



CITY OF ANSONIA BOARD OF ALDERMEN

Special Meeting – August 28, 2012

Call to Order

The Special Meeting of the Ansonia Board of Aldermen was called to order at 7 p.m. by Aldermanic President Gene Sharkey. All those present rose and pledged allegiance to the Flag of the United States of America.

Roll Call

The secretary called the roll:

Edward Adamowski, D1- present
Robert Duffus, D1 - absent
Charles Stowe, R2 - present
Philip Tripp, R2 - present
Joseph Jeanette, D3- present
Kevin Mott, D3 - present
Anthony DeLucia, D4 - present

Jerome Fainer, D4 - absent (7:03)
Howard Madigosky, D5 - present
Joan Radin, R5 - present
Scott Nihill, D6 - present
David Knapp, D7- present
John Marini, R7 - present
Gene Sharkey, D6 - present

President Sharkey declared a quorum of 12 present, 2 absent.

Call of the Meeting

Alderman Nihill MOVED to accept the call of the meeting; SECONDED by Alderman Mott. A voice vote was taken and the MOTION PASSED 12-0.

Ansonia Board of Aldermen
Special Meeting Agenda (Amended)
August 28, 2012 - 7 p.m. - Aldermanic Chambers

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SESSION

RESOLUTION (Old Business)

1. Implementation of new policies and procedures of Ansonia Tax Office. (Tabled Resolution #3 at August 14, 2012 Board of Aldermen meeting).

EXECUTIVE SESSION

1. Discussion of Resolution #1 (take action if necessary)

ADJOURNMENT

Public Session

President Sharkey asked three times if any member of the audience wished to address the Board on the issue of the tax resolution.

Mayor James Della Volpe

This afternoon I received a letter of resignation from our Tax Collector, Bridget Bostic. I just want to inform the Board.

President Sharkey stated, I did check and was going to announce - that is effective immediately.

Raphael Zribi, 9 Grove Street

Reference to Mr. Mayor's... Perhaps the person that send you a letter for her resignation, would you be able, Mr. Mayor, to put a lien on her house?

Mayor Della Volpe asked, excuse me?

Mr. Zribi continued, you put a lien on her house for all the unethical practice that she did in our town. If you read the Connecticut Post today, town of Shelton... I think the whole world read it.

Mayor Della Volpe stated, I understand what you're saying. In Shelton there was money missing. As of today, there is no money missing.

Mr. Zribi stated, there was an unethical practice there. It's a bad example.

Mayor Della Volpe stated, I hear what you're saying, but I just received this and I'm not going to discuss a personnel issue in the Chambers here.

Mr. Zribi stated, perhaps [inaudible] can discuss the police presence in our town. Maybe you need to increase more police presence on our town at night. We can't sleep at night. A shooting happened two weeks ago 20 yards away from my household.

President Sharkey stated, that is not an issue to be discussed here tonight.

Mr. Zribi asked, can you answer me why do Derby and Seymour need to intervene in our town? [Inaudible] our police officers in Ansonia. Why?

Mayor Della Volpe stated, there's a police issue, you say the police from Derby and Seymour...

Mr. Zribi interjected, the police from Derby and Seymour have to come and intervene our town why?

President Sharkey thanked Mr. Zribi. He stated, we will be glad to hear your issue two weeks from now.

Mr. Zribi stated, I hope before I go home tonight you'll give me the answer, why? Why not our own police officers?

President Sharkey thanked Mr. Zribi.

[Alderman Fainer arrives at this point, 7:03 p.m.]

Resolution

1. Implementation of new policies and procedures of Ansonia Tax Office. (Tabled Resolution #3 at August 14, 2012 Board of Aldermen meeting).

Alderman Knapp MOVED to remove from the TABLE Resolution #3 from the regular meeting of August 14, 2012; SECONDED by Alderman Radin. A voice vote was taken and the MOTION PASSED 13-0.

President Sharkey stated, in addition to the original Resolution #3 from the August 14th meeting, all of you have the following documents in your mailboxes relative to tonight's special meeting.

1. Document submitted today titled "Resolution Concerning Impropriety at City Hall"

Proposed Changes (Resolution Concerning Impropriety at City Hall)

1. Publication of a letter to the Tax Collector, Bridget Bostic, requesting her immediate resignation, so as to spare the City the cost of a protracted disciplinary proceeding;
2. Publication of a letter to the Mayor's office recommending termination as the only appropriate disciplinary action for the conduct admitted to by the Tax Collector;
3. The hiring of a forensic fraud auditor to perform a full audit of the Tax Office for a period of 10 years from the present date. The auditor will be hired no more than 30 days from the passage of this resolution. The audit will commence no more than 60 days from the passage of this resolution. The auditor must be from outside the City of Ansonia.
4. Initiation of the Charter Revision process pursuant to Connecticut General Statutes Sections 7-188 et seq (this requires a 2/3 vote of the Board of Aldermen), with the recommendation that the Charter Revision Commission 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.
5. Immediate suspension of all City employees and officials who are known to have received invalid tax clearance certificates, until an investigation into their actions can be conducted and concluded; and

The creation of a 9-member Transparency and Accountability Committee to develop recommendations to improve the overall culture of transparency and accountability in City Hall. This Committee is to consist of individuals who do not presently serve, and who have never previously served, on any City Board, Commission or Committee, and who have never been employed by the City of Ansonia. The Board will be required to consist of an equal number of registered Democrats, Republicans and Unaffiliated voters and given open access to all city records and personnel. Monthly reports will be presented to the Board of Aldermen. Members of the Committee will be recommended by the Mayor and approved by the Board of Aldermen. This Committee is to be formed in no less than 30 days from the passage of this resolution.

2. Suggested changes/additions to the tabled Resolution #3 from the Board of Aldermen meeting of August 14, 2012.

President Sharkey stated, these two items are both modifications, and not resolutions. We will take these as suggested modifications to the original Resolution #3.

Alderman Marini noted that there are a lot of new ideas that should be reviewed tonight point by point and each voted upon as modifications of the original resolution.

President Sharkey noted that some ideas came from the mayor's press release. In the meantime, the Mayor talked about turning over the report that he had gotten from the investigation that was done - the Corporation Counsel, the Labor Attorney and an Auditor - and turning that over to the Police Department. Chief Hale has issued a statement that the Chief State's Attorney's office has agreed to look into this. If the Chief's State's Attorney's Office takes it, they may possibly do a forensic audit.

The Aldermen then discussed the merits and drawbacks of conducting a forensic audit, what the appropriate timeframe should be, and who should order it. One suggestion was that a subcommittee of the Board begin meeting with prospective auditors as soon as possible. Another was to have the Finance Committee of the Board of Aldermen meet with our own auditor and have him

be part of the process. **President Sharkey will call a meeting of the Finance Committee on 6 p.m. Thursday, September 6th and invite a representative of the Tax Collector's Association of Connecticut and our auditor.**

The Aldermen and Labor Counsel Teodosio discussed comparisons to the Town of Oxford, and the Town of Derby. It was noted again that in those towns, cash was missing. Oxford did interview various professionals with regard to a process that could occur with regard to audits. The audits are time-consuming and very, very expensive.

The State Tax Collector's Association can send a representative to Ansonia to explain some of the red flags that could exist in a department. Again, this department has no allegations of money being missing. Perhaps that representative can give recommendations that would offer more of a check and balance in the future for the Tax Office.

Chief Hale discussed the procedures of the State's Attorney's Office's. Their job is to determine criminality. Either there is, or there isn't. They most likely will not advise the city on what to do with non-criminal procedural violations within the Tax Office. They will stick with criminal/non-criminal.

Another point of discussion was the actual suspension of those employees of the City that benefited by being able to register their cars while not paying their city taxes.

Alderman Marini explained that he feels that in order to make all of these changes part of the regular policy of the Tax Office that a Charter Revision Commission needs to be appointed by the Mayor so that they don't go away in the future.

Mayor Della Volpe explained that he has already begun implementing some of the changes already. And now, when a release is issued, a log is kept with the name of the person that received the release. The Mayor has already contacted the Association in order that we may get a temporary Tax Collector to come in until everything is figured out.

Alderman Marini MOVED that Charter Revision process begin and that the Mayor appoint a Charter Revision Commission; SECONDED by Alderman Radin.

Extensive discussion ensued about the appointment of a Charter Revision Commission. Alderman Marini suggested that possible items to include in a Charter Revision would be the monies proposal, the 48-hour window for depositing funds, the board/commission members being found in arrears for more than one year being removed, requiring certification as a prerequisite for the position of Tax Collector, requiring regular audits of the Tax Office. **President Sharkey noted that certification of the Tax Collector can be written into the job description and does not require a Charter change.**

Acting Personnel Director Tara Kolakowski will research and see if it's already in the job description. If not, the Salary Committee of the Board of Aldermen can meet and make that part of the job description.

Mayor Della Volpe stated that he would not be opposed to starting the Charter Revision process as he would like to see a comprehensive review and revision of the Charter.

Corporation Counsel Blake explained that the Charter Revision process is a long one, and any changes would not appear on the ballot this coming November.

For clarification purposes President Sharkey stated, this is a motion to direct Mayor Della Volpe to start a Charter Revision Commission, and we are making this part of the Resolution on the Tax Office.

A roll call vote was taken as follows:

Alderman	YES	NO	ABSTAIN
Adamowski	X		
Duffus			
Stowe	X		
Tripp	X		
Jeanette	X		
Mott	X		
Fainer		X	
DeLucia	X		
Radin	X		
Madigosky		X	
Nihill	X		
Marini	X		
Knapp		X	
Sharkey		X	
TOTALS	9	4	

The MOTION PASSED 9 Yes, 4 No, 0 Abstentions.

President Sharkey stated, I don't think this is the proper place for it; I think it should have been done two weeks from now at the regular meeting of the Board of Aldermen.

The Aldermen then discussed the immediate removal of board and commission members that are in arrears. President Sharkey noted that this notion appears in two of the recommendations - one suggestion was to revise the City Charter limiting membership on all City commissions and boards to individuals who have fallen more than one year behind on their motor vehicle taxes, property taxes or sewer assessments. The other suggestion was, any board or commission member found in arrears and owing any City taxes for a period of

more than a year shall be removed from his or her position. They basically say the same thing. The City Charter way of doing it won't take effect until at least November of 2013.

Alderman Stowe felt that if somebody has been serving the city with due diligence, lost their job and were making an attempt to pay their taxes in some kind of an agreement, a case such as this could merit consideration, and not immediate dismissal of that person's service. Somebody that doesn't want to pay - that decision would be very easy.

President Sharkey explained that it can go to City Charter, and in addition the Board can do something immediately as well.

The Aldermen discussed the various options of anyone that owes taxes would be automatically removed, or the name can be brought before the full Board for a vote. Then the Aldermen would have a chance to research and see if the person was making an attempt to pay or not.

The Aldermen need a list of delinquent taxpayers and a list of which of those are delinquent board/commission members and delinquent city employees. Once the list is prepared, the Aldermen can act upon these on a case-by-case basis.

President Sharkey noted that nobody is working on such a list right now because the proposed Resolution was tabled last month. Once the resolution is adopted we can direct somebody to compile the list.

Alderman Nihill MOVED to ADOPT Resolution #3 from the August 14, 2012 Regular Meeting as it was written, but changing the dates in paragraph #5 and the last paragraph to October 9, 2012; SECONDED by Alderman Adamowski.

Resolution #3 from the August 14, 2012 Regular Meeting

RESOLUTION
CITY OF ANSONIA

Aldermen Edward Adamowski of the 1st Ward and Jerome Fainer of the 4th Ward introduced the following Resolution:

Implementation of New Policies and Procedures of the Ansonia Tax Office

WHEREAS, the citizens of Ansonia are honest, hard-working taxpayers and ratepayers; and

WHEREAS, the citizens of Ansonia absolutely deserve to have full confidence that their payment of taxes and fees to the city government must be

conducted in a manner that is honest, ethical and fair to each citizen and not tolerate any abuse, favoritism or disrespect to anyone for any reason whatsoever;

NOW THEREFORE BE IT FULLY RESOLVED that the following shall be the policy of the City of Ansonia:

A list of both citywide delinquent taxpayers and city employee and board, agency and commission member delinquent taxpayers shall be prepared on a quarterly basis by the Tax Collector's Office and be put on public display in written copy at the Tax Collector's Office and posted on the city's website; and

The transmission to the State of Connecticut Department of Motor Vehicles (DMV) of all necessary taxpayer delinquency information shall be conducted vigorously in compliance with state law and copies of such reports shall be transmitted to the Mayor and Board of Aldermen on a quarterly basis; and

The Tax Collector's Office shall compare both lists with DMV records of motor vehicles registered in the State of Connecticut and owned by Ansonia residents. This process shall identify delinquent taxpayers who have improperly succeeded in registering their motor vehicles; and

A written DMV tax release protocol shall be established in the office which requires use and documentation of use of the tax service on a regular basis. Such protocol shall include photocopies, numbered releases and other necessary safeguards and best practices; and

A list of all DMV tax releases and forbearance of interest for the previous five years shall be prepared and presented to the Mayor and Board of Aldermen on or before September 1, 2012; and

All employees of the Tax Collector's Office shall be banned from processing and recording a tax payment made for such employee or family member of such employee; and each of the previous provisions shall apply to the Water Pollution Control Authority's collection of sewer taxes and fees, as applicable; and

The City of Ansonia's Corporation Counsel and Labor Counsel shall report to the Mayor and the Board of Aldermen as to available legal remedies for the collection of delinquent and fees owed by city employees and board, agency and commission members and such report shall be delivered in writing on or before the Wednesday prior to the next regularly scheduled meeting of the Board of Aldermen.

A roll call vote was taken as follows:

Alderman	YES	NO	ABSTAIN
Adamowski	X		
Duffus			
Stowe	X		
Tripp	X		
Jeanette	X		
Mott	X		
Fainer	X		
DeLucia	X		
Radin	X		
Madigosky	X		
Nihill	X		
Marini	X		
Knapp	X		
Sharkey	X		
TOTALS	13	0	0

The MOTION PASSED 13 Yes, 0 No, 0 Abstentions.

Suggested changes/additions to the tabled Resolution from the Board of Aldermen meeting of August 14, 2012

From: Aldermen Adamowski, Duffus, DeLucia, Mott, Jeanette, Knapp, Madigosky, Nihill, Fainer, and Sharkey

- A forensic audit shall be performed on all taxes collected by the city for the period of the last five years. This audit shall not be in conflict with any investigation conducted by the State's Attorney's office.

Alderman Marini MOVED that the Finance Committee meet with the State Tax Collector's Association people, our City auditor, we'll talk about getting name of possible forensic auditors, find out where we want to go, what parameters we want to use - how many years to go back in an audit. We were going to bring a report back to the full Board of Aldermen; SECONDED by Alderman Fainer.

President Sharkey stated, we will talk about multiple things - policies that we have, policies that we should have, and mainly we will be talking about conducting a forensic audit.

Alderman Stowe suggested that the Salary Committee also attend that meeting in order to discuss a possible scope of work for the new Tax Collector. He noted it would be good for everybody to hear it at one time.

Attorney Teodosio explained that the job description for the Tax Collector is part of the collective bargaining agreement and if it is going to be changed, it may require negotiation with the union. Your intentions are good and at some point you'll come up with a different description. Just because you pass it doesn't mean it goes into effect. We do need to sit down with them and discuss it.

President Sharkey stated for that meeting that night I would like the members to have a copy of the job description. If we want to change it before someone is hired, and if it has to go before the union, then so be it.

A roll call vote was taken as follows:

Alderman	YES	NO	ABSTAIN
Adamowski	X		
Duffus			
Stowe	X		
Tripp	X		
Jeanette	X		
Mott	X		
Fainer	X		
DeLucia	X		
Radin	X		
Madigosky	X		
Nihill	X		
Marini	X		
Knapp	X		
Sharkey	X		
TOTALS	13	0	0

The MOTION PASSED 13 Yes, 0 No, 0 Abstentions.

- All monies collected by the city shall be deposited within a 48-hour period. Monies collected on a Friday or before a holiday must be deposited within 48 hours on the next regular business days.

Discussion: Many concerns have been brought up about checks not being deposited in a timely manner, and this needs to be addressed as part of the resolution. Mayor Della Volpe is already implementing this change.

Alderman Fainer MOVED that all monies collected by the city shall be deposited within a 48-hour period; and further, monies collected on a Friday or before a holiday must be deposited within 48 hours on the next regular business day; SECONDED by Alderman Adamowski.

A roll call vote was taken as follows:

Alderman	YES	NO	ABSTAIN
Adamowski	X		
Duffus			
Stowe	X		
Tripp	X		
Jeanette	X		
Mott	X		
Fainer	X		
DeLucia	X		
Radin	X		
Madigosky	X		
Nihill	X		
Marini	X		
Knapp	X		
Sharkey	X		
TOTALS	13	0	0

The MOTION PASSED 13 Yes, 0 No, 0 Abstentions.

- Any board or commission member found in arrears, and owing any city taxes, for a period of more than a year, shall be removed from his or her position.

President Sharkey noted that this is one item that will be discussed in Charter Revision. Everything we refer to in this section refers to motor vehicle taxes, property taxes, and sewer assessments.

Alderman Adamowski MOVED that any board or commission members whose appointments are approved by the Board of Aldermen that are found in arrears and owing any city taxes or fees for a period of more than a year shall be brought up for a vote by this Board for possible removal on a case by case basis; SECONDED by Alderman Mott.

Discussion ensued about holding city employees responsible for the payment of their taxes as well. Labor Counsel Teodosio explained that if someone happens to be employed by the City of Ansonia, their job and their tax responsibility are two separate things. In addition, their pay cannot be garnished for the purpose of collecting taxes. The only way you can attempt to deal with that is to change the collective bargaining agreement to include “if you don’t pay your taxes, you don’t have a job in the City of Ansonia.” The Aldermen discussed extending this to volunteers such as coaches and firefighters as well.

A roll call vote (on the original motion) was taken as follows:

Alderman	YES	NO	ABSTAIN
Adamowski	X		
Duffus			

Stowe	X		
Tripp	X		
Jeanette	X		
Mott	X		
Fainer	X		
DeLucia	X		
Radin	X		
Madigosky	X		
Nihill	X		
Marini	X		
Knapp	X		
Sharkey	X		
TOTALS	13	0	0

The MOTION PASSED 13 Yes, 0 No, 0 Abstentions.

Alderman Marini MOVED to send a letter to the Mayor advising that this Board of Aldermen wishes to see provisions in all future collective bargaining agreements to make employment with the City contingent on paying your taxes and not falling more than that one year behind; SECONDED by Alderman Stowe.

Labor Counsel Teodosio explained that both contracts that are being negotiated right now are at a point where negotiations are closed. We are arguing the points that have been put forth. It would have to apply to the next contract that's opened up. Attorney Teodosio explained that you can deal with union employees in the same fashion that you can deal with other taxpayers, but as far as touching the union employee's right to have a job or garnishing their wages or disciplining them in a way that is outside of the collective bargaining agreement, nothing can be done about the union employees' non-payment of taxes.

A roll call vote was taken as follows:

Alderman	YES	NO	ABSTAIN
Adamowski	X		
Duffus			
Stowe	X		
Tripp	X		
Jeanette	X		
Mott	X		
Fainer	X		
DeLucia	X		
Radin	X		
Madigosky	X		
Nihill	X		
Marini	X		

Knapp	X		
Sharkey	X		
TOTALS	13	0	0

The MOTION PASSED 13 Yes, 0 No, 0 Abstentions.

Alderman Marini MOVED to strongly recommend that the Mayor regarding the individuals who have received invalid clearance forms be suspended with pay pending the result of the City’s investigation; SECONDED by Alderman Stowe.

Alderman Marini stated, what is fair for the Tax Collector is fair for all. I am talking about the invalid clearance form that you did not pay your motor vehicle taxes but you got it anyway.

Mayor Della Volpe stated, as soon as we hold a fact finding, we will notify the union so they will have representation or they can have an attorney present, and we would go over the facts. Once we get the facts we will make a determination on what type of discipline we would hand out.

A roll call vote was taken as follows:

Alderman	YES	NO	ABSTAIN
Adamowski	X		
Duffus			
Stowe	X		
Tripp	X		
Jeanette	X		
Mott	X		
Fainer	X		
DeLucia	X		
Radin	X		
Madigosky	X		
Nihill	X		
Marini	X		
Knapp	X		
Sharkey	X		
TOTALS	13	0	0

The MOTION PASSED 13 Yes, 0 No, 0 Abstentions.

Alderman Marini MOVED for the creation of a nine-member transparency and accountability committee to develop recommendations to improve the overall culture of transparency and accountability in City Hall. This Committee is to consist of individuals who do not presently serve, and who

have never previously served, on any city board commission or Committee and who have never been employed by the City of Ansonia. The board will be required to consist of an equal number of registered democrats republicans and unaffiliated voters and given open access to all city records and personnel. Monthly reports will be presented to the board of aldermen members of the Committee will be recommended by the mayor and approved by the Board of Aldermen. This Committee is to be formed in no less than 30 days from the passage of this resolution. **SECONDED** by Alderman Tripp.

A roll call vote was taken as follows:

Alderman	YES	NO	ABSTAIN
Adamowski		X	
Duffus			
Stowe	X		
Tripp	X		
Jeanette		X	
Mott		X	
Fainer		X	
DeLucia		X	
Radin	X		
Madigosky		X	
Nihill		X	
Marini	X		
Knapp		X	
Sharkey		X	
TOTALS	4	9	

The MOTION FAILED 4 Yes, 9 No, 0 Abstentions.

Adjournment

Alderman Nihill MOVED to adjourn; **SECONDED** by Alderman Stowe. A voice vote was taken and the MOTION PASSED 13-0.

The meeting adjourned at approximately 9:05 p.m.

Respectfully submitted,

Patricia M. Bruder, Secretary
Ansonia Board of Aldermen