

DERBY BOARD OF ALDERMEN MEETING

NOVEMBER 18, 2004 - DERBY CITY HALL, ALDERMANIC CHAMBERS – 7:00 P.M.

MINUTES

Mayor Marc J. Garofalo called the meeting to order at 7:08 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Alderwoman Sheila Parizo, Alderman Bruce Sill, Alderman Joseph Bassi, Alderman Ronald Sill, Alderman Robert Gabianelli, Alderman John Orazietti, Alderman Samuel M. Rizzitelli, Jr., Alderman Michael Flora, Sr. (arrived at 7:15 p.m.)

Absent: Alderwoman Linda Fusco (Excused Absence)

Also Present: David L. Kopjanski, Building Official/Zoning Enforcement Official
Gary M. Parker, Director, Public Works – Chief, Derby Fire Department
Chief Andrew L. Cota, Jr., Derby Police Department
Dennis O'Connell, Director, Parks & Recreation Dept. (arrived at 7:12 p.m.)
Richard Lutz, Mayoral Assistant
Joseph Orazietti, Athletic Director – Derby High School
Warren Holcomb, Esq.

ADDITIONS, DELETIONS, CORRECTIONS & ADOPTION OF AGENDA

Mr. Orazietti said he had a few inquiries regarding Items 12 (October Redevelopment Agency Report); 15 (October Office of Development & Administration Report); 16 (October Parking Division Report); and 17 (October Economic Development Revolving Loan Report.) None of these reports were included in his packet and he would propose striking them from the agenda. Mayor Garofalo said items 16 and 17 are on the agenda a week earlier than usual. They will be stricken from the agenda and Ms. Finn will mail them out to the members. Mayor Garofalo said he would give an update for item 12. Mr. Orazietti asked about item 15? Mayor Garofalo said it would be addressed later in the meeting.

Mr. Orazietti said there was also a letter from John Hourihan on Seymour Avenue. He would recommend that matter be referred to the Neighborhood Committee. Mayor Garofalo said the matter is being looked at and if it is Mrs. Fusco's prerogative to take it up then she should do so.

Mr. Orazietti said the last item he would like to discuss is the letter received on November 10th regarding Wellnet Healthcare. Mayor Garofalo said he gave it the full Board of Aldermen for information and he has referred it to the Insurance Commission for their review.

A MOTION was made by Mr. Rizzitelli with a second by Mr. B. Sill to delete items 16 (October Parking Division Report); and 17 (October Economic Development Revolving Loan Report) and adopt the agenda as amended. **Motion carried.**

PUBLIC PORTION

No one wished to speak.

PUBLIC PORTION CLOSED

MINUTES

A MOTION was made by Mr. Gabianelli with a second by Mr. R. Sill to approve the minutes of the October 28, 2004 meeting. Mrs. Parizo abstained. **Motion carried.**

OCTOBER POLICE DEPARTMENT REPORT

There were no questions asked. Report placed on file.

OCTOBER FIRE MARSHAL REPORT

It was noted that the Fire Marshal is out of town at a two-day Arson Seminar. There were no questions asked. Report placed on file.

OCTOBER PUBLIC WORKS DEPARTMENT REPORT

Mr. Rizzitelli asked about the Road Bond - is Bank Street completed? Mr. Parker said the top portion is on. Some curbing and striping needs to be completed. It should be done within a week and a half. Mr. Oraziotti asked if King's Court and Hillcrest was on target based on the presentation the other night? Mr. Parker said it would be paved by next week.

OCTOBER BUILDING DEPARTMENT REPORT

There were no questions asked. Report placed on file.

OCTOBER BLIGHT REPORT

There were no questions asked. Report placed on file.

OCTOBER REDEVELOPMENT AGENCY REPORT

Mayor Garofalo said from our last update that we had and further follow up from Mr. Ceruzzi, as they were preparing for the design charrette their architects and the consultants for the charrette itself said they would not be ready for December 13 – they would be ready for December 17. Therefore the following week being the week of Christmas they didn't feel that there would be full participation. So it has tentatively been rescheduled for the first available time after the holidays – January 4, 2005. We will meet at our regular meeting of the Redevelopment Agency on December 15, 2004, which the aldermen will be invited as well. At that time we will discuss the Impact Study – it will be distributed in advance of the meeting.

OCTOBER PARKS & RECREATION COMMISSION REPORT

There were no questions asked. Report placed on file.

OCTOBER CULTURAL COMMISSION REPORT

Mayor Garofalo noted that the report was passed out this evening. There were no questions asked. Report placed on file.

OCTOBER OFFICE OF DEVELOPMENT & ADMINISTRATION REPORT

There was no report in the packet. Mayor Garofalo asked Ms. Finn to inquire as to where the report is and have it presented for the next meeting.

OCTOBER PARKING DIVISION REPORT

Without objection, **TABLED** until the next meeting.

OCTOBER ECONOMIC DEVELOPMENT REVOLVING LOAN REPORT

Without objection, **TABLED** until the next meeting.

APPROVE APPOINTMENT OF LITTLE LEAGUE/GIRLS SOFTBALL COMPLEX SEARCH COMMITTEE

Mayor Garofalo said this board, through the Neighborhood Committee, did endeavor to look at the Comprehensive Plan that was developed by the Parks & Recreation Commission with respect to priorities as it relates to the field needs. As such the fields at Witek Park were identified as the first priority. The next priority on the list was the Little League Fields for addressing the needs that we have for Little League and Girls' Softball. The further needs after that would be the Ryan Field. He said there has been significant interest from some folks at Little League and we wanted to make sure we had some folks from Parks & Recreation and other interested parties that have a wealth of experience to participate. Mayor Garofalo recommends the following individuals to be appointed as the Little League/Girls Softball Complex Search Committee:

- Roger Bowman (He was part of the soccer program and has expressed interest to support the next phase of this)
- James Benanto (Former Athletic Director at Shelton High School and a graduate of Derby Public Schools)
- George French, Jr. (Graduate of Derby Public Schools – just finished his college education)
- Gary Haydu (Member of the Little League Coaches Group)
- Barry McMahon (A coach of Little League and a Police Officer for the City of Ansonia)
- Raymond Kreiger (Member of the Little League Group)
- David LaRue (President of the Little League Coaches)
- Ron Russell (Member of the Little League Coaches)
- Gary Cirillo (Former Little League Coach, involved in several recreation programs)
- Matthew Cripps (Parks & Recreation Commission)
- Dennis O'Connell (Parks & Recreation Director)

Mayor Garofalo said he feels this is a good mixture of people and he is confident that it will be a successful endeavor to come up with the best cost-effective solution for the City of Derby.

A MOTION was made by Mr. Rizzitelli with a second by Mr. Bassi to approve the above individuals to be appointed to the Little League/Girls Softball Complex Search Committee.

DISCUSSION ON MOTION

Mr. Rizzitelli asked Mayor Garofalo how many members would make up the commission? Mayor Garofalo said there would be eleven members.

MOTION CARRIED.

APPROVE BID WAIVER FOR TURF IMPROVEMENT AT RYAN FIELD

Mayor Garofalo said the Board of Apportionment and Taxation received a letter from Dennis O'Connell dated November 9, 2004 regarding funding. The funding has been put in place by the Board of Apportionment and Taxation – they did approve a bid waiver on Monday evening pursuant to the written approval of the members that were absent. It was also brought up and discussed at the Neighborhood Committee.

Mr. Bassi from the Neighborhood Committee said this was approved at our meeting the other night. We all thought it was a good idea.

A MOTION was made by Mr. Bassi with a second by Mr. Gabianelli to waive the bid for the turf improvement at Ryan Field subject to the submission of three written quotes and upon the written approval of the Street Commissioner and the Parks & Recreation Director.

DISCUSSION ON MOTION

Mr. Flora asked what exactly is being done to the fields? Mr. O'Connell said the project consists of fresh sod, new grass – basically on two-thirds of the field. A consultant came and looked at the site – he submitted a proposal and a recommendation. He felt that about five yards on each sideline was still in very good shape, however, the center of the field is complete dirt. The reason for the bid waiver would be so we could initiate this project immediately – to try to get this stuff down before winter comes. Mr. Bassi asked if the sidelines would also be completed? Mr. O'Connell said they would not be putting sod there. They would plant grass seed.

MOTION CARRIED.

Mr. O'Connell said Mr. Joe Oraziotti really spearheaded this effort – he spent a lot of time on it.

AUTHORIZE PLACEMENT OF 34-36 LAKEVIEW TERRACE ON THE BLIGHT LIST (REGULAR & EXECUTIVE SESSION)

Mr. Bassi said the Neighborhood Committee discussed this item and it is their recommendation to add this address to the blight list.

A MOTION was made by Mr. Bassi with a second by Mr. Gabianelli to authorize the placement of 34-36 Lakeview Terrace on the Blight List.

DISCUSSION ON MOTION

Mr. Kopjanski said this is a long-standing violation going back to 1998. No Executive Session would be required for this item.

MOTION CARRIED.

ADOPT LEGAL DESCRIPTION OF FRANCIS STREET

Alderman Rizzitelli reported from the Neighborhood Committee. He noted there is a long-standing problem of confusion on Francis Street. There is residential property situated at the back that had problems with commercial use on the street. We also had a problem of enforcing laws – some of the laws regarding use of vehicles on the street. So we asked the City Engineer to draft a legal description of what exactly is Francis Street. The source of the problem is our police officials, fire marshal, public works officials could not define exactly what Francis Street was because it had never really been laid out accurately in the Land Records. So this is a Legal Description that references a survey map from our City Engineer Milone & MacBroom.

Mr. Rizzitelli said he would like to make that in a form of a motion - that we adopt the legal description as Francis Street to be recorded in our Land Records under the Grantor Indexing. He would defer to Corporation Counsel if it should be in the Grantee Index as well. Mayor Garofalo said he just wants to be clear on the specifics. We're adopting the legal description of Francis Street or adopting the legal description as Francis Street? Mr. Rizzitelli asked what is the distinction? Of or as – I don't understand why that's different? Mayor Garofalo said for the record we should be clear. My understanding is this is a right-of-way. Atty. Holcomb said it is a right-of-way – however a public highway can be a right-of-way. Mayor Garofalo asked if we are accepting this as a City street or are we just saying this is what we acknowledge is Francis Street. Atty. Holcomb said it is his understanding that the motion is just limited to being the description of what Francis Street is. For the purpose of the motion it's assumed that it is a public street. Mr. Rizzitelli said this would be the legal description of the street that we know as Francis Street. Mayor Garofalo asked Mr. Parker if this was already a City street? Mr. Parker said it has been on the Town Aid List.

PARCEL: FRANCIS STREET RIGHT-OF-WAY

A certain parcel of land located in the City of Derby, County of New Haven and State of Connecticut being bounded and described as follows:

Beginning at a point on the westerly street line of Hawkins Street at the northeasterly corner of land now or formerly of Signs Unlimited, Inc.;

thence running South 89° -26'-27" West 415.77 feet along land now or formerly of Signs Unlimited, Inc., land now or formerly of Peter Tasi and land now or formerly of Amos A. Lucarelli, each in part, to a point;

thence running North 16° -30'-01" East 47.07 feet along land now or formerly of Dominick & Nereida Tuzzo and land now or formerly of Adelina Petrazzuoli Gallagher, each in part, to a point;

thence running North 89° -26'-27" East 422.00 feet along land now or formerly of Irene A. Garbatini, land now or formerly of Signs Unlimited, Inc., land now or formerly of Brian M. Dworkin and land now or formerly of Mary Fanning and Barbara Guluzzy, each in part, to a point;

thence running South 23° -26'-27" West 49.26 feet along the westerly street line of Hawkins Street to the point of beginning.

Being more particularly bounded and described on a map entitled: "General Location Survey, Francis Street, Derby, Connecticut," scale: 1"=30', dated October 11, 2004, prepared by: Milone & MacBroom, Inc.

A MOTION was made by Mr. Rizzitelli with a second by Mr. R. Sill to adopt the legal description and map of Francis Street that was prepared by Milone & MacBroom, Inc., on October 11, 2004 for recording in the Land Records and the Grantor Index.

DISCUSSION ON MOTION

Mr. Orazietti asked if this would now allow the Fire Marshal and/or Fire Chief to authorize the fire lanes? Mr. Rizzitelli said it would. He asked if it would also allow the Police Department to enforce whatever laws that have to be enforced there? Mr. Rizzitelli said yes – including zoning enforcement laws, blight enforcement laws, all that can now be enforced since we now understand the exact boundaries of that street. All the laws can now be enforced – there are no more excuses. Mr. Orazietti asked Chief Parker if he could get the fire lane installed? Chief Parker said he had not yet seen the map – but now that it is accepted he would recommend having a meeting with himself, the Fire Marshal, Chief Cota, City Engineer to discuss setting up the tools so that the enforcing actions can go into effect. Mr. Kopjanski also stressed that a parking plan needs to be set up for Francis Street. He said the Traffic Commission is going to be looking into this.

MOTION CARRIED.

APPROVE SITE LICENSE PERMIT FOR RICHARD AND LOLA NICHOLS AT MCCONNEY'S GROVE

Mrs. Parizo said we receive an application every year from the Nichols Family to operate their hot dog stand across from McConney Grove. The Administration Committee received their application and all is in order.

A MOTION was made by Mrs. Parizo with a second by Mr. Bassi to approve the Site License Permit for Richard and Lola Nichols to operate their hot dog cart at the McConney's Grove Site. **Motion carried.**

AUTHORIZE SITE LICENSE PERMIT FOR MICHAEL PERELLI AT ORANGE DERBY SHOPPING CENTER

Mrs. Parizo from the Administration Committee reported that their committee had received a Site License Permit application from Michael Perelli to sell Christmas Trees and Cemetery pieces at the Orange Derby Shopping Center. She noted that Mr. Perelli is at the center every year selling the trees and cemetery pieces. He will bring in his new insurance certificate prior to November 24th.

A MOTION was made by Mrs. Parizo with a second by Mr. Bassi to approve the Site License Permit for Michael Perelli of J&J Christmas Trees to sell Christmas Trees and Cemetery pieces at the Orange/Derby Shopping Center.

DISCUSSION ON MOTION

Mr. Oraziotti said the application notes that the items are to be sold on private property. Does Mr. Perelli have a letter from the property owner? Mrs. Parizo said he is going to drop off the letter when he delivers the insurance certificate.

MOTION CARRIED.

DISCUSS PERSONNEL MATTERS IN THE TOWN CLERK'S OFFICE (REGULAR & EXECUTIVE SESSION) / DISCUSSION OF BACCHIOCCHI V. CITY OF DERBY (REGULAR & EXECUTIVE SESSION) /DISCUSSION OF STRATEGY AND NEGOTIATIONS REGARDING SOUTHSIDE OF MAIN STREET REVITALIZATION (EXECUTIVE SESSION ONLY)

A MOTION was made by Mrs. Parizo with a second by Mr. Gabianelli to go into Executive Session at 7:48 p.m., subject to adjournment, inviting Mr. Lutz and Atty. Holcomb to discuss personnel matters in the Town Clerk's Office, to discuss Bacchiocchi v. City of Derby and to discuss strategy and negotiations regarding the Southside of Main Street Revitalization. Chief Cota is invited to sit in on the matter of Bacchiocchi v. City of Derby only. Alderman Samuel M. Rizzitelli said he would recuse himself from discussion regarding the matter of strategy and negotiations for the Southside of Main Street Revitalization. **Motion carried.**

Respectfully submitted,

Patricia Finn
Temporary Recording Secretary

/paf

A TAPE RECORDING OF THIS MEETING IS ON FILE IN THE CITY CLERK'S OFFICE