

BOARD OF ALDERMEN
OPERATIONS & PROCEDURES SUBCOMMITTEE MEETING
TUESDAY, JANUARY 12, 2016 – 7:00 P.M.
JOAN WILLIAMSON ALDERMANIC CHAMBERS

MINUTES

Arthur Gerckens called the meeting to order at 7:00 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Arthur Gerckens, Stephen Iacuone, Peter Olenoski

Absent: Peter Olenoski

Also Present: The Honorable Mayor Anita Dugatto
Alderman Carmen DiCenso
Alderman Ron Sill
Alderman Joseph DiMartino
Alderman Thomas Donofrio
Alderman Anthony Staffieri
Anthony DeFala, Street Commissioner
Marc J. Garofalo, Town & City Clerk
Susan Cable, Interim Chief of Staff
Marjorie Shansky, Esq.
Thomas Welch, Corporation Counsel

ADDITIONS, DELETIONS, CORRECTIONS TO THE AGENDA

Mr. Gerckens said he would like to strike the word "Chair" from the agenda.

NOMINATIONS AND ELECTION OF CHAIR

A MOTION was made by Mr. Olenoski with a second by Mr. Iacuone to nominate Arthur Gerckens as Chair of the Operations & Procedures Sub-Committee. Nominations were closed. Two votes were cast for Mr. Gerckens as Chair with one abstention (Arthur Gerckens.) **Motion carried.**

PUBLIC PORTION

Mr. Gerckens asked three times if anyone wished to address the sub-committee. Hearing no requests...

A MOTION was made by Mr. Gerckens with a second by Mr. Olenoski to close the public portion. **Motion carried.**

APPROVE MINUTES OF THE DECEMBER 8, 2015 OPERATIONS & PROCEDURES MEETING

A MOTION was made by Mr. Iacuone with a second by Mr. Gerckens to approve the December 8, 2015 Operations & Procedures Meeting minutes as presented. Mr. Olenoski abstained. **Motion carried.**

CITY OF DERBY BID REQUIREMENTS. DISCUSSION/POSSIBLE ACTION

Mr. Gerckens noted that this was also on last month's agenda. Atty. Welch said there were some questions last month as to what is mandated and what is not mandated. He said that basically almost everything here is mandated. Prevailing wages, anything on a rehab project or an improvement project – anything over \$100,000 or any new construction over \$400,000 – the statute requires it. Payment and performance bonds is any public money over \$100,000. Atty. Welch said the non-collusion affidavit Patty Finn uses on the items that go out to bid. On October 1, 2015 there is a new law that any project that uses state money in excess of \$50,000 there is specific statutory language that has to be used and the company that is the successful bidder has to be approved by the Commission on Human Rights & Opportunities. He said the form contract that the City uses is something is a little bit different – a little more expansive that provides a lot of protection to the City – some may say it provides too much. The insurance requirements are sent to our broker of record who approves its use or not. The Charter requires that any job over \$10,000 must be publicly bid and any item under \$10,000 needs to have the department head get three quotes.

Mr. Gerckens said the comments last month – some said that this is overkill or that we're reinventing the wheel or that this is making it difficult on some of the smaller businesses that are currently doing business with the city. He asked Atty. Welch how he would address those concerns. Atty. Welch said it really doesn't apply – they sign the form contract and give us an insurance certificate.

Mr. Iacuone said the way that he was looking at this last month and he looked at some of the bids that Patty put out and he doesn't see any difference other than the formal document. Atty. Welch said it really comes down to consistency. Mr. Iacuone said he doesn't see any difference than what Patty has done in the past. Atty. Welch said this just provides a form so the people under \$10,000 sign the same thing.

Mr. Gerckens said he has been hearing complaints from people saying that there is not a lot of consistency when they try to do business with Derby. It's the same people all the time. There's a generic feeling out there that it is not a level playing field. So I think about what we talked about in the last administration to try to make this consistent for everybody so that innuendo that rumor goes away. So I think that's what you've been striving at, I've been striving at – obviously there's more work to be done. That's the path that I would to see. I would like to see it level for everybody. Mr. Iacuone said I think that's exactly what we're doing now. It's all in one place now – I don't see much of a difference from what we've done through the last (inaudible) except there's a formal contract now.

Atty. Welch noted that it is a tough contract. Ms. Finn said there is a non-collusion clause – there are no kickbacks or anything like that. We advertise our projects in the New Haven Register. Numerous reporting agencies (iSft + bidclerk, Ct Market Reporter II) contact us for projects. I send out Invitation to Bid to numerous firms that have done work with us in the past. 182 Derby Avenue was awarded to NEWS, LLC out of

Wethersfield so that's nice to have someone outside the area. I don't know what else can be done to widen the field. Sometimes just having local contractors bid is the nature of the beast.

Mr. Gerckens said he doesn't think this is ready to go to the full Board of Aldermen. Mr. Iacuone said he would like to make a list of what is being done now and what needs to still be done. Mr. Olenoski said when we went out for the website he thinks we could have advertised somewhere else besides the New Haven Register where it could have really reached the companies that do this work.

A MOTION was made by Mr. Gerckens with a second by Mr. Olenoski to **TABLE** this item. **Motion carried.**

STERLING OPERA HOUSE – AWARENESS STRATEGIES - DISCUSSION/POSSIBLE ACTION

Mr. Gerckens said this item was already addressed at the Community Relations meeting.

Terry Curtis informed the committee that he is not a local resident but has lived in Connecticut for the past thirteen years. He is a financial advisor with an emphasis on marketing and a client asked him to walk through the Sterling Opera House. Mr. Curtis said he is in total awe of the building but is heartbroken about the building's interior deterioration. He told the committee that he has been in touch with some local people who would like to establish a non-profit – not a large board – just a few to keep interest focused on the property. Mr. Curtis feels a smaller board would be more effective. The primary goal is to have the building operational. Some of their efforts would concentrate on the following:

- Build on the positives such as the exterior improvements and structural reports.
- Focus on grass roots fundraising and grants; sponsorships, legacy, as well as traditional fundraising with a goal toward creating an endowment fund.
- Work with the community to bring to pass a vision that it will support.
- Leverage the old city hall space with “arts” tenants to pay on-going expenses and revenue generating performances.
- Set up a non-profit with the sole purpose to focus on the Sterling.
- Long-term lease from the City to assure certain metrics are met.
- An option would be to have \$50,000 net raised in the first 12 months of operations and increase that by 10% each year.
- The first tenant would be secured within the first five years and have theater functional within ten years.

Mr. Iacuone asked if the Sterling Opera House was on the National Register of Historic Places and if so would improvements affect the status. Mr. Curtis said only certain elements are included in the registry. He said numerous people would review each

step of the improvements. Mr. Gerckens said he appreciates the love and enthusiasm. He said there was a group known as SOS – Save our Sterling. Mr. Curtis said they were the last board and they never incorporated. He also said it was a very large board with board members from as far away as Waterbury – he feels sometimes the larger the board, the less things get done.

Mr. Olenoski asked Mr. Garofalo about the insurance on the building. Mr. Garofalo said it is covered under the City's insurance. He said he is not sure why this is being discussed by two committees this evening. Mr. Staffieri mentioned the Fire Marshal requirements. Currently only 5-6 people are allowed in the building as long as they have an escort. Mr. Curtis said something needs to be formed in order to get some excitement geared towards that building.

Mr. Gerckens asked Mr. Curtis how aggressively he would attack the building. Mr. Curtis said getting a lease and an attorney in place would be the first items. We would then need to work on 501 (c) 3 paperwork. They would then have to look for a full time developer, possibly someone who would work on commission, with a strong vision and marketing background.

Atty. Shansky said feasibility would be key. She suggested that he reach out to the Building Inspection and Fire Marshal. Atty. Shansky said it is all about occupancy load – egress requirements are very stringent every since the fire at The Station nightclub in Rhode Island. Mr. Staffieri said ADA compliancy would also need to be addressed. Mr. Curtis said as long as there's nothing that they can't experience on all levels there doesn't have to be access to those areas.

This committee will take no action since Community Relations Sub-Committee took action to bring to full Board of Aldermen meeting.

SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY – INSTALLATION OF SENSUS TOWER ON COTTAGE STREET – DISCUSSION/POSSIBLE ACTION

Mr. Gerckens noted that this item was also discussed at the Community Relations meeting held earlier this evening.

Beth Nesteriak from the South Central Connecticut Regional Water Authority is present to answer any all questions regarding this proposal. Ms. Nesteriak informed the committee that the SCCRW is getting ready to kick off their project, which would enable the SCCRW to read meter remotely, and this is a key element to the project – the installation of the M400 Base Station Outdoor Cabinet at the Derby Fire Hall Tower on Cottage Street.

Mr. Gerckens asked how much compensation the City would receive to have the tower installed on the existing fire tower. Ms. Nesteriak said she would check on this and have an answer for the full Board of Aldermen meeting. Mr. Iacuone said his only concern is that it doesn't interfere with the Police Department radio system. Ms. Nesteriak said they can reach out to the Police Department to ensure there won't be interference. Mr. Olenoski asked if there is a rush to have this done. Ms. Nesteriak said they would like to secure the site by March.

This committee will take no action since Community Relations Sub-Committee took action to bring to full Board of Aldermen meeting.

**WAIVER OF COMPENSATION FOR THE ROUTE 34 WIDENING PROJECT –
DISCUSSION/POSSIBLE ACTION**

Mr. Gerckens said it is his understanding that the State plans on taking property. Atty. Welch said everyone should have the three maps and noted when Rick Dunne addressed us regarding the Route 34 widening project he indicated that the Board of Aldermen had indicated a willingness to waive any compensation for any taking of land. He said the State of CT has proposed three parcels or three takings and that information is on the maps. Atty. Welch said if you were a private owner or the City of Derby the State comes to take your land you would get an appraisal and then you're entitled to be compensated for whatever that taking is. If you're not satisfied with the amount that they're paying they still have the right to take it but you can then appeal the assessment that they put on the land and challenge the value in court. What the State is asking is the City of Derby to waive any money and waive their right to receive an appraisal and have the State proceed.

Mr. Gerckens said if we wanted to proceed with getting an appraisal and get paid for the land would that set back the Route 34 widening project. Atty. Welch said it would. Mr. Iacuone said can we get something else done in lieu of getting money for the land. Say we need 500' of fencing for Public Works – can they give us that 500' of fencing in exchange for us giving them the land. Mr. Sill said we have 12,000 people in town – to say we're giving land away and not getting anything is hard. Mr. Garofalo said we're not talking about a lot of land. Do we want the project to get underway or do we want just a little piece of land? We have to be smart about this. Mayor Dugatto said we can tally it all up and barter with the State. Mr. Garofalo suggested having Rick Dunne come in and talk to us about the pros and cons of this move. Atty. Welch said he would recommend having Mr. Dunne come to the next meeting. Mr. Iacuone said we lost all that property on Main Street. They've never given us the plans because they keep changing the plans. They just changed it again with Mr. Calvert.

Mr. Gerckens said he wants to see the project move along; however we're not in the business of giving land away. He feels we should have Rick Dunne come to the next meeting to review this. Mr. DeFala said he doesn't want to see the project delayed and noted that we're not giving away prime land. He said the state is working in good faith taking down the buildings and relocating.

A MOTION was made by Mr. Olenoski with a second by Mr. Iacuone to have Rick Dunne come to the full Board of Aldermen meeting to discuss this proposal. **Motion carried.**

GAS USAGE/VEHICLE USAGE – DISCUSSION/POSSIBLE ACTION

Mr. DiCenso said the problem started with the Ambulance Corps Chief's Vehicle and the amount of gas being used. January 1 – January 5th fifty gallons of gas was pumped. It was noted that the Chief's vehicle is being used for personal purposes. It was spotted in Bridgeport at the wrestling matches and also in New Haven where the Chief works. Mr. DeFala brought his concern to the Mayor and Corporation Counsel. He stated that this vehicle is now on hold and unable to get gas.

Mr. Olenoski asked Mr. DeFala what the average consumption should be. Mr. DeFala said 60 gallons a month is usual – this is almost double. Some departments have unlimited usage. He said since the new system was instituted a red flag goes up if someone is over the usage and the department head is notified and then the department head deals with it. He stated since the new system has been up and running fuel usage is down. Mr. DeFala said since this vehicle is driven by a department head he reported the red flag to the Mayor, Corporation Counsel, and Mr. DiCenso. It was noted that this individual is not a full-time employee of the City of Derby. Mr. Garofalo asked which vehicle is it. Mayor Dugatto stated that the vehicle is the old Fire Marshal's car.

Mr. Iacuone asked why the person isn't present this evening to answer questions pertaining to this item. Mayor Dugatto said he was informed that it was on the agenda to be discussed. Mr. Gerckens said a motion can be made to have him attend the full Board of Aldermen meeting. Mr. DiCenso questioned whether or not it would be an Executive Session item. Mr. Iacuone said without him being here we're limiting his gas. Mayor Dugatto said he has already been informed that he's cut off. Mr. Olenoski asked if anyone can go over the 32 gallon limit for part-time cars. Mr. DeFala said yes. He said he can limit transactions to 8 gallons per transaction.

There was then a discussion as to the exact vehicle being discussed. Mr. Garofalo stated that the document from the May meeting is confusing as it relates to language in the document. Mr. DeFala said we need a definition of the Chief's fly car. Mr. Olenoski said we can set it at 65 gallons a month and should he go over he would need to pay the difference unless it can be justified. Mr. DeFala said he doesn't set policy. It was also noted that the Chief is not an employee of the City of Derby. Mr. Gerckens said he is sure that Storms has a credit card if they need to fill up this vehicle while this vehicle is shut off to gas. He said he doesn't know if this is really the City's concern. He said the concern is Storm's is abusing our gas. Mr. Sill noted that when they asked for the car they said they didn't want anything.

A MOTION was made by Mr. Gerckens with a second by Mr. Olenoski to recommend to the full Board of Aldermen that the Storm Ambulance Chief's vehicle be limited to the same amount of gas per month as any part-time City employee, which is 8 gallons per week, which will top out at 32 gallons of gasoline per month from the pumps at the Public Works Complex.

DISCUSSION ON THE MOTION

Mr. Iacuone said he feels we need to go down the road where we were just headed if it's the City's vehicle because you don't want the ambulance chief to be using any vehicle – it's the City's vehicle.

Mr. Garofalo questioned if it was ever approved in the first place. Mayor Dugatto said there was a vehicle going to the Storm Ambulance. Mr. Sill said David Lenart would know the full story and be able to tell us what the vehicle is.

MOTION CARRIED.

PERMISSION FOR STORM AMBULANCE TO USE THE CROWN VICTORIA TO TRANSPORT DOG FOR TRAINING PURPOSES – DISCUSSION/POSSIBLE ACTION

Mr. Gerckens said Storm Ambulance asked to be put on the agenda. He said David Lenart wants to transport the new dog for training purposes. Mr. Gerckens said he had further questions regarding this and he emailed David Lenart but didn't receive a response. It was noted that this is a public works vehicle that is not currently registered or insured. Mr. Olenoski said it sounds like there is a vehicle that they can use but they need to register and insure it. Mr. DeFala said this vehicle was brought to the Public Works Department in early 2013 – it was the old fly car. They dropped this car off and took Phil Hawks old SUV. Mr. DeFala said he talked to Sal Frosceno and as far as they know there is no paperwork for the vehicle (title, etc...) Apparently Vin Vizzo got it from some agency years ago. No one is sure where it came from and there is no paperwork. Mr. DeFala said he doesn't even know how Storm's was using it in the first place. Mr. DiCenso said he got involved with this as David Lenart told him that the original dog Storm's had, Kevin, passed away and they were getting a new dog. The new dog has to be transported in a crate within the car and that's how it came to be here in front of this committee. Mr. Iacuone said he is surprised that they didn't approach the Police Department since they have to transport the K-9 dog.

A MOTION was made by Mr. Gerckens with a second by Mr. Olenoski to **TABLE** this item.
Motion carried.

ADJOURNMENT

A MOTION was made by Mr. Gerckens with a second by Mr. Olenoski to adjourn the meeting at 8:27 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.