meeting. Mr. Iacuone said the description of what the duties are for this position are rather vague. He said even the Chief Administrative Officer had a scope of where he would be. This has no scope. Ms. DeGennaro said back in 2005 when that was adopted by the Board of Aldermen in the minutes it has specifics as to the detailed duties of that position. Mr. Iacuone said the way this is she could be the Police Chief the way this is written it is very broad. Each paragraph is saying absolutely nothing. Mr. Blake said he will have all the information for the Board of Aldermen meeting. Ms. DeGennaro said she isn't trying to be difficult – we just want to do it right. She said if she's going to have her name on this it's going to be right. If it takes two months then it takes two months. Mr. Iacuone said it doesn't even say where her duties would actually fall under. Ms. DeGennaro told Mr. Blake that she has checked her email back to March 21<sup>st</sup> and she doesn't see where the items were sent. She said we're going to create a position that's going to be funded. Ms. DeGennaro asked Mr. Blake if he knew if the Mayor presented this position to the Tax Board. Mr. McLiverty said the Mayor was to present her budget this evening. Mrs. Szewczyk said the Mayor had to go to Hartford. Ms. DeGennaro reviewed the Tax Board budget and noted that this position is proposed on the budget. Mr. Iacuone said we were just asked to get this done for next month. He said by the end of May it will be able to fall right into place. Ms. DeGennaro asked Mr. Blake to get all the information pertaining to this item to the subcommittee.

The subcommittee took no action.

**ADJOURNMENT**

**A MOTION** was made by Ms. DeGennaro with a second by Mr. Iacuone to adjourn the meeting at 8:05 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.**