

City of Derby

Charter Revision Commission

Joseph DiMartino
Beverly Moran

Arthur Gerckens
Adam Pacheco
James Stadt

Robert Hughes
Sheila Parizo

Charter Revision Commission
Aldermanic Chambers, City Hall
1 Elizabeth Street, Derby, CT
August 22, 2016

1. Call to Order.

Ms. Parizo called the meeting to order at 7:02 PM.

2. Pledge of Allegiance.

Ms. Parizo led the Pledge of Allegiance.

3. Roll Call

Arthur Gerckens, Joseph DiMartino, Sheila Parizo, James Stadt, Robert Hughes, and Adam Pacheco were present.
Beverly Moran was absent.

4. Public Portion

Barbara DeGennaro – Spoke regarding changes she'd like made. She doesn't like the term Alder in place of the term Aldermen.

Ms. DeGennaro verbally listed all the changes she would like make; however she has since typed up her request. The typed version is listed below:

TO: BOA Members
RE: Proposed Revisions
Charter Revision Commission's Draft 8/16/16
FROM: Barbara L. DeGennaro, BOA member
DATE: 8/24/16 (presented at Charter Revision Commission's Mtg. 8/22/16, public portion)

REQUESTED/PROPOSED REVISIONS TO CHARTER REVISION COMMISSION'S
DRAFT DATED 8/16/16

- | <u>Section#</u> | <u>Page#</u> | |
|---|--------------|-----|
| 1. §4 When held; elective officers; frequency, etc. | C7 | |
| a) Insert "A city election shall be held on Tuesday after the first Monday of <i>November 2017, and biannually thereafter</i> , except as otherwise provided in this section...." | | |
| Line # 4: See my page 10. | | |
| Line#14: Delete "e" before "City Clerk". | | |
| Line#16: Insert a period after "qualified". | | |
| 2. §5 Vacancies in elective offices. | C8 | |
| Line#10: Delete "then" added. | | |
| Line#11-12: Delete "fewer" and leave "less" or insert "from a list of <i>at least three candidates..</i> " (consistent with §10 on p. C10) | | |
| Line# 12: Leave "town" and Delete "city". | | |
| 3. §10 Mayor. | C10 | |
| Lines #1 and 6: Delete hyphens. | | |
| 4. §11 Appointments etc. | C10 | |
| Line# 5: Remove "and a Board of Ethics".
Defined already in New §47 (old 52) and by Ch. 18 of the ordinances. | | |
| Line#1 (C11): Insert " <i>If</i> " not "It". | | C11 |
| Line#3: Leave "town" and Delete "city". | | |
| 5. §15 Duties etc. | C12 | |
| Lines #8&9: Remove hyphen and semi-colon after "payable" and "loan". | | |
| 6. §16 Heading before section needs Insertion of " <i>Town/City Clerk</i> ". | C12 | |

<u>Section#</u>	<u>Page#</u>
7. §17 –Add language, see my page 10.	C13
8. §19 Heading before section needs Insertion of “ <i>Board of Aldermen</i> ”.	C14
Line# (last): Remove period before “disqualified”.	C14
9. §20 Passage of ordinances etc.	C14
Line #1(end) & #2(beginning): Remove semi-colon, commas and hyphens.	
10. §21 Grants and leases of real estate.	C15
Line#1: Re-insert “ <i>and leases</i> ”.	
Line#3: Leave “town” and Delete “city”.	
Line#6 & last Line: Remove periods after second “to” and after “compliance with”.	
What is the process for sealed bids here? Where are the bids being advertised? Not clear.	C16
Not all bidders will be a person, ie “his/her” or “him/her”, such as LLCs, corporations or sole proprietor.	
INSERT: “it”, “its” “they”, “their” where appropriate in last line.	
11. §24 Authority etc.	C16
Line# 3: Leave “their” and Delete “its”.	
(Referring to BOA & BOAT together, more than one entity).	
12. §25 Legislative authority.	C17
Lines #12: Delete underscore and hyphen.	
Lines # 7 & 19-20: See my page 10.	
13. §26 Generally.	C18
Lines #4&8: Leave “Chairman” or insert “ <i>Chairperson</i> ” to be consistent with “aldermen” or gender neutrality.	
14. §27 Powers and duties.	C19
Why is 2nd publication of BOAT’s final budget vote deleted out of this section, especially since this is the vote after the public hearing? Recommend to not delete it and leave.	
Line (second to last): Remove periods after “of” and second “and”.	

- | <u>Section#</u> | <u>Page#</u> |
|--|--------------|
| 15. §27 Powers and duties. | C20 |
| Line #8: Delete & Remove “Town/City Clerk’s” and insert “ <i>City Treasurer’s</i> ” or “ <i>said city’s</i> ”. | |
| 16. §31 Generally etc. | C21 |
| Add language for Qualifications and salary for the Asst. Finance Director, similar language to Finance Director subject to the BOA approval. | |
| Last Line: Delete: “In addition, the Mayor may appoint such additional Finance Clerks as may be required to fulfill the duties of the Finance Department.” | |
| This is a union issue/union positions if created; not a mayor making a political appointment. | |
| 17. §33 Responsibility for processing claims etc. | C22 |
| Line #2: Insert “ <i>its</i> ” after “his/her authorized agent”. | |
| Line #5: Delete “City/Town Clerk” and insert “ <i>Finance Department</i> ” if correct. | |
| Last two sentences on page C22 and continue onto C23 to end of section. Is this correct? Also, appears to be inconsistent. Finance Director already signing, then countersigning by Mayor and Finance Director again and again at end of paragraph. Why isn’t the City Treasurer involved in the signings here? Paragraph seems to be inconsistent. | |
| Line #2: Remove hyphen before and comma after “or”. | C23 |
| 18. §35 Generally. | C23 |
| Heading: Remove “Approved at referendum” language. | |
| Lines #2&3: Re-insert “Town” so it reads “ <i>Town/City</i> ” and “ <i>Towns/Cities</i> ” as we have both towns and cities in the State of CT. | |
| Lines #5-6: See my page 10. | |
| 19. §36 Generally. | C24 |
| First Sentence: Delete “in” and insert “ <i>of</i> ” and
Delete “following”... the next biennial city election...” & Insert “ <i>next succeeding</i> ” ...the next biennial city election.
(consistent with §4 and §11). | |

<u>Section#</u>	<u>Page#</u>
20. §36 Generally.	C24

Lines #4: Re-insert “Town” so it reads “*Towns/Cities*” as we have both towns and cities in the State of CT.

Line #6: Delete second “of”.

Line #8: Insert “*as*” before “set forth”.

Line #9: See my page 10.

Lines #12,14,16,20: Insert “*the*” before “Connecticut”.

Line #17-18 and 21: Leave “*and amendments thereto,..*” and do not delete.

Line #23: Leave “*in*” and delete “if”.

Line #24: Correct to read “*interest*” not “interests”.

21. §37 Uncollectible taxes.	C25
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Line #12: Delete “bondsman” and insert “*bond*” or “*bond and surety*”. C25

22. §38 Generally.	C25
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“Street Commissioner” changed to Director of Public Works, however, “Commissioner” appears five (5) times in Section not changed. Recommend changes.

23. §40 Generally.	C27
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Line (second to last): Delete “policeman” and insert “*police officer*”.

The language of DPD positions/titles held in §40 is not consistent or does not correspond with current and recent police union contracts; upon my suggestion to review, the Charter Revision Commission indicated on 8/22/16 that they did not get input from the departments. As a result, this section would benefit from further review in future charter revisions.

24. §43 Vacancy in the Chief of Police.	C29
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(ii) Line 6: Delete “the Derby” and insert “*said*”.

The language of DPD position/title held in §43 is not consistent or does not correspond with current and recent police union contracts; upon my suggestion to review, the Charter Revision Commission indicated on 8/22/16 that they did not get input from the departments. As a result, this section would benefit from further review in future charter revisions.

<u>Section#</u>	<u>Page#</u>
25. §44 Auxiliary Police.	C29

Lines #9 & 13: Insert “*or Acting Mayor*” after “Mayor”.
 (to read “Mayor or Acting Mayor or the Chief of Police”)

Line #13: Remove semi-colon and insert a comma after “officers”.

26. §45 Fire Commissioner.	C30
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Bottom of Paragraph: Insert “*Company*” after “Hotchkiss Hose” and “Storm Engine”.

These are correct names and is consistent with §92.

Line #12: I suggested inserting language so that the member’s or officer’s company would get notice of their suspension. After the word “member”, insert “and with the fire company said officer or member is a member of ...” **Upon my suggestion to review, the Charter Revision Commission indicated on 8/22/16 that they did not get input from the departments. As a result, this section would benefit from further review in future charter revisions.**

27. §47 Board of Ethics.	C31
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Line #5 & 7: Remove underscores and hyphen.

28. §50 Annual Appropriation to Sinking Fund.	C31
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Removed language of “Sinking Fund Commissioners” in new §11 but kept language in §48-50 and in Heading to sections. Recommend to delete reference in all sections and keep them as “Reserved” or change section numbers accordingly.

29. §51 Assessment Officer.	C32
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Line #2: Delete “...and approved by vote” and insert “*subject to the approval...*”.
 (consistent with other sections and ordinances)

Last Line: Delete “...provided that the person holding the office of Assessment Officer when this takes effect shall continue in such office.”

Recommend to delete as this makes no sense.

30. §53 Powers and duties.	C32
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Line #3: See my page 10.

- | <u>Section#</u> | <u>Page#</u> |
|---|--------------|
| 31. §54 Certain provisions etc. | C32 |
| Is this section needed? 2003 Referendum changed this. (Bob Coates not Assessor in 2003 when this took effect.) If §54 removed, then section numbers must change accordingly. | |
| 32. §55 Submittal of taxable personal property lists-Required. | C33 |
| Did the Commission look at this section as it provides for newspaper publication? | |
| 33. §56 Same-Form. | C33 |
| Line #3 Correct to read " <i>Section 55</i> " not "61". | |
| Line #6 Delete "State Tax" and insert "...of <i>Revenue Services</i> " | |
| Line #7-8 Delete "Tax" and insert " <i>said</i> ". | |
| Line #7 Remove period before "used". | |
| 34. §58 Generally. | C34 |
| Lines #1: Leave "Chairman" or insert " <i>Chairperson</i> " to be consistent with other sections, "aldermen" or gender neutrality. | |
| Line #4: Re-insert "Town" so it reads " <i>Towns/Cities</i> " as we have both towns and cities in the State of CT. | |
| Line #4: See my page 10. | |
| The notice of meetings for the Bd. Tax Assessment Appeals was deleted; how will taxpayers get notice of the meetings and how to proceed to request a tax appeal at said meetings? Recommend to not delete it and leave or insert a notice requirement. | |
| 35. §59 Generally. | C34 |
| Line #1-2: Delete language after "office" until end of sentence and insert a period. (to read "There shall be a Finance Committee in said city which shall consist of two electors, who shall hold no other office.") | |
| Recommend adding Finance Committee appointment to §11 as it is consistent with other mayoral appointments in said section. | |

<u>Section#</u>	<u>Page#</u>
36. §60 Procedure for making certain purchases-sealed bids etc.	C35
Line #12 Correct to read “ <i>Section 61</i> ” not “58”.	
Line #21 Delete word “make reasonable efforts to...”.	
Who is determining sealed bid process-BOA or Finance Committee or Finance Director? Who is approving the advertising-Finance Committee or Finance Director?	
Re-insert wording “<i>supply or supplies furnished, the cost of which work, undertaking, contract or supplies</i>” as “goods or services” seems too vague.**	
	C36
Who determines what “a single source vendor” is??	
Last Sentence: Correct to read “ <i>Section 60</i> ” not “57”.	
37. §61 Same-Opening bids etc.	C36
Line #6: Insert language consistent with §60 (like above**).	
Line #10 & 12: Insert “ <i>its</i> ” after “his/her”.	
Line #15: Insert “ <i>and qualified</i> ” after “responsible” and before “bidder”.	
Line #17: Re-insert language “in the manner herein provided for” . Recommend to not delete it and leave.	
38. §62 Security for bids.	C37
Line #15-16 Insert “ <i>and qualified</i> ” after “responsible” and before “bidder”.	
Line #13-14 & 17: Insert “ <i>it</i> ” after “his/her”.	
39. §66 Same-Form etc.	C38
Line #3: Insert “ <i>the</i> ” before “surety”.	

<u>Section#</u>	<u>Page#</u>
40. §68 Composition.	C39
2 nd & 3 rd Sentences: Leave “Chairman” or insert “ <i>Chairperson</i> ” to be consistent with other sections or gender neutrality.	
Last Line: Correct to read “ <i>Statutes</i> ” not “statues”.	
Last Line: See my page 10.	
41. §69 Vacancies.	C40
Recommend Section be deleted. Governed by §5. If §69 removed, then section numbers must change accordingly or keep as “Reserved”.	
42. §70 Fiscal Affairs.	C40
Last Line: Remove period after “fiscal” and correction punctuation of “year”.	
43. §71 Lay-out; Vacancies.	C40
Line #5 and Heading: Delete underscores. Correct to read “ <i>lay out</i> ”.	
44. §72 Authority to construct generally.	C44
Lines #4: Delete underscore. Correct to read “ <i>lay out</i> ”.	
45. §73 Execution of construction etc.	C44
Line #2: Delete “Commissioner of Streets” and insert “ <i>Director of Public Works</i> ”	
Line #4: Re-insert “who” and delete “which”.	
	C45
Last Sentence: Did the Commission look at this section as it provides for newspaper publication?	
46. §74 Notice of abutting property owner etc.	C45
Line #1: Delete “Said Board” and insert “ <i>The Board of Aldermen...</i> ”	
Line #2: Remove period after “may” and before “limit”.	
Line #6: Delete “deposited in the post office at said Derby” and insert “ <i>by first class mail,</i> ”.	

<u>Section#</u>	<u>Page#</u>
47. §76 Manner etc.	C47
Last sentence: Delete “town” and insert “city” to read “...collection of city taxes.”	
48. §77 Failure, neglect of Tax Collector etc.	C47
Line #2: Delete “bondsman” and insert “bond” or “bond and surety”.	
Line #3: Remove period after “amount”.	
49. §78 Failure, neglect of Tax Collector etc.	C47
Line #7 & 11: Who is the “Clerk” referred to here?? It appears to be the Tax Collector. If so, recommend to delete “Clerk” and insert “Tax Collector”. I do not believe it is the Town/City Clerk.	
50. §85 Generally.	C50
Line #9: Remove period after “said” and before “Directors”.	
51. §86 Board of Directors.	C50
Line #2: Remove period after “deem”.	
Last line: Insert “towns” so it reads “towns/cities” as we have both towns and cities in the State of CT.	
Remove “It” and insert “Said Board of Directors”.	
52. §87 Same-Organization.	C51
Line #1: Insert “of Directors” after “Board”.	
Line #2: What is the correct word-it is not “number”??. It appears to be “Directors”. If so, recommend to delete “number” and insert “Directors” to read “...elect one of its Directors, who..”	
Delete underscores, comma and semi-colon.	
53. §89 Rules and regulations.	C52
Line #10: Delete second “in” and insert “on”.	
Line #17: Re-insert “they” and delete “it”.	

<u>Section#</u>	<u>Page#</u>
54. §90 Management.	C52

Line #1: Remove period after “Directors”.

55. §92 Fire Chief-Asst. Fire Chiefs.	C54
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Heading: Remove “Approved at referendum” language.

Line 7: Leave “be” and delete underscores.

Last Sentence of First Paragraph: Not needed anymore since East End Co#3 in the rotation; however, recommend keeping in for clarification purposes of when rotation to include them started.

56. **RECOMMENDATION:**

RE-INSERT “Aldermen” and delete “Alders” in all Charter sections:

-4, 5,10, 11, 12, 13, 15, 16, 17, 19-25, 29, 31, 35-40, 43, 47, 51, 58-60, 63-65, 71-74, 76, 77, 81, 84-86 and 89. If any section is missed, re-insert where appropriate.

-Heading §19.

57. **RECOMMENDATION:**

With regard to the language of “the Connecticut General Statutes”:

Insert and correct the following sections: 4, 17, 25, 25, 36, 53, 58, 68

4, 17, 35, 36 Insert “...as the same may be amended from time to time,” after “Statutes,”.

§ 17, 35, 53, 58: Insert “*Connecticut*” before “General”

§ 25, Line #7: Insert “*Connecticut*” before “General”

§ 25, Line #19-20: Insert “the” to read “ as *the* same may be amended from time to time”.

§68, Last Sentence: Insert “the” to read “ as *the* same may be amended from time to time”.

58. **RECOMMENDATION:**

Table of Contents would have to be change accordingly.

Mr. DiCenso asked about the question(s) to be listed for the vote. He mentioned that if everything is listed under one question everything could fail.

5. Minutes – July 27, 2016

Mr. Hughes motioned to approve the minutes of the July 27, 2016 meeting, Mr. DiMartino seconded and the motion carried. Ms. Parizo and Mr. Stadt abstained.

6. Discuss input on from the Board of Aldermen on the draft revision to the Charter of the City of Derby

Ms. Parizo stated that prior to tonight she did not receive any information from the BOA. The Commission also discussed the fact that their intent was to only make changes to several sections, not every section. The Board of Aldermen will have another meeting and forward their recommendations back to the Commission.

~~**7. Approve revisions to the draft Charter document.**~~

8. Adjournment

Mr. Gerckens motioned to skip items 7 & 8 and adjourn the meeting. Mr. Pacheco seconded. The motion carried.

Respectfully submitted,

Terri Kuskowski

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