



City of Ansonia

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Ansonia, Connecticut 06401

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ANSONIA, CONNECTICUT

CHARTER REVISION COMMISSION

July 25, 2013

Regular Meeting

Present: John Marini, Chairman
Patrick Henri
Kay Jeanette
Christopher Lisi
William Luneski
Elizabeth Lynch
Janet Vitarius Waugh – arrived 8:00 p.m.
Lorie Vaccaro

Absent: David Knapp

Others Present: Kevin Blake, Corp. Counsel
Tara Kolakowski, Gov. Liaison Officer

The regular meeting of the Ansonia Charter Revision Commission was called to order at 7:15 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 invited anyone from the public who wished to speak on anything that is not on the agenda.

CharterRev072513

Chairman Marini asked three (3) times if there was anyone who wished to address the Commission.

There was no one.

Chairman Marini closed the public session.

Approval of Minutes

Mr. Luneski made a motion to approve as written and place on file the minutes of the Special Meeting 07/11/13. Mrs. Jeanette 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. Kevin Blake, Corporation Counsel re: Explanatory Text for City Questions on Ballot for Municipal Election 11/5/13

Mrs. Lynch made a motion to accept all correspondence and place on file. Mrs. Jeanette seconded. All in favor, so carried.

Chairman Marini said that the committee held a workshop meeting last evening and Corporation Counsel Blake did the Explanatory Text for the Commission. He thanked Corporation Counsel Blake for doing the text for the Commission.

Everyone received a copy of the Explanatory Text prepared for the Commission. The following items from the draft list were included in the Explanatory Text:

1. Section 138 of City Charter: Request to increase the \$5000 limit to \$25,000 for projects & services to the City.
2. Advertising Bids and Legal Notices – online/newspaper
3. Absentee Policy re: Meetings & Quorums

Mr. Henri asked where does the explanatory text show up for the public to read.

Corp. Counsel Blake said it will be published on the City Website, handed out at the polling places and included with the absentee ballots. He reviewed the text as written in the Explanatory Text given to the commission members.

A copy of the Explanatory Text is attached to the minutes.

Question numbered 1: “Shall the Charter of the City of Ansonia be amended and revised to increase the solicitation of bids and proposals by duly advertising by publication from five thousand dollars to twenty five thousand dollars?”

Corp. Counsel Blake said Section 138 is anything over \$25,000 has to go out to bid. The bid would have to be published in the newspaper. He discussed the current language in the Charter regarding bids stating the Commission could leave the first section as is.

Chairman Marini discussed the section in the Charter that deals with quotes and bids and the City would still be required to get three estimates but they are eliminating bids up to \$25,000 with the revision.

A discussion followed on seeking estimates, quotes and bids for projects and the cost associated with bids and advertising in the local newspaper. The City would be required to go out for bid on anything over \$25,000 and this would have to be advertised in the newspaper. If the City is seeking quotes and estimates this would eliminate the need for advertising in the newspaper. It would be posted on the Website. The Board of Aldermen can waive this requirement for seeking three quotes/estimates or seeking a bid.

It was agreed by the Commission members to leave the language in the Explanatory Text for Section 138 as is written as follows:

Question numbered 1:

“Shall the Charter of the City of Ansonia be amended and revised to increase the solicitation of bids and proposals by duly advertising by publication from five thousand dollars to twenty five thousand dollars?”

Corp. Counsel Blake discussed question #3 stating that if it isn't passed it could be put in with question #1. He read some language that he will have ready for the Board of Aldermen. He suggested the language be incorporated into question #1 before the August 13th public hearing.

Chairman Marini said the Charter Revision Commission will hold a public hearing on Tuesday, August 13, 2013 at 6:00 p.m. before the Board of Aldermen meeting.

Corp. Counsel Blake said that this will be on the Board of Aldermen's agenda for their regular meeting.

CharterRev072513

Chairman Marini said the Board of Aldermen will hold a Special Meeting on the text and they can accept it or reject it.

Mr. Henri said that the Charter Revision Commission will hold a public hearing and then turn the questions over to the Board of Aldermen, they in turn will hold their own public hearing.

Corp. Counsel Blake said that the Commission is required by State Statute to hold a public hearing and the Board of Aldermen will schedule their public hearing that night.

Chairman Marini said it will be presented to the Board of Aldermen on August 13th and they will hold a public hearing. They will accept, reject or make revisions. We will have time to make revisions if need be. We have until Sept. 5, 2013.

Discussion on the Board of Aldermen procedure for accepting the text. It was agreed that the Board of Aldermen do not have enough time to accept, reject or revise the text on August 13, 2013 because they would have just received it.

The Commissioners discussed publication for quotes and bids on the website and how this should be done. Corp. Counsel Blake said that bids over \$25,000 must be published in the newspaper because not everything will get on the website. Chairman Marini asked the procedure for soliciting three quotes for projects under the \$25,000 cap. He asked how this is controlled.

There was discussion on the above.

Corp. Counsel Blake said that there is a change in the wording for Question numbered 1: Change the word "from" Five Thousand Dollars to "above" Five Thousand Dollars.

Question numbered 2: "Shall the Charter of the city of Ansonia be amended and revised to require an absentee policy for Boards and Commissions?"

Chairman Marini read the amendment to those present.

Mr. Henri said that is three (3) meetings in a row. That way the Chairman can't look the other way if a member is absent three times. It takes it away from the Chairman and gives it to the Board of Aldermen.

Corp. Counsel Blake said that creates a vacancy and that person still remains on the Board until replaced. This revision states if missed three times and it is vacant. The Chair must be diligent if people are missing from his Board.

Mr. Henri said the person can get it waived from the Board of Aldermen or reappointed.

Ms. Kolakowski suggested that a letter is included with the appointment letter advising the person of this new Charter requirement.

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Chairman Marini said if there is a reason and they come to the Board of Aldermen it can be waived.

There was discussion on the wording in the last sentence. The word "where" was left out. It is noted that it should read:

"A member of a Board or Commission of the City of Ansonia who is absent from three (3) consecutive duly called meetings of said Board or commission shall be considered to have resigned from such body and the seat occupied by such member shall be deemed to be vacant. Any vacancy shall be filled in the same manner as the original appointment. The requirements of this section may be waived by the Board of Aldermen for good cause duly shown or where illness or other extenuating circumstances has made it impossible for a member to have met the attendance requirement of this section."

Question numbered 3: "Shall the Charter of the City of Ansonia be amended and revised so that Legal Notices, where required, may be abbreviated provided the full publication of the legal notice shall be on file with the Town and City clerk and on the official website of the city of Ansonia."

Chairman Marini read the question to the members.

Mr. Henri discussed abbreviating the legal notices when they have to be published.

There was discussion on abbreviating the legal notices. Corp. Counsel Blake said that there are certain land use statutes that require the entire notice be published. He suggested inserting the work "except" after notices in the first sentence. It would read as follows:

"Shall the Charter of the City of Ansonia be amended and revised so that Legal Notices except where required, may be abbreviated provided the full publication of the legal notice shall be on file with the Town and City clerk and on the official website of the city of Ansonia."

Chairman Marini said the Charter Revision Commission has completed their work. He asked if the commission is required to publish the above.

Corp. Counsel Blake said the only requirement is a public hearing and then it goes to the Board of Aldermen. He said he will take care of getting it on the website.

Chairman Marini thanked Corp. Counsel Kevin Blake for getting all of the text prepared and getting the Commission all "squared" away.

Mr. Henri said that at the last meeting there were three recommendations for Charter Revision. This was after all of the months of long meetings they came up with three recommendations.

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The Commission discussed a lot of topics and a lot of work went into each one. He said it is embarrassing that after eight (8) months of work the commission only had three questions. He said he had a correspondence from Charlie Stowe regarding the 1.5% increase in taxes going to referendum. He asked if the Commission could revisit this because it is an important issue. It was on the draft list originally and the people should have a say in the budget. The other issue is the Board of Aldermen should have the final vote on the budget. He said this was discussed at the last meeting that we should have the Board of Aldermen have the last say on the budget. We discussed a Finance Director and a lot of other issues. If the budget goes above 1.5% tax increase, the public can go out and vote on it. He said he wants to see it go back on the draft list and have the people and the Board of Aldermen discuss it. We slighted ourselves because we cut down on the draft list. There are a lot of things on the ballot but he would like to discuss the referendum if the budget goes above 1.5% tax increase before the revisions go to the Board of Aldermen.

Chairman Marini said he would like to hear what the people have to say about this also.

Mr. Vaccaro made a motion to put it back on the draft list.

Mr. Henri said it is not right. We should have a say on the money that is coming out of our pockets.

Mr. Vaccaro said some people will vote on the budget across the board. He said he agrees that the Commission should put something on the ballot regarding the referendum.

Chairman Marini said we could put it on. He said his recommendation to the Board of Aldermen is the Commission should continue after the election. There is no way we can make these changes and have the question and text prepared before it goes to the Board of Aldermen. There is no time.

After a lengthy discussion on putting the two items (Referendum for budget over 1.5% tax increase and Board of Aldermen having the last vote on the budget) back on the Draft List for discussion and possible inclusion on the November ballot it was agreed that Chairman Marini would speak with the Board of Aldermen about the possibility of continuing the committee after the election so that these issues can be further addressed. It was brought up that the Commission voted to remove these issues from consideration for the ballot and go forward with the three items discussed this evening.

The commissioners were concerned that the Commission worked on a number of items over an eight month time period and there are only three items for the ballot for Charter Revision. They feel it is not a reflection of the amount of work and time spent by the members.

The discussion continued on the Referendum if the budget increases the taxes more than 1.5%. The members discussed caps to the number of times the budget would go to referendum before it is adopted. Chairman Marini said he will discuss this with the Board of Aldermen but to change the budget process would require more work to be done to finalize it.

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Mr. Vaccaro said it is a simple add on to include the budget referendum on the ballot.

Mr. Henri suggested that it be presented to the public and the Board of Aldermen. He said the Commission discussed it.

Mrs. Lynch said that the Commission voted on what to include on the November ballot and the Commission voted against it and it was eliminated from the list.

Mr. Luneski discussed what happens when the budget is voted down and it reverts back to the last year budget which would create a lot of cost to the city. He said this would have to be thought out and worked on.

Chairman Marini said he put a notice out on the three issues and made the Aldermen aware of the general issues. He said he will send an e-mail after tonight's meeting to them.

There was discussion on where the public hearing notices will be published. Corporation Counsel Blake said in the local newspaper. Chairman Marini said that the people can come to the public hearing and tell us what they want and we can make changes if we want.

Chairman Marini asked the Commission members if they want to put the Referendum on the ballot.

Mr. Henri said yes, he would like to discuss it.

Mr. Luneski said that the commission is past the point, it was voted out last month and to bring it to the public is out of order. This should be something we are ready to back and it is not prepared.

Mr. Henri said it could be ready, it is something the people know we are talking about. We could have the section on the Board of Aldermen having the final vote on the budget ready.

Ms. Vitarius Waugh said the commission has a lot of ideas and we should try to get them out.

There was discussion on the questions raised this evening and on the questions for the November ballot. The biggest question that was discussed is whether to add the Referendum for the budget increase in taxes over 1.5% to the ballot.

Chairman Marini discussed the other towns that hold referendums for their budget process.

Mr. Lisi said the only time we hear about the referendum vote for the budget is when it doesn't pass after three or four times.

Chairman Marini said it will keep the mil rate down.

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Mr. Vaccaro said that it will give the people a voice in the budget process and if it is rejected the budget will go back to BOAT.

Chairman Marini discussed the budget and that BOAT should not be making the call on the final budget. It should be the Board of Aldermen. He said he would like the public to discuss it. To get it done we have to agree and put it in the correct form. We will need the explanatory text, section and question number.

Discussion continued on what would be needed to complete the question and the explanatory text for the Referendum to appear as a question on the ballot.

Chairman Marini asked if the Commission wanted to go forward with this for the November ballot. He said there are other towns that hold referendums for their budget. He asked for a motion to proceed with the referendum for the ballot.

Mr. Henri made a motion to proceed with the Referendum for the 1.5% tax increase in the budget for the November ballot. Mr. Vaccaro seconded.

Mrs. Lynch said that they held a meeting last evening to finalize the questions for the Charter Revision for the ballot in November and this was not included. She said she could not put her name on it as a commission member because there is not enough information.

Mr. Luneski agreed with Mrs. Lynch and suggested they present the Referendum for the 1.5% tax increase for the next Commission for Charter Revision.

Chairman Marini called for a Roll Call Vote:

Ms. Vitarius Waugh:	Yes	Mr. Lisi:	No
Mr. Vaccaro:	Yes	Mrs. Jeanette:	No
Mr. Henri:	Yes	Mrs. Lynch:	No
Chairman Marini:	Yes	Mr. Luneski:	No

4 yes votes, 4 no votes.

Corporation Counsel Blake said the motion failed.

Chairman Marini said he will have a formal resolution for the Board of Aldermen asking that they continue the work from this Charter Revision Commission. He said that the Mayor will be the person to continue the Commission if passed by the Board.

There was discussion on continuing the present Charter Revision Commission so that they can continue the questions brought forth during their term. Corporation Counsel Blake said that after the Commission presents their report to the Board of Aldermen everything ends.

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Chairman Marini said that the public can weigh in on these questions for the ballot at the August 13th meeting at 6:00 p.m.

Mr. Henri asked Chairman Marini to present to the Board of Aldermen their ideas.

Mrs. Lynch made a motion to hold a public hearing of the Commission on the revisions to the Charter on Tuesday, August 13, 2013 at 6:00 p.m. in Ansonia City Hall. Mrs. Jeanette seconded. All in favor, so carried.

Mrs. Lynch made a motion to hold a Special Meeting of the Commission on Tuesday, August 13, 2013 at 6:30 p.m. in Ansonia City Hall for the following purpose:

1. Approval of Revisions to Charter Revision subject to Public Hearing.

Mrs. Jeanette seconded. All in favor, so carried.

Mr. Henri made a motion to accept the changes to the explanatory text as revised and prepared for file for the public hearing. Mr. Vaccaro seconded. All in favor, so carried.

Adjourn

Mrs. Lynch 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

August Meeting Schedule
Tuesday, August 13, 2013 – 6:00 p.m. Public Hearing
6:30 p.m. Special Meeting

CharterRev072513

City of Ansonia



**Explanatory Text
For City Questions
On
Ballot For
Municipal Election
November 5, 2013**

Designation on the Ballot

Vote on 1st Question for	Yes	No
Ansonia Charter Revision	1. Revision of the Charter	

EXPLANATORY TEXT FOR CITY QUESTION NUMBERED 1

CONTRACTS

Explanatory Text As To the Contents and Purpose

The purpose for this Amendment to the Charter would increase the level of the monetary amount the City of Ansonia would be required to seek through bids for contracts for work and supplies without having to advertise the notice requesting sealed bids or proposals in a local publication. The current monetary amount is \$5,000.00. The cost of services has increased over the years resulting in the increase frequency of legal notices to solicit bids or proposals. The proposed increase to \$25,000.00 which would result in a savings of costs to the city by eliminating publication in a local newspaper.

Section of the Charter to be Amended Provisions to Amended are Underlined

Sec. 138 Contracts and purchases generally.

All contracts to be made or let for work to be done, or for supplies to be furnished to said city, except as in this Act otherwise provided, and all sales of personal property in the custody of the several departments or officers of said city, shall be made by direction of the board of aldermen. Whenever any work is necessary to be done to execute or perfect a particular undertaking, or any supply is needful for any particular purpose, and the several parts of said work or supply shall together involve the expenditure of up to two thousand- five hundred dollars, such purchase may be made by simple award of purchase order. For expenditures of two thousand five hundred dollars to five thousand dollars, such purchase shall require solicitation of at least three bids, written or by telephone and followed up by a written bid. For expenditures of more than ~~five thousand dollars~~ twenty five thousand dollars a written contract for such work or supplies shall be made, under such regulations as the Board of Aldermen may by vote direct, which contract shall be founded on sealed bids or proposals, made in compliance with public notice, duly advertised by publication at least ten days before the time fixed for opening said bids or proposals. If said board shall not deem it for the interest of the city to reject all bids, it shall award the contract to the lowest responsible bidder, provided, however, that if it shall not deem it practicable or for the best interests of the city to proceed as above required, for any particular work, or the obtaining of any particular supplies, it shall make a written statement to that effect, giving its reasons and the manner in which, in its opinion, the work should be done, or the supply obtained, and submit the statement to the mayor. The mayor, if he concurs, shall endorse his approval thereon, and said statement shall then be filed with the proper officer for reference, where it shall be and remain subject to public inspection; and then, and not until then, the work may proceed or the supply may be obtained in the manner therein stated. The terms of each contract shall be settled by the corporation counsel, and shall form a part of the specifications, and the contractor

shall give security to the satisfaction of the mayor for the faithful performance of his contract. All bids or proposals shall be publicly opened by the department or officer advertising for the same, in the presence of the mayor; but the opening of bids shall not be postponed if the mayor shall, after due notice, fail to attend. If the lowest bidder shall neglect or refuse to accept the contract within five days after written notice that the same has been awarded according to his bid or proposal, or if he fails to execute his contract or to give proper security, it may be re-advertised and re-let, in the manner above provided, or with the written approval of the mayor, filed for public record with the city clerk, said contract may be awarded to the next lowest responsible bidder. If any work shall be abandoned by any contractor, it may be re-advertised and re-let in the manner provided for the original contract, or with the written approval of the mayor, the board of aldermen may cause said work to be finished without making any new contract, and the original contractor shall be liable to the city for any excess in the cost of said work over the amount of the original contract. No bid shall be accepted from or contract awarded to any person who is in arrears to the city upon debt or contract, or who is a defaulter as surety or otherwise upon any obligation to the city. Three copies of every contract shall be executed, and one of the original copies thereof shall be filed in the city clerk's office. Whenever proposals for furnishing supplies or doing work are invited by advertisement by any department or officer, such department or officer is directed to require, as a condition precedent to the reception of any proposal, the deposit with the mayor of a check drawn to the order of the mayor and certified by some reliable bank. Such checks shall accompany the proposal, and be for an amount of not less than five per centum of the amount required by said bid to be paid by the city for the proposed work to be done or supply to be furnished. Within three days after it is decided who is the lowest bidder, the mayor shall return all such checks to the persons depositing the same, except the check deposited by the lowest bidder for such contract; and if the said lowest bidder shall refuse or neglect, within five days after due notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited to and retained by said city, as liquidated damages for such neglect or refusal, and shall be paid into the treasury of said city; but if the lowest bidder shall execute the contract within the time aforesaid, the amount of his deposit shall be returned to him.

Question Numbered 1

"SHALL THE CHARTER OF THE CITY OF ANSONIA BE AMENDED AND REVISED TO INCREASE THE SOLICITATION OF BIDS AND PROPOSALS BY DULY ADVERTISING BY PUBLICATION FROM FIVE THOUSAND DOLLARS TO TWENTY FIVE THOUSAND DOLLARS?"

Voters approving will vote "Yes"

Voters opposing will vote "No"

DESIGNATION ON THE BALLOT

Vote on 2nd Question for	Yes	No
Ansonia Charter Revision	2. Revision of the Charter	

EXPLANATORY TEXT FOR CITY QUESTION NUMBERED 2

ABSENTEE POLICY FOR BOARDS AND COMMISSIONS

Explanatory Text As To the Contents and Purpose of Question Numbered 2

The City of Ansonia municipal government is comprised of many Boards and Commissions which are appointed by the Mayor and affirmed by the Board of Aldermen. These Boards and Commissions meet on a frequent basis. However, a quorum of members of the particular Board or Commission must be present in order for the Board or Commission to conduct business. However business cannot be conducted when a quorum is not present.

The purpose of this proposed Charter change is to provide an absentee policy for attendance by members of Boards and Commissions for the City of Ansonia to ensure that there are members present to hold meetings.

Section of the Charter to be Amended
Provisions to Amended are Underlined

Sec. 154. Absentee Policy for Boards and Commission (New)

A member of a Board or Commission of the City of Ansonia who is absent from three (3) consecutive duly called meetings of said Board or Commission shall be considered to have resigned from such body and the seat occupied by such member shall be deemed to be vacant. Any vacancy shall be filled in the same manner as the original appointment. The requirements of this section may be waived by the Board of Aldermen for good cause, duly shown or illness or other extenuating circumstances has made it impossible for a member to have met the attendance requirement of this section.

Question Numbered 2

"SHALL THE CHARTER OF THE CITY OF ANSONIA BE AMENDED AND REVISED TO REQUIRE AN ABSENTEE POLICY FOR BOARDS AND COMMISSIONS?"

Voters approving will vote "Yes"

Voters opposing will vote "No"

DESIGNATION ON THE BALLOT

Vote on 3rd Question for Ansonia Charter Revision	Yes	No
	3. Revision of the Charter	

EXPLANATORY TEXT FOR CITY QUESTION NUMBERED 2

PUBLICATION OF LEGAL NOTICES

Explanatory Text As To the Contents and Purpose

This revision of the Charter would decrease the cost the City of Ansonia incurs in publication of notices and other legal documents not otherwise required by state statutes or federal regulations to be published in

full in a local newspaper having a substantial circulation in the City of Ansonia. Various sections of the Charter, City Code and Land Use Regulations of the City of Ansonia require advertisement by publication in a newspaper having a substantial circulation in the City of Ansonia. Examples of this publication requirement are solicitations for bid proposals for services or consideration of a new ordinance. This revision of the Charter would permit the content of the notices be abbreviated provided the full contents of the legal notice is available at the Town and City Clerk and on the City of Ansonia official website.

This section would not apply to those matters which must be fully advertised pursuant to local regulations, state statutes and federal regulations.

Section of the Charter to be Amended
Provisions to Amended are Underlined

Sec. 155 Publication of Legal Notices

Legal Notices on behalf of the City of Ansonia may be abbreviated for publication, where required, provided that the full publication of the legal notice shall be on file with the Town and City Clerk and on the official website of the City of Ansonia. The abbreviated notice shall state that the complete information corresponding to the legal notice is on file with the Town and City Clerk and on the City of Ansonia official website.

Question Numbered 3

"SHALL THE CHARTER OF THE CITY OF ANSONIA BE AMENDED AND REVISED SO THAT LEGAL NOTICES, WHERE REQUIRED, MAY BE ABBREVIATED PROVIDED THE FULL PUBLICATION OF THE LEGAL NOTICE SHALL BE ON FILE WITH THE TOWN AND CITY CLERK AND ON THE OFFICIAL WEBSITE OF THE CITY OF ANSONIA?"

Voters approving will vote "Yes"

Voters opposing will vote "No"

Town City Clerk Madeline Bottone