

BOARD OF ALDERMEN

OPERATIONS & PROCEDURES SUBCOMMITTEE SPECIAL MEETING

JUNE 28, 2018 – 5:00 P.M.

JOAN WILLIAMSON ALDERMANIC CHAMBERS

MINUTES

Chair Barbara L. DeGennaro called the special meeting to order at 5:00 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Barbara L. DeGennaro, Bev Moran, Charles Sampson

Absent: Ron Sill

Also Present: Andrew Baklik, Chief of Staff
Salvatore Coppola, Finance Director
Carlo Sarmiento, Building Official
Sam Pollastro, Jr., Board of Apportionment & Taxation
Rachel Artaz, Athletic Director, Derby Schools
Marc J. Garofalo, Town & City Clerk
Vincent Marino, Corporation Counsel

ADOPTION OF THE AGENDA

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to adopt the agenda as presented. **Motion carried.**

PUBLIC PORTION

Ms. DeGennaro asked if anyone wished to address the committee.

Sam Pollastro, Jr., 11 Laurel Avenue, Derby, CT

I would like to speak on the building officer's position. This was brought in front of us during the Tax Board during our budget procedures to hire a part-time person (inaudible.) I just want to bring it to the board to know that it is the Mayor's appointment – it is not at the discretion of the blight officer to be able to fire a blight officer. I understand what he's trying to do to save money (inaudible.) Then the other item that I wanted to bring up was the Town Clerk's position that was posted for a full-time person and now it's part-time. I feel this needs clarification before it goes before the full Board. Thank you.

Ms. DeGennaro asked three more times if anyone else wished to address the committee. Hearing no requests...

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to close the public portion. Motion carried.

APPROVE MINUTES OF THE MAY 31, 2018 OPERATIONS & PROCEDURES SPECIAL MEETING

A MOTION was made by Mr. Sampson with a second by Ms. DeGennaro to approve the Minutes of the May 31, 2018 Special Meeting. **Motion carried.**

PREVIOUSLY APPROVED FULL-TIME CLERICAL CLERK IN THE TOWN/CITY CLERK'S OFFICE.
DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF
ALDERMEN/ALDERWOMEN

Ms. DeGennaro stated there was some discussion on this item at last week's Board of Aldermen/Alderwomen special meeting. At that meeting Ms. DeGennaro submitted financial information that she requested from the City's Finance Director regarding the present budget, the year before budget and the proposed budget. She said Mr. Garofalo is present this evening and he has submitted a letter.

Mr. Garofalo said this board approved an additional provision in 2015 for his office. He said it was previously funded for two years and then funded in the Special Working Balance for last year and then a certain amount of money in the Special Working Balance for this year. He said the job description has been updated at the direction of the Mayor and has been posted internally as a full-time position and no one internally applied. The position was then posted in the newspaper and we are now in the interview process. Mr. Garofalo said he would like to see this board ratify what you previously approved. He said he sent an email yesterday regarding this issue. Mr. Sampson asked if it was published as a part-time position. Mr. Garofalo said no. Mr. Sampson asked if he had a list of potential candidates. Mr. Garofalo said he does; however he has put it aside because the money is less than what was set aside in the Special Working Balance. Ms. DeGennaro asked if it is correct that the money in the Special Working Balance is to fund a full-time position. Mr. Garofalo said \$35,000 is in the Special Working Balance. He said the total salary for the first year for a full-time position would be somewhere above \$38,000. Mr. Sampson said if this was approved two years ago and funded for two years my question to Corporation Counsel would be does BOAT have the authority to change from full-time to part-time or does it have to come to the Board of Aldermen? Atty. Marino said he spoke with the Finance Director earlier and generally speaking, and generalities don't apply in municipal law because every municipality is different based on their organic law, which is the Charter. He said he has drafted a memo that he will get to the board members that talks about a decision that came out of New Haven where basically the Supreme Court said the Board of Finance, which would be the BOAT, does not have the veto power over the legislative body. He said it acts specific based on the Charter. The Board of Aldermen is the legislative body and the Board of Apportionment and Taxation appropriates. Atty. Marino said to the extent that the money has been appropriated and exists he is of the opinion that they do not have the independent authority to veto the action of the Board of Aldermen. If the monies are not appropriated and do not exist that is a nuance issue that is unique to the City of Derby and he would request additional time to review. Atty. Marino said if the monies are appropriated and available for expense and if the answer is yes then they do not have the independent authority, in his opinion, to veto the Board of Aldermen. Mr. Sampson said it's his understanding that the monies were appropriated, requested, approved by the Board of Aldermen and appropriated by the Board of Taxation. Ms. DeGennaro said they were appropriated in FY '15-'16 and FY '16-'17 – that was the clerk wages. It does not look like they have been appropriated in FY '17-'18. Mr. Garofalo said it is in the Special Working Balance and

not a specific line item because the position was not yet filled and we didn't want to tie up the money in the line item. Ms. DeGennaro said in light of what Atty. Marino has just informed us she asked Mr. Coppola for his insight. Mr. Coppola said appropriation happens every year for every line item at the discretion of the BOAT. He said they don't have veto authority – no one has a veto vote. They have discretion to appropriate funds for each line item so long as they are within the law such as the Board of Education they are mandated by State Statute. He said he hasn't seen any authority that says that they have to appropriate funds annually for everything that they have done in the past – that would make no sense. Ms. Sampson said so the BOAT can say tomorrow you no longer have a job because we're not going to fund it. Mr. Coppola said if they don't fund his job he has a job but he has no salary. Atty. Marino said the problem that he's having giving the advice on this is the BOAT does not have the legal authority to bind the town only the legislative authority (BOA) has that authority. If the BOA were to enter into a contract that there are no monies appropriated for the City could find itself a party to a lawsuit unless the contract had specific language. Atty. Marino requested additional time on this subject before he gives an opinion. He said he would like to review prior opinions in addition to the New Haven case. Ms. DeGennaro said her concern is we created a position three years ago and we have now held interviews for a full-time clerk and now may not be able to fund a full-time position. It is embarrassing and it should not have happened.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to **TABLE** this item until next month's sub-committee meeting at which time Corporation Counsel will present his opinion. **Motion carried.**

REORGANIZATION OF BUILDING AND BLIGHT DEPARTMENT. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

Ms. DeGennaro said before we begin she doesn't even know how this item got on the agenda. She said Carlo Sarmiento has sent emails and has provided some information. Ms. DeGennaro said she would like to put this on the agenda for next month's meeting and at that time have Mr. Sarmiento provide a complete plan of reorganization. She said in the email Mr. Sarmiento addressed the Relocation Officer, the Zoning Official, the Blight Officers and the Building Office. The Charter and the Ordinances need to be reviewed regarding any potential changes.

Mr. Sarmiento said he has discussed the proposed changes during his budget presentation to the Board of Apportionment and has also reviewed the changes with Mayor Dziekan and Mr. Sampson who suggested that I submit this to the subcommittee. He said he would like to see this done before the new fiscal year. Ms. DeGennaro said she welcomes the chance to discuss this during the committee meeting. She said something needs to be presented to us either from the Mayor's Office with advice of Corporation Counsel with our Ordinances and the Charter. Mr. Sarmiento said he's been trying to do this for the past five years and for some reason or another we have been unable to achieve the personnel that I would like to put in place to better serve the people of Derby. He said last year he came in for a full-time position and he was denied and had to settle for a part-time person and his ABO (Assistant Building Official) was eliminated. Mr. Sarmiento said the Charter mandates that he has to have an ABO. Ms. DeGennaro said she feels there's a common mistake and noted that the Charter and the Ordinances are not the same. She said she's been around for a long time and knows what went on and we got a computer system that was supposed to help the

permit process, we had an ABO who was appointed and worked for about two months and then he disappeared and honestly the Board of Aldermen and the City were never even told. Ms. DeGennaro said she just wants to bring a proposal, whatever it is, and honestly the Mayor should be the one as he does have the authority by Ordinance to appoint the Building Inspector, Blight Officials, Facility Officers, etc.. She feels that is where we need to start – get a full understanding of what we need to do and understand that this is not going to happen in a month's time. Mr. Sarmiento said in the last five years his office has almost quadrupled the revenue and that is due to the changes that have been implemented. Ms. DeGennaro also stated that she is concerned about blight since we have a lot of blight in the City. Mr. Sarmiento said the blight has decreased in the past five years. Mr. Sampson said he appreciates that you're looking at your department to see how it could be run more efficient but we need to look at the Charter regarding positions and we will need direction from the Mayor's Office and Corporation Counsel.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to **TABLE** this item until next month's meeting. **Motion carried.**

NEW PART-TIME RECORDS CLERK IN THE POLICE DEPARTMENT. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

Ms. DeGennaro noted that this was discussed at the last Board of Aldermen/Alderwomen meeting. Atty. Marino said the only distinction with the Police Department is the Board of Police Commissioner's oversee the hiring. Ms. DeGennaro said the Chief and Deputy Chief could not attend this evening so she would rather wait. Ms. Moran asked if we should invite the Police Commissioners to attend our next meeting.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to **TABLE** this until next month's meeting. **Motion carried.**

FARMER'S MARKET LICENSE AGREEMENT. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

Ms. DeGennaro noted that Atty. Marino has prepared the License Agreement that is in our packet.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to accept and recommend the Farmer's Market License Agreement to the full Board of Aldermen/Alderwomen. **Motion carried.**

ACCEPTANCE OF DONATIONS FOR DERBY/SHELTON FIREWORKS. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

Ms. DeGennaro stated that the donation list is in the packet. Mr. Baklik informed the committee that another four donations were received today.

A MOTION was made by Mr. Sampson with a second by Ms. Moran to forward the acceptance of the donations for the Derby/Shelton Fireworks to the full Board of Aldermen/Alderwomen.

DISCUSSION ON MOTION

Mr. Sampson noted that this amount far exceeds what has been collected in the past – kudos to the person who has been handling this. Mr. Baklik informed the committee that Pam Gagliardi, Mayor Dziekan's Administrative Assistant handled the donations.

MOTION CARRIED.

REQUEST FROM DR. MATTHEW CONWAY, SUPERINTENDENT OF SCHOOLS, FOR CHAMPIONSHIP RINGS FOR DHS INDOOR AND OUTDOOR TRACK TEAMS. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

The committee had a lengthy discussion regarding the funding of Championship rings for the DHS Indoor and Outdoor Track Teams. They stressed how very proud they are of the teams and noted that recognition is due. Mr. Sampson said he asked Dr. Conway for a count of rings: Indoor 23 athletes, 2 coaches for a total of 25 and Outdoor 24 athletes, 3 coaches for a total of 27. Ms. DeGennaro noted that a policy already exists for the City that limits spending to \$3,500.00. She asked if they would consider another item instead rings. The committee then reviewed other items such as jackets, necklaces, etc...

A MOTION was made by Mr. Sampson with a second by Ms. Moran to forward the request from Dr. Matthew Conway, Superintendent of Schools, for championship rings for DHS indoor and outdoor track teams for \$3,500.00 inclusive to both teams to the full Board of Aldermen/Alderwomen.

DISCUSSION ON MOTION

Mr. Baklik inquired if there are athletes who are on both the indoor and outdoor teams and if we could consolidate that number and possibly have the ring design indicate both indoor and outdoor. Rachel Artaiz, Athletic Director, for Derby Schools noted that this is a good problem to have, which the committee members agreed, again citing how proud the City is of these athletes. She informed the committee that the rings have already been designed and ordered. Ms. Moran suggested that Ms. Artaiz look into the count for the athletes who are on both the indoor and outdoor teams and present that number to the Board of Aldermen. Ms. DeGennaro said it is prudent not to order these items ahead of time.

MOTION CARRIED

REVIEW OF RECOGNITION POLICY FOR ATHLETIC TEAMS AND INDIVIDUALS. DISCUSSION/POSSIBLE ACTION AND RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

The committee had another discussion regarding the policy. There was a discussion as to other items that could be purchased, besides rings. All agreed that they approve and support the recognition on the Welcome to Derby signs. Ms. DeGennaro said we have to figure out a way to put a nominal amount away in the budget.

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to **TABLE** this item until next month's meeting. **Motion carried.**

EXECUTIVE SESSION: REQUEST TO PURCHASE PROPERTY ADJACENT TO 38 COMMECE STREET – TERMS OF SALE.

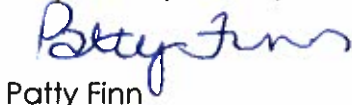
A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to go into Executive Session at 5:47 p.m. inviting Atty. Marino, Atty. Sharon DeFala and Chief of Staff Andrew Baklik. **Motion carried.**

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to come out of Executive Session and back into Regular Session at 6:11 p.m.

ADJOURNMENT

A MOTION was made by Ms. DeGennaro with a second by Mr. Sampson to adjourn the meeting at 6:12 p.m. **Motion carried.**

Respectfully submitted,



Patty Finn
Recording Secretary

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ALDERMEN OPERATIONS & PROCEDURES SUBCOMMITTEE AT THEIR NEXT MEETING.