

## DERBY BOARD OF ALDERMEN MEETING

MARCH 11, 2004 - DERBY CITY HALL, ALDERMANIC CHAMBERS – 7:30 P.M.

### MINUTES

Mayor Marc J. Garofalo called the meeting to order at 7:37 p.m. All rose and pledged allegiance to the flag.

#### Roll Call

Present: Alderman Robert Gabianelli, Alderman Bruce Sill, Alderman John Oraziotti, Alderman Michael Kelleher, Alderman Joseph Bassi, Alderwoman Linda Fusco, Alderman Ronald Sill, Alderman Samuel Rizzitelli, Alderwoman Sheila Parizo

Also Present: Richard T. Dunne, Executive Director, ODA  
David L. Kopjanski, Building Official  
Philip Hawks, Fire Marshal  
Gary M. Parker, Public Works Director  
Henry J. Domurad, Jr., Chairman – Board of Apportionment & Taxation  
Chief Andrew Cota, Derby Police Dept.  
Dr. Martin Gotowala, Superintendent of Schools  
Richard Lutz, Mayoral Assistant  
Warren Holcomb, Esq.

Mayor Garofalo welcomed back Bruce Sill and wished Ron Sill a happy birthday.

#### ADDITIONS, DELETIONS, CORRECTIONS & ADOPTION OF AGENDA

Mayor Garofalo noted that there are two additions and one correction to the agenda:

##### Additions

1. To extend to 2004 Cutola Paving for the Road Bond Project
2. Metropolitan District for the household waste collection day on September 18, 2004

##### Correction

1. Item #27 – Authorize Settlement Agreement regarding 2 Ashwood Terrace should be in Regular and Executive Session.

**A MOTION** was made by Mr. Gabianelli and seconded by Mr. Rizzitelli to adopt the agenda as amended. **Motion carried.**

#### PUBLIC PORTION

Henry J. Domurad, Jr., 6 Devon View Road, Derby – I would like to address item #17 – the Mayor's assistant salary increase. First I would like to make it clear that the Board of Apportionment and Taxation representation on the Admin Subcommittee argued strongly against the timing and the amount of the raise. As you know we've done a zero-based budget in the City of Derby for the past two years and this is not a budgeted item for 2003-2004 fiscal year. The Mayor argued at great length for the merit increase this past meeting; however, the argument should have taken place last May before the preparation of the budget. Secondly one of the arguments for the

raise was that this position has not received a compensation increase in the past few years. The argument there is the current employee has only been in that position for one year and I don't think in good conscience is entitled to two years of cost of living raises. Thirdly the (inaudible) another argument for the size of the increase was that the scope of the position, the responsibilities has increased greatly from original development of the position or reinstatement of the position because it has been there for some time – it wasn't reinstatement until Mr. Garofalo's first term. As of the last meeting we did not receive a job description with the added responsibilities. We had a list of the responsibilities or (inaudible) that the person had been fulfilling or carrying out. So I would expect that you would have in your packet before you vote on it a job description. Lastly I think the City really needs a comprehensive plan for City Hall. I argued this several years ago when I was on a committee that tried to implement the finance director before the Charter Revision kicked in and took over. At that time I argued that we should be looking at the function of City Hall especially in light of purchasing the Webster Bank building and to see how we can better make the departments at the City Hall work better with each other and to serve the people better. And to date that has not taken place. I think it behooves us to restructure City Hall and work this in – the new job description into that scenario before we go forward. That's it. Thank you.

Leo Moscato, 275 Main Street, Derby – business owner /business interest downtown with my family – I don't know if anyone is aware what's going on but I would like to know, and I think the people of Derby would like to know, if there's any possibility that we can get a resumption on what's going on downtown with the demolition project? Anybody from the city fathers be able to answer for us?

Mayor Garofalo – There's a Redevelopment Agency report on the agenda and the report will be delivered at that time.

Mr. Moscato – Today's meeting? Another question – how about the status of the parking garage? Friday, Saturday night I think we discussed that.

Mayor Garofalo – I believe the matter is in committee.

Mr. Moscato – Excuse me?

Mayor Garofalo – I believe the matter is in committee.

Mr. Moscato – What committee?

Mayor Garofalo – The Downtown Committee.

Mr. Oraziotti – May I ask a question Mr. Mayor? Mr. Moscato, what exactly is your question about that so I understand it?

Mr. Moscato – About the parking? Well I believe it was put in front of the Mayor that we would see some action on some spending and getting some projects completed so we could move on. I also believe that Planning & Zoning has made an agreement with Archie Moore's Restaurant and all the other businesses around town I bet you I can speak for them too, and I think we should have an answer soon so we can get it open. I don't know if you've ever taken – but recently my tenants have complained about parking and its been going on for the last three – we're on our third season and I

believe (inaudible) and construction, demolition was going pretty well until it stopped maybe a week later. So I think there should be some answers.

Mr. Oraziotti – Mr. Moscato if I may – on the Office of Development & Administration that's going to be part of this meeting I have some questions to ask Mr. Dunne and maybe you'll be given your answers then – how's that? There's questions that I have to ask him. Just so you know that it's going to be addressed, okay?

Beth Collette, 157 Minerva Street, Derby – I would like to discuss with you something that is very important to the City of Derby and something that is very important to the children and some peoples grandchildren in the City of Derby and that is the formation of a building committee to separate the 7<sup>th</sup> and 8<sup>th</sup> graders from the high school. I see on the agenda for tonight that there is no discussion of a building committee and what I would like to do is open additions, deletions, corrections and see if I could put that on the agenda so we can have an open discussion of what needs to be done for a building committee to be formed.

Mayor Garofalo – Well that item Mrs. Collette you can refer to the Downtown Committee. That committee handles education. If you would like to do that I would suggest that you address it to the Downtown Committee.

Mrs. Collette – Can I have that put on the Downtown Committee agenda for next week? Can I do that here?

Mr. Oraziotti – Yes you may.

Mrs. Collette – Thank you Mr. Oraziotti.

Mayor Garofalo – Hearing no others that would like to address the public – the public portion was closed.

## **PUBLIC PORTION CLOSED**

### **MINUTES**

**A MOTION** was made by Mrs. Parizo and seconded by Mrs. Fusco to approve the minutes of the February 26, 2004 meeting. **Motion carried.**

Mayor Garofalo said that Item #18 - TAKE ACTION ON COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DERBY BOARD OF EDUCATION AND THE DERBY EDUCATION ASSOCIATION – The Superintendent is here and the Board of Education is holding a meeting. He has asked if this could be moved up on the agenda. Without objection the item was moved up.

Dr. Gotowala – As I understand it there were questions at the last meeting and you all should have gotten something in the mail. Bob Murphy, the board's attorney, was asked to answer four questions and there were written responses submitted. I was asked to come tonight to answer additional questions, that's the message I received, on the teachers' contract.

IT WAS NOTED THAT SEVERAL MEMBERS OF THE BOARD DID NOT RECEIVE THE WRITTEN RESPONSE.

Dr. Gotowala read the four questions and the corresponding answers.

**Q – WHY ISN'T THE PAY RATE FOR SUBSTITUTE TEACHERS IN THE CONTRACT?**

A – Temporary, periodic substitutes are not, under the law, members of the teachers bargaining unit. Consequently the Derby Education Association cannot bargain for these individuals. The pay rates for these subs are unilaterally established by the board. Long-term subs are represented by the DEA provided they possess a teaching certificate for, under a law passed under the last legislative session, a durational shortage area permit. The pay rates for these individuals are in the contract. The teachers' salary schedule covers them.

Dr. Gotowala - So I don't know if that adequate – I couldn't be here because I had – we had interviews the last time that you met. So I don't know if that answers the question or does that adequately...

Mr. Oraziotti – It answers the question that I asked doctor. Yes it does.

**Q – CAN SUBSTITUTE TEACHERS HAVE A REPRESENTATIVE AT NEGOTIATIONS?**

A – Since temporary, periodic subs are not members of the bargaining unit they are not represented at negotiations. The long-term subs are represented by the teachers' negotiations team. Parenthetically under the law the board cannot in negotiations control who is on the teachers' negotiations team. It is solely up to the teachers to appoint the individuals on their team just as it is solely up to the board to determine who is on their team. There is no legal requirement that certain interest groups have representation.

Dr. Gotowala – So once again not having been here is that the question that was asked and does that response...

Mr. Oraziotti – It answers my question doctor.

**Q – IS THERE A RE-OPENER FOR THE CONTRACT CONCERNING INSURANCE?**

A – No. The negotiations team and board believe that the insurance changes made were the best deal that could be reached under the circumstances. A 15% premium share by the third year of the agreement is significantly higher than the average teacher contribution in other towns. Further, changes were made in the prescription drug plan and the co-pays for hospital and surgery resulting in an additional 3% savings. And that's as estimated by the board's insurance consultant. These changes are quite positive in light of a slightly less than average salary (inaudible). Further the board negotiating team managed to deflect a demand by the teachers for board paid insurance during retirement a benefit apparently enjoyed by City employees. I should also note that the teachers would not have agreed to a re-opener on insurance only. They would have insisted that other provisions of the contract that favor them be subject to the same re-opener.

Dr. Gotowala – And that 3% I think Sue Smey gave you a handout last time amounts to about \$39,000 in round numbers – a savings of 3%. So I don't know if there are further questions.

## **Q – WHAT WAS THE FINAL RESULT OF THE EXTRA PREP TIME FOR ELEMENTARY TEACHERS?**

A – Under the terms of the negotiated agreement elementary teachers will be granted 30 additional minutes per regular workweek for prep time. This change was agreed to because their prep time is below average for the early educational reference group and in the area. During the first year the prep time will come out of the media special when students are with the media specialist. The following years the district will consider adjustments such as extending three special periods by ten minutes or other changes. My understanding is that the issue will be referred to the principals and finally to the board for resolution.

Dr. Gotowala – Now these are the answers – it's my understanding that you asked for responses from the attorney. And these are responses that came from the board's attorney and those were the only four questions that I was given.

Mr. Rizzitelli – If I can some of the questions that I had on insurance – are not – the answers to that are not in the one response – the response # 3 that you have – maybe you can help me better understand. I'm trying to get my hand around exactly what our exposure to the health benefit packages are going forward. Did anybody anticipate, look at or project what the increase costs of this health insurance will be during the term of the contract? And how do those provisions agreed upon reflect that increase?

Dr. Gotowala – It's tough to project that Sam because we're at the mercy of the carrier. And experience rating is a factor, as you know, that goes into the increase. This year I believe it's 14%. Talking to the insurance companies they will not project dollars because we can't get a figure from them until the end of January if we're lucky what the increase will be.

Mr. Rizzitelli – You don't have to receive a commitment from an insurance company or provider. But what you can get are industry specialists that their whole existence is studying that market and trying to determine where that goes. Did anybody provide analysis on that basis? Again, doesn't have to be the insurance company itself but industry specialists that have the ability to project or at least give you guys a gauge on that increase. My biggest concern with it Marty is that if we're locked into a contract and we get these nominal increases – well they may be nominal compared to what actually happens – well then we're actually buying greater exposure than we can imagine going forward not knowing it.

Dr. Gotowala – The board did have a consultant – they did bring in a consultant to analyze.

Mr. Rizzitelli – Do you know who?

Dr. Gotowala – I can get it for you. Off the top of my head I'm sorry I don't remember the name. If I knew the question was going to be asked I would have brought the name and the number, but I can get that for you. But the board did bring in a consultant to look at insurance and to do some analysis. I think the thinking here was that with the co-pay going up to 15%, which is extremely high in the area and there was a lot of concern about that on the part of the teachers and the increase in – now you did get last week the letter from Mr. Murphy that projected out the contract and it talked about the prescription drug changes – increases there – that information – so

based upon the information we had and the other settlements, which is what you have to look at because if you go into arbitration what the arbitrators are really going to look at are what are the settlements? And based on the information that we had, this was considered to be a good deal.

**A MOTION** was made by Mr. Rizzitelli and seconded by Mr. Flora to take no action on the Collective Bargaining Agreement between the Derby Board of Education and the Derby Education Association. **Motion carried.**

#### **FEBRUARY POLICE DEPARTMENT REPORT**

Mr. R. Sill informed Chief Cota that there is a pickup truck on Nutmeg Avenue that is parked in a hazardous position. It is smashed up and there is junk in the back of it. It hasn't been moved in five months. Chief Cota said that he is aware of the truck. It is legally registered. He said that he would have someone speak to the owner. Report placed on file.

#### **FEBRUARY FIRE MARSHAL REPORT**

There were no questions asked. Report placed on file.

#### **FEBRUARY PUBLIC WORKS DEPARTMENT REPORT**

There were no questions asked. Report placed on file.

#### **FEBRUARY BUILDING DEPARTMENT REPORT**

Mr. R. Sill said that there are problems with the parking lot on Park Avenue. There is a pile of junk down there – toilet, washing machine, etc...Mr. Kopjanski said that he has been in contact with William Korolyshun, the caretaker of Derby Cellular Products, about the problem. Mr. Korolyshun informed Mr. Kopjanski last Friday that he was just authorized by the management at Derby Cellular to remove the items. Mr. Korolyshun said they have a suspect who may be responsible for these items and part of the delay in removing the stuff is they wanted to catch the person in the act of doing this. Mr. Kopjanski informed Mr. Korolyshun on Saturday that the items need to be removed ASAP. Mr. R. Sill also asked about the status of Derby Pizza House. Mr. Kopjanski said that the City now has a Blight Hearing Officer. She will be sending a letter to the owner of that property who has requested an appeal. Mr. R. Sill said that he is concerned since the building is open in the rear. Mr. B. Sill said on lower Roosevelt Drive next to the used car dealership, where the old stairway from Roosevelt to Oak Street is, there is an abundance of garbage there. Mr. Kopjanski would look into this. Report placed on file.

#### **FEBRUARY BLIGHT REPORT**

Mayor Garofalo asked if there is an appeal scheduled for the D Street property? Mr. Kopjanski said that at this point in time it doesn't pose a blighted condition. It could change at any point in time. Report placed on file.

#### **FEBRUARY REDEVELOPMENT AGENCY REPORT**

Mayor Garofalo said with respect to the HALO project the City has received information from Duke Realty, which will be forwarded to the Downtown Committee for action. On the demolition project we are in negotiations with Hubbell Brothers with respect to their property. That is coming to closure and we hope to have some movement on that for the next meeting. With respect to Starwood Ceruzzi we're closing the negotiations on that and we're hoping to bring that to closure shortly. If there are any questions that relate to those negotiations we would need to go into Executive Session. Mr. Oraziatti

said he had a question about bringing it to a close – is there any timetable? Mayor Garofalo said as soon as possible – it's time to bring it to closure.

### **FEBRUARY PARKS & RECREATION COMMISSION REPORT**

There were no questions asked. Report placed on file.

### **FEBRUARY CULTURAL COMMISSION REPORT**

Mayor Garofalo noted that they just met on Monday. There is no report available.

### **FEBRUARY OFFICE OF DEVELOPMENT & ADMINISTRATION REPORT**

Mrs. Parizo questioned the Greenway Project. Mr. Dunne said that there are a couple of items on the agenda this evening regarding the project. He said that we are at the final submission stage. We have until April 1, 2004 to close out all of our paper on the projects. The federal obligation date for funds is April 14, 2004. On April 14<sup>th</sup> the State will designate all funds for all projects statewide. We anticipate being out to bid in May/June. Mrs. Parizo asked if our paperwork would be done by April 1<sup>st</sup>? Mr. Dunne said that he can guarantee that everything that is due from his office is done by April 1<sup>st</sup>. He said that there are public documents that you have already authorized the Mayor to sign and there is a resolution you need to pass tonight to authorize him to sign the Assistance Agreement with the State. Mr. Oraziatti had questions regarding the parking garage. It states that you have replaced light fixtures in each stair tower, repairs to the elevator car and replaced the parking ticket and systems PC's. Submitted request for authorization of priority repairs/safety improvements and evening operations to the Mayor. Has this met your satisfaction? Mr. Dunne said that his satisfaction is not the test here. Mr. Oraziatti asked if there has been any response? Mr. Dunne said that he presented the authorization to the committee, I was told to submit it to the Mayor, which I did. I am waiting for authorization to proceed? Mr. Oraziatti asked Mr. Dunne if he was waiting for word from the Mayor or is the Mayor waiting for word from Mr. Dunne? Mr. Dunne said that he and the Mayor have spoken. Mr. Oraziatti said that he has been getting phone calls – this needs to be taken care of. Mayor Garofalo said that he is researching some issues – items would need to be put out to bid. The issue of the evening parking attendant needs to be reviewed with regard to cost, etc...Mr. Moscato tried to ask a question – he said that this is a subject that he is very concerned about. Mayor Garofalo said that he appreciates that, however, public session is closed. Mr. Oraziatti asked if there is a timeframe for this process? When is this going to happen? Mayor Garofalo said that we're looking at the matter. We are evaluating all the financial issues. We realize that the issue of Archie Moore's is very important and we want to address that matter. Mr. R. Sill said that there is definitely a sense of urgency in this matter. Please move it along. Mr. R. Sill also said that he is a little dismayed to see the Minerva Street School get pushed back again. It's been almost two years. Mr. Dunne said that it hasn't been pushed off at all. It's on the schedule that its always been on. Mr. R. Sill said that he has a report by Mr. Dunne that says this past January they would be doing something in there and nothing has been done. Mr. Dunne said that's not true. Mr. R. Sill asked if he would like to see the report? Mr. Dunne said the reports that were being done in January were environmental and they are completed. Remediation of environmental conditions were scheduled to start in February and it has not because their bids are over budget. They need to pare down their budget and confirm that they have all the money they need to do the project before they can proceed. It's not something that's in our control. Under our agreement they have until December 30, 2004 to exercise their option to purchase. Mr. R. Sill said they can still walk away? Mr. Dunne said they could always do that. The Option Agreement that the City entered into gave them a right to purchase the

property and that right is theirs to extend out to December 30, 2004. Mayor Garofalo said it would be in six-month increments. Mr. R. Sill said that it's just frustrating. We have a lot of stuff on the table and its one step back after another. Mr. Rizzitelli said that he doesn't see the setback. He agrees with Mr. Dunne that this is on the timetable that the City agreed to. Mr. Dunne said that they have to finalize their HUD financing for the project. They selected their contractor, secured the bids for the project and they are several hundred thousand dollars over budget. In the scope of a \$4.5 million project that is not that bad. Atty. Holcomb has been drafting an agreement to lay out the terms of how they will pay taxes, etc...and we anticipate meeting with them in the next couple of weeks. Mr. Dunne said that HUD is not going to pull their financing on this – they have spent a significant amount of money on it already.

**APPROVE SITE LOCATION PERMIT FOR CITY DOGS FOR ONE HOT DOG CART AT BRADLEY SCHOOL AMENDOLA SPORTS COMPLEX**

Mrs. Parizo noted that this application was tabled at the last meeting due to some concerns. The Administration Committee met again with Mike Carpinello, the applicant, who assured them that he would only have the cart at the Amendola Sports Complex at Bradley School. Mr. Carpinello would seek the proper permits for Derby Day.

**A MOTION** was made by Mrs. Parizo and seconded by Mrs. Fusco to approve the site location permit for City Dogs for one hot dog cart at Bradley School Amendola Sports Complex.

**DISCUSSION ON MOTION**

There was a discussion whether or not the hot dog cart could be moved to other areas? How can we police this? It was noted that this is for a SITE LOCATION PERMIT and he would only be permitted to sell at the site that he was given permission for. If he would like to change the location he would have to appear before the board again.

**MOTION CARRIED.**

**AUTHORIZE RELEASE OF SALARY BONUS FOR FIRE MARSHAL IN THE AMOUNT OF \$4,000.00**

Mayor Garofalo said that there is a communication from the Fire Marshal dated March 4, 2004, which is self-explanatory. He recommends the release of \$4,000 for the year 2003, which we have done the last few years. The next item on the agenda will address that matter in a more permanent sense.

Mr. Bassi said it says one of the main reasons for not completing all my site inspections is my other work requirements that took precedence over inspections. I don't understand that. What is your job supposed to be anyway? Inspections...

Mr. Hawks – Inspections, fire investigations, plan reviews of projects that they want to build in town – like Archie Moore's that want to come to town. I have to do a plan review to review the plans...

Mr. Bassi – What does the building inspector do? What's his job? It's up to you to inspect these here construction jobs and building jobs what is he doing?

Mr. Hawks – It's two different codes that we're inspecting. The building inspector is inspecting and reviewing the building codes. I'm inspecting and reviewing the fire codes. Its two separate state statutes and two separate codes.

Mr. Bassi – Two separate codes? It just doesn't look right to me. The way I look at it you should be an inspector more than anything. Over here it says your other work requirement that took...

Mayor Garofalo – Don't forget...Mr. Bassi if I may – the office of the Fire Marshal is governed mainly by the state statutes, in fact, wholly by the state statutes in general. The responsibilities of this office include all of the above. I mean these are not things that are optional to the City – we have to follow those statutes in terms of inspections of these establishments, but also if there's a fire...

Mr. Bassi – I understand that. I don't understand that it took precedent over other inspections – my other work requirement. What other work? That's what I'm trying to find out.

Mr. Hawks – Example would be plan reviews. State statutes gives me thirty days to complete a plan review of somebody that wants to build something in town. I have to look at the plans to make sure they comply with the state fire code. Write up a letter if it doesn't comply, submit it to the building inspector before he is allowed to give a building permit to build that particular property or renovate that property. During the course of the renovations, like I'm doing down at City Hall, I'm going down there throughout the renovations to make sure they're building or renovating the occupancy to the fire code. Are they putting in the fire stop the way they're supposed to? Are they building the firewalls the way they're supposed to? Once they put the stuff in, for example a fire damper, I have to witness the test of the fire damper to make sure they installed it correctly. I have to witness the test of all fire alarm systems, sprinkler systems, HVAC systems.

Mr. Bassi – So you check it before the building department goes in there. Is that the idea?

Mr. Hawks – No the building department is checking electrical, plumbing, ...

Mr. Bassi – You look at the prints first and then he looks at them second.

Mr. Hawks – We look at them the same time. He's looking for building code issues; I'm looking at them for fire code issues. Example would be the Archie Moore's plans. I have close to seventy hours into it already. I'll probably start my written plan review to forward to the architect with all the (inaudible) that I found. In turn he will resubmit the prints and I will review them to make sure the corrections were made. During the construction or renovations I have to make sure they build it per code.

Mr. Bassi – This is all under the state regulations.

Mr. Hawks – Yes.

**A MOTION** was made by Mrs. Parizo and seconded by Mr. B. Sill to authorize release of salary bonus for the Fire Marshal in the amount of \$4,000.00. **Motion carried.**

#### **ADOPT RESOLUTION REGARDING TERMS OF EMPLOYMENT FOR THE FIRE MARSHAL**

Mayor Garofalo said that everyone should have the copy of the resolution. There is one slight change and that is under inspections on line 5 – that the report should be in

writing. This matter represents the sum and substance of negotiations that we did have and is similar to what we put before you at the last meeting.

**A MOTION** was made by Mr. B. Sill and seconded by Mrs. Parizo to adopt the resolution regarding terms of employment for the full-time City of Derby Fire Marshal.

### **DISCUSSION ON MOTION**

Mr. Bassi questioned the salary ranging from January 4, 2004 to June 4, 2004. Mayor Garofalo explained that this is the annual salary – it is \$51,574.00. He will be paid a weekly rate for the 26 weeks from January 4 to June 30. As of that date he will get the general wage adjustment. Mayor Garofalo said that Mr. Hawk has been receiving the increases just as the City Hall has before. All this does is fold the \$4,000 into the salary and then the increases would just go forward on that. That is the only real difference in terms of the salary. The rest of it is: the vacation would be the same as City Hall employees, vehicle allowance is something that has been set – that hasn't changed, the tuition reimbursement hasn't been changed, the uniform allowance has been increased \$25.00, and then the inspection has been changed to notify the board as to what extent the inspections have been completed. This agreement is retroactive to January 1, 2004. Mr. Oraziotti said that it states January 4 to June 30 – February and March that's 2 months and 1 week – does he get a wage adjustment for those two months? Mayor Garofalo said the wage adjustment would be pro-rated. That the \$4,000 – whatever the difference would be – he would get an adjustment based on that. Mr. B. Sill said that he assumes that this was reviewed with the Fire Marshal? Mayor Garofalo said that it was reviewed with the Fire Marshal, his attorney, Atty. Holcomb and myself.

**MOTION CARRIED.**

### **APPROVE APPOINTMENT OF STEVEN JALOWIEC TO THE PLANNING AND ZONING COMMISSION**

Mayor Garofalo said that Mr. Jalowiec has been a member of the commission and he wished to be reappointed. The Mayor makes the recommendation for the reappointment.

**A MOTION** was made by Mr. Oraziotti and seconded by Mr. R. Sill to approve the appointment of Steven Jalowiec to the Planning and Zoning Commission. **Motion carried.**

### **APPROVE APPOINTMENT OF DAVID ROGERS TO THE PLANNING AND ZONING COMMISSION**

Mayor Garofalo said that Mr. Rogers has been a member of the commission. He has worked hard on the commission and he would recommend the reappointment.

**A MOTION** was made by Mr. B. Sill and seconded by Mr. Gabianelli to approve the appointment of David Rogers to the Planning and Zoning Commission. **Motion carried.**

### **APPROVE APPOINTMENT OF DAVID ROGERS TO THE VALLEY REGIONAL PLANNING COMMISSION**

Mayor Garofalo said that pursuant to the Regional Council of Governments that the City belongs to they have a Regional Planning Commission. We have to have a representative from our Planning & Zoning Commission on the Regional Planning Commission. He would recommend the approval of David Rogers to the position.

**A MOTION** was made by Mr. R. Sill and seconded by Mr. B. Sill to approve the appointment of David Rogers to the Valley Regional Planning Commission. **Motion carried.**

### **ADOPT REVISIONS TO PUBLIC WORKS ORDINANCES SECTIONS 40-1 THROUGH 40-31**

Mayor Garofalo – Before you are the updated copies. For the purposes of reporting from the committee on neighborhoods – Alderman Rizzitelli.

Alderman Rizzitelli – As everybody remembers less than a year ago we started the process of restructuring public works. This is one of the final tasks of the formal restructuring as far as its organizational authority goes. We have revised this ordinance – the original ordinance was adopted in 1976 – in order to comply with State law and our labor contract. The final version that has made its way here tonight after review by Corporation Counsel, Public Works Director and the Neighborhood Committee was read into the record:

#### **§40-1. Designation and composition**

For purposes of this chapter and for such other purposes as may be pertinent, the Street Department, consisting of employees in the Highway, Sanitation, Facilities and Water Pollution Control Divisions, shall be called and known as the “Public Works Department,” and the Street Commissioner shall also be known as the “Public Works Commissioner.” The Public Works Commissioner shall exercise all the powers and perform all the duties necessary for the administration of the Public Works Department.

#### **§40-2. Job Positions and Classifications**

The Public Works Department consists of employees in the following job positions and classifications:

- A. Public Works Commissioner
- B. Deputy Director/Administrator
- C. Foreman (Maintainer V)
- D. Supervisor, Skilled Trades/Heavy Equipment Operator (Maintainer IV)
- E. Skilled Labor, CDL Driver, Light Equipment Operator (Maintainer II, III)
- F. General Laborer/Driver (Maintainer I)
- G. Seasonal Employees

Employees in job classifications C, D, E, F, and G may perform work assignments ordinarily performed by any of such classifications. The Public Works Commissioner shall issue job descriptions for all job classifications.

#### **§40-3. Deputy Director of Public Works**

The Deputy Director of Public Works performs supervisory and administrative duties of the Department, including, but not limited to, assisting the Public Works Commissioner with all budgetary issues, payroll, reports, insurance claim administration, correspondence, computer aided complaint management, fleet maintenance record keeping and such other tasks as are delegated or assigned to him by the Public Works Commissioner. In the absence of the Public Works Commissioner, the Deputy shall perform the duties as Acting Commissioner.

#### **§40-4. Seasonal Employees**

Seasonal employees shall perform work or assist in performing work of other job classifications on a temporary, seasonal basis.

**A MOTION** was made by Mr. Rizzitelli and seconded by Mrs. Fusco that sections 40-1 through 40-31 of Chapter 40 of the Derby Code are repealed and sections 40-1 through 40-4 are replaced as read into the record.

#### **DISCUSSION ON MOTION**

Mr. Rizzitelli said that this is the combination of the Public Works with Sewer Treatment as well. Mayor Garofalo said that this will be enhanced and corrected as this process evolves. Mr. Oraziotti asked if this is effective immediately? Mr. Rizzitelli said 30 days. Mayor Garofalo noted that the bulk of the items that are being repealed are in the Collective Bargaining Agreement.

#### **MOTION CARRIED.**

#### **AUTHORIZE USE OF DERBY GREEN BY ST. MARY-ST. MICHAEL SCHOOL FOR MEMORIAL DAY SERVICE ON MAY 28, 2004**

Mayor Garofalo noted that there is a communication from Maria Blackwell, Principal regarding this item.

**A MOTION** was made by Mrs. Fusco and seconded by Mr. Flora to authorize the use of the Derby Green by St. Mary-St. Michael School for Memorial Day Service on May 28, 2004. **Motion carried.**

#### **AUTHORIZE USE OF DERBY GREEN BY DERBY VETERANS MEMORIAL, INC. TO HONOR WORLD WAR II VETERANS ON MAY 29, 2004**

Mayor Garofalo noted that a communication was received from the VFW, which is self-explanatory.

**A MOTION** was made by Mr. R. Sill and seconded by Mr. B. Sill to authorize the use of the Derby Green by Derby Veterans Memorial, Inc. to honor World War II Veterans on May 29, 2004. **Motion carried.**

#### **AUTHORIZE USE OF DERBY GREEN BY CHRISTINA LANDWEHR AND GEORGE HOSFORD FOR THEIR WEDDING ON JULY 17, 2004**

Mayor Garofalo noted that a letter has been received requesting the use of the Green for the wedding of Christina Landwehr & George Hosford. Mr. Bassi asked if they were Derby residents? Mayor Garofalo said that they are.

**A MOTION** was made by Mrs. Parizo and seconded by Mr. Bassi to authorize use of the Derby Green by Christina Landwehr and George Horsford for their wedding on July 17, 2004. **Motion carried.**

#### **AUTHORIZE PLACEMENT OF A BANNER ACROSS ELIZABETH STREET BY TROOP 3 BOY SCOUTS OF AMERICA**

Mayor Garofalo informed the board that Boy Scout Troop 3 would be celebrating 90 years and they would like to erect a banner across Elizabeth Street.

**A MOTION** was made by Mr. Oraziotti and seconded by Mr. B. Sill to authorize placement of a banner across Elizabeth Street by Troop 3 Boy Scouts of America.  
**Motion carried.**

**A MOTION** was made by Mrs. Parizo with a second by Mr. Flora to go into **Executive Session** at 8:45 p.m. for the following items: **ADOPT MODIFICATION TO CITY SALARY SCHEDULE REGARDING EXECUTIVE ASSISTANT TO THE MAYOR (personnel matter) /AUTHORIZE SETTLEMENT AGREEMENT REGARDING 2 ASHWOOD TERRACE (pending claim) /AUTHORIZE ACQUISITION OF PROPERTIES AND EASEMENTS FOR NAUGATUCK RIVER GREENWAY TRAIL PROJECT (potential claim) inviting Corporation Counsel, Richard Lutz (personnel issue) and Richard Dunne (Greenway Issue).** **Motion carried.**

**ADOPT MODIFICATION TO CITY SALARY SCHEDULE REGARDING EXECUTIVE ASSISTANT TO THE MAYOR**

**A MOTION** was made by Mrs. Parizo with a second by Mr. Flora to increase the salary of the Executive Assistant to the Mayor to \$46,200.00 per year retroactive to January 1, 2004. **Motion carried.**

**AUTHORIZE SETTLEMENT AGREEMENT REGARDING 2 ASHWOOD TERRACE**

**A MOTION** was made by Mrs. Fusco with a second by Mr. Gabianelli to authorize the Quitclaim Deed for 2 Ashwood Terrace.

**ROLL CALL**

Mrs. Parizo – YES  
Mr. Gabianelli –YES  
Mr. Rizzitelli – YES  
Mr. R. Sill – YES  
Mr. B. Sill – YES  
Mr. Bassi – NO  
Mr. Oraziotti – YES  
Mrs. Fusco – YES  
Mr. Flora – YES

**MOTION CARRIED. 8 TO 1**

**AUTHORIZE ACQUISITION OF PROPERTIES AND EASEMENTS FOR NAUGATUCK RIVER GREENWAY TRAIL PROJECT**

Mayor Garofalo said that we need a motion to authorize the acquisition of properties and easements for the Naugatuck River Greenway Trail Project pursuant to the project schedule.

**A MOTION** was made by Mrs. Parizo with a second by Mr. Gabianelli to authorize the acquisition of properties and easements for the Naugatuck River Greenway Trail Project. **Motion carried.**

**ADOPT RESOLUTION REGARDING NAUGATUCK RIVER GREENWAY TRAIL PROJECT**

Mayor Garofalo read the resolution into the record:

RESOLVED, that Marc J. Garofalo, Mayor, be, and hereby is, authorized to sign the agreement entitled "Agreement Between the State of Connecticut and the City of Derby for the Construction, Inspection and Maintenance of the Naugatuck River Trail,

Utilizing Federal Funds under the Enhancement Component of the Surface Transportation Program."

**A MOTION** was made by Mrs. Fusco with a second by Mr. R. Sill to authorize the Mayor to sign the resolution subject to the review and recommendation of Corporation Counsel. **Motion carried.**

**MDC CONTRACT FOR MSW DAY – SEPTEMBER 18, 2004**

Mrs. Fusco stated that this is for the disposal of household waste products. The City has used MDC in the past and they have done a great job. This is a tri-town effort (Ansonia, Derby & Seymour). It costs the City \$3,500.00 to participate.

**A MOTION** was made by Mrs. Fusco with a second by Mr. Flora to authorize the renewal of the contract with MDC for \$3,500.00 for MSW Day on September 18, 2004.

**DISCUSSION ON MOTION**

Mrs. Parizo asked if the money is already in the budget? Mayor Garofalo said that it would go in the budget for the next fiscal year and typically the Street Commissioner includes it in the budget.

**MOTION CARRIED.**

**PAVING BID FOR ROAD BOND PROJECT**

**A MOTION** was made by Mrs. Fusco with a second by Mr. Rizzitelli to **TABLE** this item until the next meeting. **Motion carried.**

Mr. Rizzitelli thanked the board members for the gift basket that was sent to his family celebrating the birth of his daughter.

**ADJOURNMENT**

Without objection the meeting adjourned at 9:42 p.m.

Respectfully submitted,

Patricia Finn  
Temporary Recording Secretary

/paf

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