

BOARD OF ALDERMEN
OPERATIONS & PROCEDURES SUBCOMMITTEE MEETING
TUESDAY, OCTOBER 14, 2014 – 7:00 P.M.
JOAN WILLIAMSON ALDERMANIC CHAMBERS
MINUTES

Chairwoman Barbara L. DeGennaro called the meeting to order at 7:45 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
Alderman Ronald Sill
Alderman Christopher Carloni
Alderman David Anroman
Alderman Charles DiCenso
James Butler, Chair, BOAT
Thomas Welch, 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.

Ron Sill, 73 Grove Avenue, Derby, CT

I am before you tonight to start the process of helping our residents or should I say make it easier for them to pay their property taxes. As you know before we came up with a proposal to split the car taxes in two, and I realize that this plan would have to have income from the Treasurer and the Tax Collector. I have not formalized a plan but I think it's something that we need to start working on for the citizens of Derby. They are strapped with taxes and I don't see taxes going down any time soon – especially the elderly residents. My first sort of proposal would have been to keep the – right now we pay taxes in July and January and I would keep the first payment as half of the year's taxes the same – July – pay by the end of July and then in January I would have the second half split between January to February they pay it and then the other half of that would be March 1st to April. That would spread that second payment out in half and give them a break after Christmas and really help them afford to pay their taxes.

They can spread it out a little more. That is my plan right now. Keith was going to talk along with me.

Ms. DeGennaro – Are you just talking real estate taxes?

Mr. Sill – Yes – house taxes.

Ms. DeGennaro – Just real estate – not personal property.

Mr. Sill – Right.

Keith A. McLiverty, City Treasurer

We have to look at it from a cash flow perspective because January, February and March we have large payments due for our bonded indebtedness. So the first thing would be to analyze it from a cash flow perspective for its feasibility but the second is what would be the impact and I think we have to bring counsel into the discussion as to what can we do legally. There have been attempts in the past to carve out a niche for senior citizens per se or carve out a niche for people who (inaudible) have lived here for ten years and who are over age 65 and it's their primary residency. It gets into a legal issue and let counsel in fairness to him research this because we're just giving it to him tonight. But you have to make it common for everybody. You can't carve out a section of the population – that's why we got rid of our four payment plan a decade ago because it was only benefitting a certain population. It has to be common to everybody is our understanding of it. But if there's a way to do with what Ron is saying from a cash flow perspective then the decision comes down to work load of the Tax Office. Because that means they're going to generate another set of billings – they're going to generate another set of delinquencies or chasing delinquencies.

Mr. Sill – Wouldn't that all come out in the beginning through three pieces of paper with their Tax Bill? They would pay one in July, one in January and one in March.

Mr. McLiverty – Sure but things like this – someone is going to chase the March payment now – they don't chase a March payment now if you're late in January. You pay and we get our 18% interest – we're not chasing it. Then the question comes – I'm just throwing this out – if you have a payment due in March and (inaudible) does the delinquency go back to January 31st. Because if you have a third payment...

Mr. Sill – Does it stand alone or is it part of the January payment.

Mr. McLiverty – That's the thing. If its part of the January payment so if you're late on March 31st does the interest accrue back to January 31st or is it March 31st is the date for interest. It is going to require a little bit of work. I'm just throwing it out there that this is what we have to consider.

Mr. Welch – I did indicate to Mr. Sill whether its statutory (inaudible) three payments there's Trumbull and Fairfield comes to mind in terms of towns that have four payments – July, October, January and April. I don't know of any town that has three.

Mr. Sill – I just thought that would be better for the town as far as getting the money. I would work with anyway that we can help.

Mr. Welch – And so to that point of the towns that have four payments each payment is a standalone payment and is delinquent on the 30th of July 30th or August 1st, November 1st, February 1st, etc... Whether you can do three payments I don't know of any town that does it. All I know of is the towns with two payments.

Mr. McLiverty – But that applies to the entire tax base correct?

Mr. Welch – Yes.

Mr. McLiverty – You can't carve out a niche and that's where we have to look – cash flow or not. And the mortgage companies – are they going to go to four or are they going to keep it the way they do now, which is two payments. That's big money. Are they going to divide it into four?

Mr. Sill – Other questions that were asked of me – because I did talk to people about this and people brought it to me were something – I'm not asking for it to be part of my plan but – how about the use of credit cards and on line payment.

Ms. DeGennaro – We'll put it on the agenda for next month and we'll start talking about it.

Mr. McLiverty – I just want to mention we get the 18% (inaudible) not bad from a budgetary basis, a cash flow basis to have something (inaudible) out there. We don't want a 100% collection.

Ms. DeGennaro asked if anyone else wished to address the committee. Hearing no one wishing to address the committee Public Portion was closed.

APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2014 MEETING – DISCUSSION/POSSIBLE ACTION

A MOTION was made by Ms. DeGennaro with a second by Mr. Gerckens to approve the Minutes of the September 9, 2014 meeting as presented. Mr. Iacuone abstained.
Motion carried.

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

Ms. DeGennaro said she put this back on the agenda to try to see if we could talk about it a little bit more. She said she isn't sure this is ready to go before the full Board of Aldermen and noted at the August meeting we discussed some of the issues in Atty. Welch's memorandum regarding background checks and one day events.

Atty. Welch said what he understood from the public comment during that meeting that it seems like it needs to be streamlined. He said that every town does it different and wondered if we need to view some more towns and how they deal with this. Atty. Welch said we're not looking to recreate the wheel – we just need to see if we're comfortable with where we are or do we want to put more on the administrative end. We could have the Board of Aldermen approve the event and then have, from an administrative standpoint, whether it's City Hall or whether its (inaudible) then the Board of Aldermen would approve it so it's not coming back to the full Board at their monthly meeting. Atty. Welch said he just needs some direction as to where to go. He said he feels everyone is trying to streamline the process; however we need to protect the public health and safety at the same time.

Ms. DeGennaro said a background check is needed. Right now we require it from everybody that is there with a vendor. Do we want to continue with this – that is the question?

Mr. Gerckens said he feels that we make it difficult to have everyone have a background check. He said if a company (vendor) is coming he really doesn't feel that all the staff needs to have a background check performed. He said it should just be with the main person pulling the permit. Mr. Gerckens noted that it is hard to get people to come to these events and usually if it's a fundraiser you're glad that you finally have someone to come. He said we're not putting up roadblocks – we're following the Ordinance, but sometimes... Mr. Gerckens said that he's been sitting here and it is his third year and he doesn't fully understand the process and he would bet if you were to ask the nine aldermen to explain it you would get nine different answers. It definitely needs to be streamlined and simplified. He would like to see a checklist system established that clearly states what would be needed to get the vendor permit.

Ms. DeGennaro noted that part of the checklist is a background check. Mr. Gerckens said he would just like to see something in layman's terms. He would like to make it so it is clear to everyone.

Mr. Iacuone said he still thinks that the background check doesn't help us at all. He said you really can't turn somebody down based on their criminal history. It is basically discrimination. Mr. Gerckens said he hears what Mr. Iacuone is saying. Mr. Iacuone said we need to put a provision in there that if somebody was convicted of something fifteen years ago then they would have to put in at least current character letters or something. Because if somebody got convicted ten years ago or when they were in college for something stupid and now they want to become a vendor and we turn them down we would open ourselves up to get sued.

Ms. DeGennaro said one of the proposals that Atty. Welch had was if there was something within five years then.... Atty. Welch explained that he was trying to put a benchmark (inaudible) like liquor permits. He said the Chief's comment back in July was that he needed something – he needed a benchmark. Ms. DeGennaro said we don't have anything new since it was first proposed in August. Atty. Welch asked if the directive is to go with the streamline approach so that we're not asking for background

checks for everyone working. We're asking for a background check on the organizer or the operator of the entity. Mr. Iacuone said for the sake of simple argument we do a background check on the owner and he happens to hire somebody that has a problem and something occurs – does it come back on the City or does it go back on the owner. Atty. Welch said it always comes back to the City – no matter what happens you're never going to reduce your liability. If you've done your due diligence as to the operator he's going to make part of the agreement that they agree to hold the City harmless – we're going to have proof of insurance – that's where your protection is. He said there's always a right to bring an action saying how did you let this guy on City property selling... Mr. Iacuone said that's why I think, and depending on what they're vending, that you need background checks for everybody. Ms. DeGennaro said she isn't comfortable in not having them. In her opinion she feels that everybody should be checked. Mayor Dugatto said if someone owns a business in town we don't do a background check on the business. They're doing business with the City – they have their own liability in place – but you can't protect everybody from everything. Mr. Iacuone said the thing is if it's a business in the City it's something somebody can attach to. If it's a vendor pushing a balloon cart around he's here for three hours and then he's gone. Mayor Dugatto said that is correct; however there is an organizer that is responsible for that person.

Mr. Gerckens said it's like Corporation Counsel's statement – we're going to be liable for anything. Whatever goes on they're going to come to the City. Do a background check or don't do one. Do 20 background checks and something happens we're still going to be liable. Mr. Gerckens commented on the woman who spoke earlier at another meeting about having a First Night. They want to have merchants do the First Night. The merchants are established – but if they're going to be on the Green do they become a vendor? That throws a whole curveball. Ms. DeGennaro said the Vendor's Ordinance deals with vendors on the street. She noted that she as a business would be excluded from that Ordinance. Ms. DeGennaro said she doesn't think that Archie Moore's by having a business would fall into that category as a vendor. They're not walking up and down the street. She said that's where the definition of – who is a vendor – what kind of license do they have. Atty. Welch said we want the safety, we want background checks – we want to make it friendly and we want to make the process easier for everyone – the City and the vendor. Ms. DeGennaro said the other part of the Ordinance is to prohibit when you have solicitors coming door to door at your house.

This item will be reviewed again at next month's meeting.

REVIEW OF APPROVAL BY BOARD OF ALDERMEN ON 9/25/14 FOR THE USE OF DERBY GREEN BY THE CULTURAL COMMISSION FOR CHILDREN'S HALLOWEEN EVENT ON SUNDAY, OCTOBER 26, 2014 FROM 12:00 P.M. TO 6:00 P.M. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN.

Ms. DeGennaro said she was hoping that someone would be here from the Cultural Commission. She noted that they were notified that this would be discussed this evening. At the last Board of Aldermen meeting the board voted to authorize the use of the Green for a "Trunk or Treat." Ms. DeGennaro said in accordance with what was

presented by Laura Brezina of the Cultural Commission that night the next day she received an email from Deputy Chief Scott Todd of the Derby Police Department indicating that there was some concern regarding the use of the Green. After the meeting that night there was a discussion between the Cultural Commission, Deputy Chief Todd and she believes Chief Narowski about concerns regarding using parking spaces on Minerva Street. The Cultural Commission indicated that they were going to pull cars up onto the Green and the sidewalk would be blocked – there was concern that the event couldn't be held safely.

Ms. DeGennaro said without the police present here this evening I don't know what further concerns they may have. She said a few years ago at an event on the Green a child ran into the road and was struck by a car. Ms. DeGennaro said the Police did note that other towns that hold similar type events do so in a parking lot. She said she's concerned about what we've Okayed and what we're going to get. The event is on the 26th and we will have a meeting before that date. Ms. DeGennaro said she really feels that we need to bring this back to the full Board of Aldermen to really discuss what can and cannot be done. Obviously we want the kids to have a safe Halloween function. Mr. Gerckens noted that St. Mary's holds theirs in the parking lot and asked if the Police went into detail regarding their concerns. Ms. DeGennaro said the police had a concern regarding the cars backing onto the Green and noted that the sidewalk would be blocked. Children walking amongst the cars while parked on the street was a concern.

Mr. Iacuone suggested holding this in the lot next to Irving School, which would be accessible to the downtown kids. You could put about thirty cars in there. He noted that there is also plenty of parking around the school for the parents to park. Mr. Gerckens said he feels that the Cultural Commission need to come once again to explain what is needed. Ms. DeGennaro asked about the lot on Caroline Street. Mr. Iacuone said it is not lit and there are a lot of holes in the lot.

A MOTION was made by Ms. DeGennaro with a second by Mr. Gerckens to refer this item back to the full Board of Aldermen for next week's meeting and invite Chief Narowski, Deputy Chief Todd and Laura Brezina from the Cultural Commission to attend. **Motion carried.**

PROPOSED AMENDMENT TO ORDINANCE, CITY OF DERBY CODE, CHAPTER 64 "BUILDING CONSTRUCTION", NEW §64-5 ET SEQ. CONCERNING "PROCEDURE FOR WITHHOLDING OF APPROVAL OF APPLICATION FOR BUILDING PERMIT WHEN REAL ESTATE TAXES ARE DELINQUENT." DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN.

Ms. DeGennaro said everyone should have a copy of the memo from Atty. Shamsky.

Atty. Welch said this is every limited in scope. It is only at the initial pulling of the building permit and this is for real estate taxes only. The enabling legislation is very specific – there are exceptions set forth in subparagraph C that says if you're dealing with any other kinds of permits it doesn't matter if your real estate taxes aren't paid. You can't withhold (inaudible.) It's only on the initial building permit.

Ms. DeGennaro asked if there is a definition as to what a "building permit" is. Atty. Welch said it just says building permit. Ms. DeGennaro said so it's just specific to real estate taxes. If someone is delinquent for sewer this can't be enforced. Atty. Welch said that is correct and noted that a lot of municipalities are doing this. The Building Official would check with the Tax Collector.

A MOTION was made by Ms. DeGennaro with a second by Mr. Gerckens to recommend to the full Board of Aldermen a new section 64-5 of the Procedure for withholding approval of application for Building Permit when real estate taxes are delinquent. **Motion carried.**

ADJOURNMENT

A MOTION was made by Mr. Gerckens with a second by Mr. Iacuone to adjourn the meeting at 8:23 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.