



City of Ansonia

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CHARTER REVISION COMMISSION

February 28, 2013

Regular Meeting

Present: John Marini, Chairman
Patrick Henri
Christopher Lisi
William Luneski
Janet Vitarius Waugh – arrived 7:50 p.m.
Lorie Vaccaro

Absent: Keicia Duffus
John Erlingheuser
David Knapp

Others Present: Randy Carroll – arrived 7:55 p.m.
Bart Flaherty – arrived 8:05 p.m.

The regular meeting of the Ansonia Charter Revision Commission was called to order at 7:20 p.m. by Chairman Marini.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll. There was a quorum present.

Public Session

Chairman Marini asked three (3) times if there was anyone who wished to address the Commission. There was no one. He closed the public session.

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Approval of Minutes

Mr. Henri made a motion to approve as written and place on file the minutes of the Regular Meeting 12/27/12. Mr. Luneski seconded. All in favor, so carried.

Approval of Bills

Mr. Henri made a motion to pay all bills if found to be correct. Mr. Luneski seconded. All in favor, so carried.

Correspondence

1. Eileen Krugel re: e-mail on proposed changes to the City Charter.

Chairman Marini read the e-mail received from Ms. Krugel. (copy attached)

Mr. Henri said this was brought up by Richard Bshara. He asked should the Commission discuss it and take some action.

Chairman Marini said the Commission can put this item on the agenda for the next meeting.

Mr. Luneski made a motion to add the points brought up in Ms. Krugel's e-mail to the agenda for the next regular meeting. Mr. Vaccaro seconded. All in favor, so carried.

Mr. Henri made a motion to accept all of the correspondence received, dispense with the reading, and place them on file. If a member requests one read or acted upon the correspondence will be brought up individually. Mr. Luneski seconded. All in favor, so carried.

Ruling on Public Hearings

Mr. Henri said that the Commission has to have two public hearings.

Mr. Marini discussed the correspondence received from Corporation Counsel Blake regarding the public hearings.

The members do not have a copy of this correspondence. Mr. Marini said he will get a copy to the secretary for the members for the next meeting for discussion.

Mr. Henri made a motion to table this to the next meeting. Mr. Luneski seconded. All in favor, so carried.

Six (6) Resolutions from Board of Aldermen

Chairman Marini read item #4 of the Resolution:

4. Initiation of the charter revision process pursuant to Connecticut General Statutes Section 7-188 et seq (this requires a 2/3 vote of the Board of Aldermen), with the recommendation that the Charter Revision Committee address the following matters:

- a. A revision to the City Charter limiting membership on all City Commissions and Boards to individuals who have not fallen more than one year behind on their motor vehicle taxes, property taxes or sewer assessments,
- b. A revision to the City Charter requiring certification from the Certified Connecticut Municipal Accounting Program as a prerequisite to holding the position of City Tax Collector; and
- c. A revision to the City Charter requiring the Tax Office to conduct regular, periodic audits in the interest of transparency and accountability.

Mr. Henri asked if the Commission could discuss these points.

Mr. Vaccaro asked about item "c" and how would it be done.

Chairman Marini explained how an audit is performed.

Mr. Henri said it should read: "requiring the Tax Office be audited".

Mr. Lisi said it is not an audit if you do it yourself.

Chairman Marini said there is a City audit. A normal audit would not catch this where an individual(s) were given a certificate "paid in full" to take to Dept. of Motor Vehicles. The problem is the individual did not pay their taxes. He said how can we force more transparency so it doesn't happen again. What safeguards can we put in place for the Tax Office so we don't have fraud?

Mr. Henri said an audit doesn't make it. There is no basis of dollars and cents so we will not address that. Say "they need to be audited".

Mr. Vaccaro said they are looking for something.

Chairman Marini said specifically – tax clearance forms. The problem is there is no log kept of who got a clearance form. There should be a requirement for a Log Book. When a clearance form is given it is entered into the log and there is no question who gave it out.

Mr. Henri said the Tax Office needs to have those procedures in place themselves. It should not be in the Charter.

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Chairman Marini said if it is in the Charter, the City will have something in place forever.

Mr. Luneski said we can state they have to have procedures.

Mr. Henri said we can say every six (6) months they have to have an audit from an outside firm.

Chairman Marini said for the Clearance forms a log must be kept.

Mr. Henri said that should not be in the Charter. It should be done by the Tax Office themselves.

Chairman Marini said (b) is specific and it is a qualification so that no one can waive it.

b. A revision to the City Charter requiring certification from the Certified Connecticut Municipal Accounting Program as a pre-requisite to holding the position of City Tax Collector.

Mr. Henri agreed (b) is good.

Mr. Vaccaro agreed.

Mr. Lisi agreed.

Chairman Marini said before the Commission approves finalization there will be a meeting.

There was discussion on the language for the revisions. Mr. Henri said the Commission doesn't have to have the exact language at this time.

Chairman Marini said the Commission approves something, there is a draft written and given to someone to write the proper language. We have to propose specific language for changes to the Charter for a public hearing.

Mr. Henri made a motion to put Item (b) under Section 4 on the draft list for changes proposed to the Charter.

b. A revision to the City Charter requiring certification from the Certified Connecticut Municipal Accounting Program as a pre-requisite to holding the position of City Tax Collector.

Mr. Luneski seconded. All in favor, so carried.

There was discussion on Section 4, item (a) of the Resolution. Mr. Henri said this gives definitive guidance and is setting an example.

Mr. Vaccaro asked who will police the list of volunteers.

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Mr. Henri said we are not the enforcement. How far does the commission want it to extend, these are people who volunteer.

Mr. Luneski said annually and it is reviewed.

Chairman Marini said the terms are staggered. The policing is one thing to consider.

Mr. Luneski said annual policing across the Board of all volunteers.

Chairman Marini said it is not only the appointed positions but it is broad enough to include the elected officials.

Mr. Henri said you can't include the elected person. He is elected by the people.

There was discussion on whether removal of elected officials should be included with the volunteers. Mr. Henri stated if they owe taxes it should be brought to the elected official. They will not get re-elected if they owe taxes. The people voted them in. The people will know they owe taxes.

Chairman Marini said they cannot run for elected positions or be nominated for appointment or re-appointment if they are behind on their taxes. It should state they cannot be appointed or nominated by the Mayor if they are behind on their taxes.

There was discussion on putting a bar on elected officials and running for elected office if there are past due taxes owed. Mr. Henri said he didn't think you could bar an elected official. Mr. Lisi said you can set bars on elected officials. Chairman Marini said Corp. Counsel Blake would have to take a look at that. Mr. Vaccaro said he agrees that elected officials and volunteers should be held to the same standards. Chairman Marini said he sees it as self-policed. He asked if there is an amount that should be considered past due.

Mr. Lisi said you can give a delinquent official or volunteer a ten to fifteen day window to clear their name.

Mr. Henri asked how deep do you want to go. Ten years from now you can put numbers and times on it.

Chairman Marini said we are writing law and trying to anticipate the future.

Mr. Henri said the Commission has a limited amount of time.

Janet Vitarius Waugh arrived at the meeting at this time.

Chairman Marini explained to Ms. Vitarius Waugh what the commission is discussing.

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The discussion continued regarding volunteers and elected officials who owe taxes. Ms. Vitarius Waugh asked if there is a Marshall or someone who could go out and collect these taxes.

Chairman Marini explained the process for collecting past due taxes. He said there are separate questions being discussed: 1. person who owes taxes – can he serve as an appointment to boards and commissions and can he run as a candidate for election and 2. the other is a person who is an elected official and who is serving on a board or commission and owes taxes.

Discussion on policing the volunteers who serve on Boards and Commission and those that are elected by the people to office. The members said there are many people who owe taxes – this policy is a good idea. The taxes discussed are personal property, real estate, motor vehicle, and sewer.

Mr. Henri said appointees should be paid up to date with taxes. If people want to elect a person who owes taxes, he said he doesn't want to hold them back.

Mr. Lisi said you could say one year behind or whatever – but what's bad about this is it creates a problem -- you are taking out a lot of qualified people.

Chairman Marini said most are volunteers and not paid that are behind on taxes. This may be putting a burden on people who are volunteers.

Ms. Vitarius Waugh said these people are figureheads – we look up to them and they are not showing a good example.

Chairman Marini said you cannot be a candidate for election, nominated or appointed or re-appointed if you are behind in your taxes.

Mr. Henri asked if it is illegal to nominate someone who owes taxes.

Chairman Marini said it is not illegal but invalid.

Mr. Lisi said elected is a privilege not a right.

Mr. Luneski said what is the average penalty for someone who is late on taxes.

Chairman Marini said a lien can be put on the property but it is case by case.

Ms. Vitarius Waugh asked if we know the number of people who are delinquent – 100, 400 is it substantial. She asked what have they been doing in the past for people who owe money. Do they take their car away.

Chairman Marini said the Tax Office was looking into putting the boot on the car but the Board of Aldermen thought it was too harsh. One, two, three years delinquent they have put those accounts with a private collection firm.

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The municipality is the first in the lien process with regard to real estate. Sometimes the property goes into bankruptcy. The interest continues on the unpaid balance and the City of Ansonia gets its share when the property is sold because it is liened.

Chairman Marini said there is a Tax Collection firm currently handling the past due accounts.

Ms. Vitarius Waugh said the tax collection agency received a percentage of the money they collect as an incentive to go after the people.

Mr. Henri said this meeting is on the Charter and not enforcement. He suggested the Commission approve adding the elected official and put a limit on it.

Mr. Luneski said start at zero if you have a dollar amount in there.

Mr. Lisi agreed it should be zero.

Chairman Marini said this can be added to the draft list for approved language.

Ms. Vitarius made a motion to put Item (a) under Section 4 and to add the following to the draft list for approved language:

- a. No individual can be a candidate for elected office or nominated or appointed/re-appointed for a Commission or Board whom has fallen behind on their motor vehicle taxes, property taxes, personal property taxes or sewer assessments and WPCA assessments.**

Mr. Luneski seconded. All in favor, so carried.

Chairman Marini said that the auditors said they would not have caught that "certificate". Their review never would have revealed it because no money was paid. There never was a log kept on who received the "Clearance forms" They were not conducting a fraud audit, they were looking to see if the books balanced. Their audit was substantially correct. We should amend the statement to read the Tax Office must keep a log on the tax clearance forms.

Mr. Henri said we don't want to tell them how to run their office.

Chairman Marini said we should require them to make a log of everyone who received a tax clearance.

Ms. Vitarius Waugh said yes, she agrees and the payment should be entered into the computer.

Chairman Marini said yes, but these individuals did not make a payment. You should only be getting a certificate if you paid your car taxes.

Commission members discussed the method of issuing a certificate if taxes are paid. They are concerned that the tax release certificates can be given without a process of payment. They discussed the point of putting in the Charter language that states how to operate the Tax Office. Mr. Henri stated that it is not their place to tell the Tax Office how to do this but they can say in the Charter that the Tax Office must have a procedure in place to issue tax release certificates.

Ms. Vitarius Waugh said if it states in the Charter they have to follow it. If they don't follow what is written in the Charter they are in violation.

Mr. Lisi said we should try to find a compromise on this. He discussed putting a procedure in place with a log of everyone who received a certificate.

Chairman Marini said the Charter can mandate the Tax Office keep a log book.

Ms. Vitarius Waugh agreed and stated that way the auditors can find it.

Chairman Marini said we can change the Charter to create a requirement to keep a log.

Mr. Vaccaro said that there should be numbers on the receipts given and these should be entered into the log book. The log book should also indicate whether they paid cash or check.

There was discussion on procedures.

Mr. Henri made a motion to put Item (c) under Section 4 and the following on the draft list:

c. A revision to the City Charter requiring the Tax Office to maintain a numbered log book keeping track of the Tax Certificates given out to residents and requiring the Tax Office to conduct regular, periodic audits in the interest of transparency and accountability for review by the City Auditors.

Ms. Vitarius Waugh seconded. All in favor, so carried.

Mr. Henri made a motion to close this topic of discussion. Mr. Luneski seconded. All in favor, so carried.

There was discussion on the time frame for a revision to the Charter to go into effect. It was explained that after the vote it is immediate.

Mr. Henri asked if you can "grandfather" things in.

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Chairman Marini said he didn't think so. The State of Connecticut laws may supersede the Charter and the City is subject to Connecticut law.

Tax Board Recommendations from the Board of Aldermen

No discussion.

Any other business to come before the Commission

Mr. Henri said he would like these public hearing items put on the agenda for the next meeting. They are:

1. Town Clerk – Salary Position
2. Budget – 5 year outlook
3. Advertising Bids & Legal Notices – online/legal notices newspaper
4. Term Limits
5. Voting Locations
6. WPCA bidding autonomous from the City

Ms. Vitarius Waugh made a motion to put the above items that were discussed at the public hearing on the agenda. Mr. Luneski seconded. All in favor, so carried.

Mr. Henry said he has the following items that he wants to have discussed as part of the changes to the City Charter:

1. Proposes Ansonia goes to a City Manager to the run City.
2. Mayor goes to a part time Mayor.
3. One (1) voting place.
4. Ansonia goes to three (3) Wards
5. Each Ward will have three (3) Aldermen. Two (2) from each party will run for office and the top three (3) get the seats.
6. Pensions – change the pension to a 501K plans. Employees already in the pension will be grandfathered but you have to draw the line.
7. Quorums – Commissions and Boards need to be empowered to create their own policy to come up with quorums. There should be an appeal process.

There was discussion on holding another open meeting for the public. Chairman Marini said there is no maximum amount of meetings you can have an open meeting if you want. Ms. Vitarius Waugh said that there was not a big turnout for the other public meetings. Mr. Henri said that residents can come to any monthly meeting and we will hear them.

Mr. Luneski asked if there will be sub-committees for the draft list.
Chairman Marini asked if anyone wanted to volunteer to serve on the committee.

Mr. Luneski said he will volunteer for Section 4, item (a) subcommittee.

Chairman Marini said he will take Section 4, item (b) and item (c). He advised those working on the subcommittees to read the entire section and to make sure that it is compatible with the other sections of the Charter.

Mr. Lisi asked if the Commission has decided on the scope of the Charter Revision.

Chairman Marini said no, they never really did, they focused on the points from the public.

Chairman Marini said we discussed sending the Charter out to have it “weeded” out and we discussed scrapping the Charter and restarting over. We are waiting for feedback on the cost.

Mr. Lisi said it varies. We don’t have our scope. We have the tax issues which are small.

Chairman Marini said do we get a new Charter or scrub this one. We should not be tampering with the Charter. He said if we are going to do anything we have to have a firm that knows how to do it. If we were to do something this year we would need funding to do it.

There was discussion on having a firm go over the Charter. Mr. Lisi said he can’t get a price without a scope.

Mr. Henri said that we don’t have the time and the money. We don’t need to scrub the Charter. People know what they want, we can see what we can do. The State of Connecticut supersedes the Charter.

Ms. Vitarius Waugh said it is our Town and we know what is wrong with it and all we have to do it cross the t’s and dot the I’s. We don’t need anyone to do this.

There was discussion on getting the funding to scrub the Charter.

Chairman Marini said it is up to the Mayor. We have to get prices. There are conflicts in the Charter, laws that are consistent with the State Laws, etc. We should start there.

Mr. Lisi said the entire Charter with regard to State Laws and outdated items. I will get prices.

Chairman Marini said we have lived with the Charter and we know it works.

Ms. Vitarius Waugh asked if there are any grants available for this type of work.

Chairman Marini said he will ask our Grant Writer, Eileen Krugel.

Mr. Luneski said they could compare what we have against State Statutes. If our wording is inadequate it could be fixed.

Ms. Vitarius Waugh asked if we have to comply with the State Statutes.

Mr. Lisi said yes.

Chairman Marini said there will be problems but there is merit in looking at it.

Ms. Vitarius Waugh said we should focus on the major ones in the Charter.

Chairman Marini said that is outside of our purview - to look for problems we are not qualified. We could do more damage than good.

Chairman Marini said he received something from Ray Tingley, Fire Marshall that he will pass on to the Commission members.

Adjourn

Ms. Vitarius Waugh made a motion to adjourn the meeting at 8:55 p.m. Mr. Luneski seconded. All in favor, so carried.

Respectfully submitted,



Jo-Lynn Flaherty
Secretary