

**BOARD OF ALDERMEN**  
**OPERATIONS & PROCEDURES SUBCOMMITTEE MEETING**  
**TUESDAY, AUGUST 12, 2014 – 7:00 P.M.**  
**JOAN WILLIAMSON ALDERMANIC CHAMBERS**  
**MINUTES**

Chairwoman Barbara L. DeGennaro called the meeting to order at 7:07 p.m. All rose and pledged allegiance to the flag.

**Roll Call**

Present: Barbara L. DeGennaro, Stephen M. Iacuone, Arthur T. Gerckens (Alternate), David M. Lenart (arrived at 7:15 p.m.)

Also Present: The Honorable Mayor Anita Dugatto  
Keith A. McLiverty, City Treasurer  
Anthony DeFala, Street Commissioner  
Chief Gerald Narowski, Derby Police Department  
Tom Lenart, Chief, Derby Fire Department  
Alderman Ronald Sill  
Alderman Carmen DiCenso  
Alderman David Anroman  
Thomas Welch, Corporation Counsel

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

Ms. DeGennaro said she would like to make the following motion:

**A MOTION** was made by Ms. DeGennaro with a second by Mr. Gerckens to add as 8a. Proposed New Ordinance in accordance with Public Act No. 14-48add and item as 8a.  
**Motion carried.**

**PUBLIC PORTION**

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

Pamela Ortiz, 326 Hawthorne Avenue, Derby, CT

I wanted to discuss the revision of the Peddling and Solicitation Ordinance and make some suggestions. I guess it's on the agenda after this as well. I want to make some suggestions as to the act of registration rather than licensing and having just the applicant apply for a background check rather than all the volunteers.

Gerald Narowski, Chief of Police, Derby Police Department, 125 Water Street, Derby, CT

I just wanted to bring this to the attention of the subcommittee. I've been trying to get the bid threshold raised. I have the support of everybody in City Hall. Currently it's \$5,000 to go out to bid. It costs us several hundreds of dollars to initiate the bid process.

Right now everything we want to purchase is \$5,010.00 – it just happens that way. Below \$5,000 we have three competitive bids and we take a look at the process. We take the vendor who is in the best interest of the City. It's a competitive process and we're able to expedite the process anywhere from 6 to 8 weeks. Currently we have some equipment we need to purchase and we're going to be bound by this bid process. We looked at other municipalities – they're \$10,000, some are \$15,000, some are \$20,000. The Federal government doesn't require bids until they're \$100,000. I think the \$5,000 is handcuffing us with the process. I would like to ask the committee to at least consider it and maybe have Corporation Counsel look at it and maybe bring it up at next month's subcommittee meeting.

Ms. DeGennaro said that we did start looking at this maybe a year and a half ago with Street Commissioner Culmo. She said she knows the Police Department isn't the only department having these problems and noted that it may be time to take a look at this again.

Mr. Iacuone asked the Chief if there is something in particular that he needs right now and noted that he could always go before the board for a bid waiver.

Anthony DeFala, Street Commissioner, 4 Coon Hollow Road, Derby, CT  
I echo the Chief's sentiment. It would be a great help.

Anita Dugatto, Mayor, City of Derby, 1 Elizabeth Street, Derby, CT  
I just want to make a comment on the Ordinance that we're adjusting for Peddling/Solicitation. The Cultural Commission does really well with the downtown events. We want to expand it to the Greenway. We have room on the side of the Greenway there's an area here where the Naugatuck River when O'Sullivan Island goes through its phases we can have events there. Even on the Housatonic side there's some areas to do events. Mainly for one day events to make them ender friendly. If its friendly then we can fill those events.

Hearing no one else wishing to address the committee:

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

#### **APPROVAL OF THE MINUTES OF THE JULY 8, 2014 MEETING – DISCUSSION/POSSIBLE ACTION**

**A MOTION** was made by Ms. DeGennaro with a second by Mr. Iacuone to approve the minutes of the July 8, 2014 meeting. **Motion carried.**

#### **REVIEW OF VENDOR PERMIT PROCEDURES AND CITY OF DERBY CODE CHAPTER §136 ET SEQ. "PEDDLING AND SOLICITATION." DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN**

Ms. DeGennaro said she received some comments from Atty. Welch with regards to

some sections to be changed with some input from the Police Department. She said she doesn't feel that the proposal is in the form to be voted on. There is a clean up for those concerns from the Cultural Commission. Corporation Counsel said this is really a work in progress. He noted that the Chief had concerns regarding background checks. The other item had to do with one day events. The committee members agreed that more work is still needed on the Ordinance. He will sit down again with the Chief and also review the input from this evening's meeting and have something for next month's meeting.

**A MOTION** was made by Ms. DeGennaro with a second by Mr. Iacuone to **TABLE** this item until next month's meeting. If any committee member has any comments please direct to Corporation Counsel Welch. **Motion carried.**

**REVIEW OF PROCEDURES FOR CITY ROAD CUTTING AND REPAIR BY OUTSIDE CONTRACTORS WITH STREET COMMISSIONER ANTHONY DEFALA AND REVIEW OF ORDINANCE, CITY OF DERBY CODE CHAPTER 172, STREETS AND SIDEWALKS, ARTICLE I-III, ARTICLE I §172-7 "STREET EXCAVATIONS" AND PROPOSED CHANGES THERETO INCLUDING THE ADDITION OF §172-7a THROUGH §172-7m. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN**

Ms. DeGennaro said we have a redlined copy of the Ordinance before us this evening that was submitted through Corporation Counsel Welch and Anthony DeFala. Ms. DeGennaro said she also submitted some comments towards changes in the Ordinance.

Ms. DeGennaro said she just has a couple of questions for Atty. Welch. Right now we only have in affect 172-7. She asked Atty. Welch if it is recommendation to completely delete this paragraph.

Atty. Welch said in speaking to the Street Commissioner that is the recommendation. Ms. DeGennaro said the only other comment she has are grammatical – his/her is missing in a few places – it was corrected and then missed in a couple of places. The same goes for Street Commissioner – it has director in a couple of places. Ms. DeGennaro asked if anyone else had any comments.

Mr. Iacuone asked if they wanted to address pipe fill. Mr. DeFala said no – he is satisfied with the changes made by Corporation Counsel Welch and he feels that we should move forward. Ms. DeGennaro said she would forward the grammatical comments to Corporation Counsel.

**A MOTION** was made by Mr. Lenart with a second by Mr. Iacuone to forward for approval to the full Board of Aldermen the procedures for City road cutting and repair by outside contractors and the Ordinance City of Derby Code Chapter 172, streets and sidewalks, Article 1-111, Article §172-7 "Street Excavations" and Proposed changes thereto including the addition of §172-7a through §172-7m. **Motion carried.**

## **PROPOSED ORDINANCE WITH PUBLIC ACT NO. 14-48 – DISCUSSION/POSSIBLE ACTION**

### **Senate Bill No. 83**

### **Public Act No. 14-48**

#### **AN ACT CONCERNING MUNICIPAL NOTICE OF ALCOHOLIC LIQUOR PERMIT RENEWALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) (a) A municipality may adopt an ordinance requiring each person who files an applications pursuant to section 30-39 of the general statutes for renewal of a liquor permit that allows on-premises serving or consumption of alcoholic liquor simultaneously give written notice of such liquor permit renewal application to the chief law enforcement official or such chief law enforcement official's designee of the town in which the place of business to be operated under such permit is located. Such chief law enforcement official or his or her designee may respond in writing, not later than fifteen days after receipt of such notice, to the Commissioner of Consumer Protection, with comments regarding the renewal application that is the subject of such notice. The commissioner shall consider any written comments offered by such chief law enforcement official or his or her designee prior to approving such application.

(b) Not later than January 1, 2015 the Commissioner of Consumer Protection shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to local government, public safety and security and alcoholic beverages. Such report shall include, but not be limited to: (1) the number of written comments submitted by chief law enforcement officials or their designees under subsection (a) of this section, (2) copies of such written comments, if any, (3) a summary of actions taken by the Department of Consumer Protection regarding the granting or denial of any liquor permit renewal applications subject to the provisions of subsection (a) of this section, and (4) the commissioner's conclusions and recommendations, after consultation with such chief law enforcement officials or their designees, regarding the notice requirement contained in subsection (a) of this section.

#### ***Approved May 28, 2014***

Ms. DeGennaro said this would allow a municipality to create an Ordinance that gives the Chief of Police to be part of the process with the Department of Consumer Protection with the renewal of on-site liquor licenses.

Chief Narowski informed the committee that this was passed by the Senate on May 28, 2014 and basically what it does is if you have an on-site liquor license and you wish to renew it you have to make a duplicate copy and send it to the Chief of Police as well as the Department of Consumer Protection. Chief Narowski said he would have fifteen

days in order respond – if there were a problem with the premises such as chronic nuisances. He said we can only do this if there is an Ordinance in place, which forces the establishment to send dual applications. Chief Narowski said the reason why this is important is because we've had businesses in recent years that have been the site of homicides and violent crimes that have been alcohol related. He said when we refer these to the Liquor Commission they suspend their licenses for a week or two but it doesn't stop the problem. This is a threat – in addition to chronic nuisances you're not opening your business again, ever. This is a very serious Ordinance and yet a simple Ordinance in terms of wording. He said he believes this goes into effect October 1, 2014 that is the reason why he wanted to get this before the board as soon as possible.

**A MOTION** was made by Ms. DeGennaro with a second by Mr. Iacuone to refer this matter to Atty. Welch to propose an Ordinance in accordance with Public Act 14-48 and we'll review it again at next month's subcommittee meeting. **Motion carried.**

#### **ADJOURNMENT**

**A MOTION** was made by Mr. Lenart with a second by Mr. Iacuone to adjourn the meeting at 7:35 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.**