

DERBY BOARD OF ALDERMEN MEETING

MAY 13, 2004 - DERBY CITY HALL, ALDERMANIC CHAMBERS – 7:00 P.M.

MINUTES

Mayor Marc J. Garofalo called the meeting to order at 7:10 p.m. All rose and pledged allegiance to the flag. Mayor Garofalo asked everyone to remain standing for a moment of silence. This is the 329th Anniversary of the City of Derby's naming and he asked for a moment of silence to remember those who have built this City over the last 329 years and to remember the sacrifices made to make the City the great place that it is.

Roll Call

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

Absent: Alderman Robert Gabianelli

Also Present: Richard T. Dunne, Executive Director, ODA
David L. Kopjanski, Building Official
Philip Hawks, Fire Marshal
Chief Andrew L Cota, Jr., Derby Police Dept.
Theodore Estwan, Jr., Police Commissioner
Martin Hubbard, Board of Education
Susan Smey, Board of Education
Melissa Lindgren, Charter Revision Commission
Anthony Paupini, Charter Revision Commission
Jack Walsh, Chairman, Parks & Recreation Commission
Richard Lutz, Mayoral Assistant
Warren Holcomb, Esq.

ADDITIONS, DELETIONS, CORRECTIONS & ADOPTION OF AGENDA

Mayor Garofalo noted that there are three additions and one deletion to the agenda:

Additions

1. Adopt Resolution regarding EMS Week in the City of Derby
2. Discuss Bacchiocchi v. Chapman Matter (Regular & Executive Session)
3. Discussion on Heart & Hypertension Pending Claim (Regular & Executive Session)

Correction/Deletion

1. Item #17 – Error – Delete Declare \$15,110.40 as Unappropriated Revenue of the City pursuant to Section 34 of the City Charter. Mayor Garofalo noted that this needs to be marked off due to the fact that it requires the vote of the entire Board of Aldermen.

A MOTION was made by Mrs. Parizo and seconded by Mrs. Fusco to adopt the agenda as amended. **Motion carried.**

PUBLIC PORTION

Leo Moscato, Jr., 34 Lewis Street, Derby, CT – In light of all the negativity we're getting right now with redevelopment downtown, I just have a few questions maybe you can clarify them for me? I just want to know if the Redevelopment Agency is a productive force? Can anyone tell me? Or (inaudible) the people of Derby if the Redevelopment Agency is a productive force. The agency itself and the people that sit on it.

Mayor Garofalo – The agency still exists.

Mr. Moscato, Jr. – Okay.

Mayor Garofalo – And it is the intent of this board to meet on a regular basis so as to ease or alleviate any confusion there is with respect to the redevelopment.

Mr. Moscato, Jr. – Okay. Can you tell me what people are on it right now?

Mayor Garofalo – There is myself, Mr. Guardiano, Mr. Stevens and Mr. Russo.

Mr. Moscato, Jr. – Right. And there's a few seats that are (inaudible)?

Mayor Garofalo – One. That's a spot that's going to be filled by a member of the Board of Aldermen. Mr. Kelleher was the member who was a member from the Board of Aldermen and that seat will be filled from the Board of Aldermen.

Mr. Moscato, Jr. – Okay. How about – when will they meet next? Do you know?

Mayor Garofalo – They would meet the first Wednesday...

Mr. Moscato, Jr. – As a board, not an imaginary board – as a board. Because I know they haven't met maybe in about a year now.

Mayor Garofalo – The regular meeting schedule has been posted with the Town Clerk and it is the second Wednesday of the month.

Mr. Moscato, Jr. – So the second Wednesday of...

Mayor Garofalo – June.

Mr. Moscato, Jr. – June we'll see those people sitting up here and that will be it.

Mayor Garofalo – Yes.

Mr. Moscato, Jr. – What's their role? What is the role of the Redevelopment Agency? What's their entire role...

Mayor Garofalo – Their role is governed by Section 125 of the General Statutes.

Mr. Moscato, Jr. – Right – I read that. What's their role? What's their role?

Mayor Garofalo – To enact Section 125 of the General Statutes.

Mr. Moscato, Jr. – And what does that state? What is their role? What are some of their responsibilities?

Mayor Garofalo – I don't have it here before me.

Mr. Moscato, Jr. – Do you know who the chairman is of that?

Mayor Garofalo – You know that I'm the chairman. If you would like to address the board you will address it through the Chair. Any item that's on the agenda you may address that item however you please. If there's questions and answers we will be happy to answer them...

Mr. Moscato, Jr. – Well I'm addressing the board and I just have the question what is the role of the Redevelopment Agency? What are the primary functions?

Mayor Garofalo – It's to carry out Section 125, which are the redevelopment statutes.

Mr. Moscato, Jr. – That's a very important – is that a very important – because they haven't met – I read a memo to Mr. Stevens and it was from you, Mr. Mayor and it said that it was very, very important that to get together for the future of the downtown development and they haven't met in a year and you have Redevelopment Agency reports on every single Board of Aldermen meeting. And you seem to report on something that does not happen and maybe – people would like to know why nothing has happened in a year?

Mayor Garofalo – Well that's not true that nothing happened. And you know that because the buildings have come down on Main Street and we discussed that.

Mr. Moscato, Jr. – Okay, now...

Mayor Garofalo – And the matter will be discussed with the Redevelopment Agency and if there are further issues you may address them through the Downtown Committee of the board.

Mr. Moscato, Jr. – Okay another question. So that means there's one person acting in the last year. One person was acting in the last year to represent this group – it was you.

Mayor Garofalo – No that's not correct.

Mr. Moscato, Jr. – That's not correct? They did meet over the past year?

Mayor Garofalo – No. I don't remember when the last meeting was.

Mr. Moscato, Jr. – It was in August of last year.

Mayor Garofalo – Okay whenever it was.

Mr. Moscato, Jr. – Okay. So there was really no production as far as with – you should clarify this for the business community and the people. So I really need to get an answer.

Mayor Garofalo – Okay the issue is they will be meeting, number one. Number two, the issue that centered around the Hubbell demolition is – the Hubbell building – or the 284 Main Street was not in that part of the redevelopment zone. Therefore, that issue – that part of the issue needed to be addressed by the Board of Aldermen because it was not part of the Redevelopment Agency function. The demolition of the buildings are – those buildings are owned by the City of Derby and hence the Redevelopment Agency has no assets, it has no income, it has no expenses. The buildings pursuant to the City of Derby Charter are owned by the City. Upon the order of Building Official, the Acting Building Official, and so forth those buildings were taken down and that was the function that was authorized by the Board of Aldermen. And the appropriate money was put in place by the Board of Apportionment and Taxation.

Mr. Moscato, Jr. – So right now as you speak to me now, as a chairperson of this board – of this Redevelopment Agency – you cannot tell me and you cannot tell the people, what the primary function is for the Redevelopment Agency rather than tell me to go to a Charter and look at it and read it.

Mayor Garofalo – Well the primary function is to carry that out. To carry out redevelopment as defined by redevelopment zones, and so forth. I mean there are a whole host of things. I'm sure you're looking for a specific answer.

Mr. Moscato, Jr. – I'm just looking for the role.

Mayor Garofalo – That is the role – to carry out. And the fact of the matter is this board was very well aware when we started the Redevelopment Agency we have to have a Redevelopment Agency by statute in order to conduct a redevelopment process. It was the board's desire to have it be a joint role that the Board of Aldermen to be the leading role. If the board changes it's mind then that's to their own point. But that's how and why the issue was set up. Because we have to have a Redevelopment Agency in order to enact that.

Mr. Moscato, Jr. – So right now you're telling us that you're the only one acting on it for the last year (inaudible).

Warren Holcomb, Esq. – This should not be a question and answer period.

Mayor Garofalo – It's not a question and answer. If you want to address the board please address the board. You know the drill.

Mr. Moscato, Jr. – Well I am addressing the board.

Mayor Garofalo – It's a statement. It's not a question and answer.

Mr. Moscato, Jr. – For the future of the City of Derby, the children, the education, downtown redevelopment and I would just like to address the board – it seems that we're leaving the decision making for a \$10 million land deal to one person, which is the Mayor and I'm not sure what motivated the Board of Aldermen to actually give

that responsibility to one person who doesn't have a resume with land deal and \$10 million proposition (inaudible). It just kind of confuses me how we can do that, Board of Aldermen, and I just (inaudible) maybe reconsider. And also another thing I would like to address the board on. I know we do have a few developers right now that would want to step in and give us an idea of what's going on downtown. It's a very, very big thing. I think we should look into having other developers step in. Right now we're landlocked with this Ceruzzi, which is totally – nothing's happened. Absolutely nothing is happening. We already went through our bond, we already went through 180 days, we're up to this point now. The Mayor made a statement on the news that it would be 90 days and 90 days is nearing, and I think the Board of Aldermen should reconsider this important issue for downtown that is going to affect everybody including the education system and how to pay for it for our tax base. I believe we should reconsider looking at other proposals from other developers – I really do. Also I have a question. Can I ask a question on a different subject?

Atty. Holcomb – The public portion is not supposed to be a question and answer session.

Mr. Moscato, Jr. – Well okay. Then also I would like to say that if it's not a question I can address the board and I will say this – if we can move – I'm done with my little thing about downtown, okay? The thing is the parking issues downtown I would like to know maybe from the Board of Aldermen who can answer this question or it's just a statement, okay, we can't ask any questions. We have over \$200,000 in an account for the parking authority and we would like to see it spent very soon – some of it - \$70,000 to get some issues done so we can pass some code violations in our garage. Archie Moore's is coming into town – it's very important for the whole business community at large and I think we should stop maybe dragging our feet on this issue. Get some signs up – point the people to the garage and move on. Because I don't think we can wait (inaudible). But I know the Planning & Zoning Commission did promise them – it's almost a stipulation saying that we will have the Parking Garage up and moving by (inaudible). Even though it's up and moving now, there's some code violations that could prevent them from using it. So we hope you can move on with this stuff. I really hope we can. Thank you very much.

Mayor Garofalo – Anybody else from the public that would like to address any item on the agenda? Please come forward and state your name and address for the record.

Dan Waleski, 23 Elm Street, Derby, CT – We've got a couple items on the agenda that are aiming at beautifying the City or enhancing the City for beauty and pleasure. But we have – it's ironic that we have an item on the agenda, #24, approve vendor site location for Mark Lanzieri in front of the Superior Court on Elizabeth Street. I have some reservations about that just as I have reservations about putting vendors on the corner of New Haven Avenue and Gilbert Streets and putting vendors in Maple Shade and New Haven Avenue or vendors on Route 34 around the Pink House Cove area. May I suggest to the board that they send this back to the Planning & Zoning Commission for reappraisal and have them review various vendors' licenses around the City. I don't think they add to the beauty, convenience or aesthetics of the City. This one in particular right across from the Green. Right across from two fine restaurants, the breakfast restaurant and Connie's, I sort of feel that the City of Derby could do better in regard to things of that sort. Thank you Mr. Mayor.

Mayor Garofalo – Anybody else from the public that would like to address any item on the agenda? Hearing none, public portion closed.

PUBLIC PORTION CLOSED

Mayor Garofalo said if there is no objection from the board he would like the board to go to item #16 – Conduct Public Hearing on Report of the Charter Revision Commission. There were no objections.

CONDUCT PUBLIC HEARING ON REPORT OF THE CHARTER REVISION COMMISSION

John DeBarbieri, Grandview Boulevard, Derby, CT – I'm here tonight to address the school board item on the agenda. The board is charged with reviewing and discussing the Charter Revision Commission's recommendation. The Charter Revision Commission reviewed the existing Charter section and decided that the best accountability was that of an elected office every two years. The Commission heard testimony from many people in the Department of Education data gathered by independent sources concerning school board performances. They worked hard and amid some controversy came up with a workable, fair and effective plan. I strongly urge the Board of Aldermen to approve the Charter Revision Commission report. An all elected board is the safest and surest way to accountability. The parents and taxpayers of this City have the right to choose who supervises the school system. We are a nation that has fought long and hard for voters' rights. For the (inaudible) Civil Rights movement all battles were fought (inaudible) giving the people the right to vote, whether they exercise that right or not. Do not bring this on to our community as the first in Connecticut to take away their right. The best control over the political process is the right of the voters to tell each person here, and on other boards, no thanks your services are no longer required. As most people on this board know I'm a result of that. I served a two-year term and then the voters didn't like what I did and they voted me out of office. That's their right. And that's the privilege that we have (inaudible). That's what the electoral process is all about in our country. The vote of each individual system is our ultimate accountability. Thank you.

Mayor Garofalo – Anybody else that would like to comment on the Charter Revision proposal?

Mark Domurad, 27 Hickory Road, Derby, CT – I'm just looking for clarification. This public hearing we're having right now is the public hearing for the Charter Revision Commission to – that was required? Or is this public hearing associated with the Board of Aldermen's review of...

Mayor Garofalo – This is a public hearing of the Board of Aldermen. The appointing authority has to have at least one public hearing regarding the report of the Charter Revision Commission.

Mr. Domurad – Shouldn't this occur after you've made a decision whether you accept it in whole or part or reject the whole proposal? We're making a public hearing we're making comments about – we're making comments on – we don't know what your decision is?

Mayor Garofalo – What the statute says is that the board has 45 days to have at least one public hearing. I think it's the intent of the board to have at least one, if not more, and then it would take its action and confer – the statute says confer with the Charter Revision Commission if they did not accept it as is.

Mr. Domurad – So your intention is to have at least another one after you decide what you're going to do?

Mayor Garofalo – Well that would be at the discretion of the board. If the Board of Aldermen did not accept it as it's proposed, then it would have to go back. There would be a conference – they would confer with each other – and then it would come back here again.

Mr. Domurad – Okay. Because as long as your attorney is here...

Mayor Garofalo – And every time that it would be on the agenda there would be a public portion of the meeting pursuant to the Charter anyway – so there would be comment based on that and what that would be.

Mr. Domurad – Yeah I really think it's important to have a public hearing after you've made a decision – if one is required. If you reject it and send it back, I guess there's no public hearing. But if you do accept it there still should be an opportunity for the public to speak, which is in state statute Section 7-191, Section B.

Mayor Garofalo – It says there has to be at least one public hearing before...

Mr. Domurad – And not part of a – I guess the interpretation was if it's part of a regular Board of Aldermen meeting is it really a public hearing? That was a question that was asked of me.

Mayor Garofalo – Well – a public hearing would be essentially under the FOI would be essentially would be a – I mean if it wasn't at a regular meeting it would be at a special meeting of the board would be called – I don't think – it's very much like Planning & Zoning they have several items and they have public hearings on some and they're acting on others. It's really I think just a matter of maintaining the record as part of the – the record as it is.

Mr. Domurad – It's also important to give the people the opportunity to voice their opinions and concerns after the Board of Aldermen has made their decisions, that's all. So having it now is – there's really not...

Mayor Garofalo – If the board were to act then it would go back to Charter Revision Commission and then it would come back here again.

Mr. Domurad – Well if the board accepted it then it would...

Mayor Garofalo – I think the simple way is address the board on what you want it to be. I mean I think that's probably the simple way.

Mr. Domurad – Well I mean what I think is in place now is the most appropriate for the town. The way I read the state statutes it clearly says to me that staggered boards are

required, which goes back to a four-year term staggered. There's only one section, one paragraph that talks about modifying it, but it still talks about having a staggered term. And there's no way that I believe that replacing everybody, all nine members, every two years constitutes a staggered term. When it says staggered term it means staggered term.

Mayor Garofalo – So you're opposed to what they recommend?

Mr. Domurad – Yes. I'm opposed to that part. I'm in total agreement with an elected board, electing all members, but I would like to see the staggered term stay.

Mayor Garofalo – Thank you. Further comment on the Charter Revision?

Martin Hubbard, 57 Hawthorne Avenue, Derby, CT (Current Board of Education Member) – As Mr. Domurad has stated is this a public hearing on the Charter Revision?

Mayor Garofalo – Yes.

Mr. Hubbard – Has the Board of Aldermen discussed already what was given to them? They have not? So this does not constitute the public hearing so to say as to your discussion and what you are in favor?

Mayor Garofalo – No, it is.

Mr. Rizzitelli – The point of a public hearing is so that before we actually decide something we receive input from the community. So what's taking place here is there is the public hearing in order to hear the concerns. It wouldn't make any sense whatsoever to decide something and then let the community speak on it and have already made the decision. So what's taking place is exactly that. This is an opportunity for the community to give input and then we weigh that in our deliberations and decision-making process. Just so that process is clear.

Mr. Hubbard – Okay, thank you. Do you have an outline of what the Charter Revision Commission has proposed to you in front of you? Or do...

Mayor Garofalo – Yes. That was distributed.

Mr. Hubbard – Can you just give me a few details on what they have proposed please?

Mayor Garofalo – What they adopted. They adopted to make it...

Mr. Hubbard – Yeah. I just want to hear it just a couple of...

Mayor Garofalo – Basically to go from the system that we have now to an elected two-year term, citywide elected.

Mr. Hubbard – Citywide elected, two-year terms.

Mayor Garofalo – Right.

Mr. Hubbard – Eventually not having the staggered terms (inaudible) staggered terms over the course – whatever the terms of people of odd years are up eventually their proposal would be...

Mayor Garofalo – In 2007, I'm sorry in 2005 it would be electing the six – six terms are expiring at the 2005 election. So that would be electing six people to two-year terms. Then in 2007 the people that were just elected to four-year terms those terms would expire then you would elect nine people to two-year terms. I mean that's what they – all we're...

Mr. Hubbard – I'm just asking to see what their proposal they sent to you (inaudible). I'm just enquiring about that.

Mayor Garofalo – Well it's the same thing that was at the last meeting they voted on.

Mr. Hubbard – Yes. I just wanted to make sure what you have in front of you was the same thing what they had voted on.

Mayor Garofalo – Well let me – this is what we received. The City Clerk made a copy of what she had on file. Frankly I didn't read it tonight – I assume that's what it is. Not to get – split hairs – what's before us is whatever they voted on.

Mr. Hubbard – Yeah as to what they proposed to you and what they put forth on your table. Myself being a member of the Board of Education for five months have compiled a suitcase full of information in five months time. Which leads me to my first statement on a two-year term. One, two, three, - this was in five months time period. All this information has gone through meetings – whether it be general Board of Education meetings, or subcommittee meetings or special meetings. Which leads me to talk about the two-year term. As far as a two-year term goes I really feel it is not enough time for a person to sit on a board. Members of Board of Aldermen most of you are repeat members. Go back into your first two years. Did you get a flavor of what the City was about in a two-year time period? Did you accomplish what you wanted to do in a two-year time period? It would take you two years to accomplish what you wanted. Some maybe, some maybe not. I still have more information in here. Again, within five months whether it be administration, whether it be policy, whether it be by-laws, whether it be communications, all this has gone in front of me and I feel that the two-year time period is not enough time for a person to sit on the Board of Education. Let alone point number two is eventually to trade out a whole board after a two year time period as Mr. Domurad alluded to how do you get any continuity? How do you bring in new members? Let's cut this table in half – you guys are gone, these people are left. These people have good ideas, they know what you have done, we're okay. Let's wipe the whole table out and bring in nine new members – we start all over again, we start all over again. It just does not make sense as far as not having the staggered terms. You need continuity. You need transition. You need people to come in to a board with someone sitting on there knowing what they are doing. If I had walked onto this board five months ago with brand new people we would have been lost. Considering all the information that sits here before me in a five-month time with nobody to help me and guide me to what needs to be done I would have been lost. I sat on the Tax Board for two years. It took me – finally I got it my last month of my two-year term as to what the heck was taking place. So as far as the citywide election, which they proposed, it turns out into a popularity contest. A citywide election – not

ward election where ward, ward, ward, ward, ward, ward, ward – Board of Education citywide becomes a popularity contest. You could have eventually nine people from one side of town sitting on the board. Or nine people from this side of town sitting on the board. Where is the equal representation? Not there. That's another problem I have with it. As far as being elected, that's what our government is all about. The election part is great appointed part no good. Again, think to yourselves what you learned in your two years. Your first two years. Was your input great? Probably was after your first year. You learned the flavor of the City – you learned about the people you sat on the board with – what their likes and dislikes were – what their personalities were. You just don't step onto a board and say this is it – by magic we're going to make it happen.

Mr. Orazietti – Mr. Mayor can I just ask one question?

Mayor Garofalo – Mr. Orazietti.

Mr. Orazietti – Marty, did you express your dissatisfaction to the commission?

Mr. Hubbard – Absolutely.

Mr. Orazietti – What you're telling us you told them?

Mr. Hubbard – Absolutely.

Mr. Orazietti – Obviously they didn't agree with you.

Mr. Hubbard – No. You know it's just that that staggered term I think that you need to have a transition. People to sit in and to know what had transpired over the past number of months. Another thing too if you're elected, quote me if I'm wrong, if you're an elected position then you start your term in January, correct?

Mayor Garofalo – December.

Mr. Hubbard – Or even December – three months of the school year is out already. You've missed out on the beginning of the school year where a lot of this stuff takes place – I know. I stepped in (inaudible) December – bombarded with this. I was lost. If it wasn't for some very good members on that Board of Education to help me out and guide me through some things (inaudible) up in the air. And I can tell you about the unlimited emails and phone calls about whether it's administration, and teacher problems or student and rules & regulation problems – you got to deal with those. And I think that two-year timeframe that you're looking to do and squash it down and have re-elections after two years you need continuity. You need somebody to be in place that knows what the heck has been going on. Again, if you step in there in December you get nine new people in December you got a problem, you got a problem. So as far as the elected part – elected, yes; citywide, no; ward wise as you guys set wards keep it the same way. Have your representation from this side of town. There is a school on this side of town – there's two schools on this side of town. One school on that side of town. Thank you. Thank you very much.

Mayor Garofalo – Okay. Further comment?

Maureen Kelleher, 39 Belleview Drive, Derby, CT – I agree with both Mark Domurad and Marty that I do like the idea of longer terms – at least staggered terms. I don't know if there's a way – I don't know how you can do it – to give new members four-year terms and existing members two-year terms – I don't think that's legal. But it would probably be the best of both worlds. But I do think you definitely need staggered and I would prefer to have also the ward elections rather than citywide. I think you leave yourself open to the possibility that at the grammar school level you can have a grammar school without any representation. You can have all your members from one side of town in which case there's nobody there – and granted everybody – a lot of people are saying education is a citywide issue and it is. But at the elementary level it's really more of still your neighborhood schools and you need people there to represent your school. The way it is now you're guaranteed to have somebody from – who's in the Irving School area, somebody that's in the Bradley School area. If you go to citywide you're not going to have it. I believe there was one year where they had only one person that was really from the Irving School area and there was some comments that Irving School – some of the Irving School people didn't believe they were getting fair representation. So I think it would be best to keep it with the wards. As far as having people elected you have to elect them. You cannot go to an appointed board. You're taking away the rights of the people to determine who's going to represent them. That is the most important issue of all. You have to stay with an elected board. Thank you.

Mr. Oraziotti – Mr. Mayor.

Mayor Garofalo – Mr. Oraziotti.

Mr. Oraziotti – Mrs. Kelleher the same question that I asked Marty. Did you express...

Mrs. Kelleher – Yes I did. I was at several meetings.

Mr. Oraziotti – You were not satisfied with their decision?

Mrs. Kelleher – I expressed my desire that I would prefer to have ward elections...

Mr. Oraziotti – There are certain things that you did accept and certain things that you did not.

Mrs. Kelleher – I would compromise with what they have, what they (inaudible) to. Because I think the election of people is the most important thing. But preferably I would prefer to keep it the way it is. But if they had to go to something this was a compromise that I could live with, but it's not my favorite.

Mr. Oraziotti – Okay.

Mrs. Kelleher – But the election of the members is the most important thing.

Mayor Garofalo – Anybody else from the public?

Leo Moscato, Sr., 34 Lewis Street, Derby, CT – The only comment I have is I'm listening to this here and the board is charged with the responsibility of a crucial issue as far as I'm concerned. We're talking about the future of Derby with our youth and our education.

And I pretty much disagree with the Corporation Counsel and the Mayor that this is called a public hearing. I think to be fair before the board makes a decision – because once the board makes a decision you can't (inaudible) doesn't mean anything. You have the hearings before you make the decision. And I would like to recommend that this board would consider calling a special meeting solely for the purpose of having a public hearing for this issue. So maybe people know that it's a public hearing only for this issue you may have more people interested and speak their peace before you make your decision. That's just a recommendation.

Mayor Garofalo – Further public comment on the Charter? Anybody else?

Mr. Oraziotti – Mr. Mayor. Question for Corporation Counsel regarding Mr. Moscato's comments and Mr. Domurad's comments. Are we in the right direction here?

Atty. Holcomb – Absolutely. It's on the agenda, it's noticed as a public hearing on this issue and the notice has been given, therefore it's a public hearing. You don't have to have a separate meeting for that. You could of course have a separate meeting. You can have one – by statute you have to have one public hearing – you can have more than one public hearing at your discretion. You can have it a special meeting certainly. But this is a properly noticed public hearing.

Mayor Garofalo – Further public comment? Your name and address please?

Dan Waleski, 23 Elm Street, Derby, CT – In regard to the Board of Education we are preparing our youth for the future of our country. The City is spending \$13 to \$14 million for this purpose. A large sum by any standards. May I propose the following: A nine-man board, citywide elections, two-year terms. May I stress the success of any Board of Education is the quality of its members. May I also say that efforts must be placed in that direction in order for a good board to succeed in all its endeavors. Thank you Mr. Chairman.

Mayor Garofalo – Mr. Waleski just so you understand that's what's being proposed by the Charter Revision Commission.

Mayor Garofalo – Further comment on the Charter.

Tony Szewczyk, 166 Mt. Pleasant Street, Derby, CT – Since I came back to town I just noticed one thing in general. There's an awful lot of talk about education and like education is the biggest budget item in the town. It's way more than half the budget. One thing I noticed about this town is most of the people in town are hard workers; they don't catch what's happening very often. Everybody's worried about our children and you know blah, blah and I think just a suggestion whenever any town meetings have to do with any relative to education why can't you know the (inaudible) such meetings be posted at the schools so like the principal could somehow get the word out that there is in fact a meeting going on. Because I can guarantee it most people don't even know this is going on tonight. It's just a suggestion.

Mayor Garofalo – Thank you. Anybody that did not speak on the Charter.

Delphine Krezel, 33 Paugasset Road, Derby, CT – It's a question though – when was the item regarding the Charter in which the public portion posted? When was it on the agenda?

Mayor Garofalo – Friday. Six days ago. Anybody else that did not speak yet? Mrs. Kelleher.

Mrs. Kelleher – I just wanted to thank the Charter Revision Commission – I forgot to do that before – for the time and effort that they put in. They did work very hard and they did listen to the people that were there. So I do appreciate their efforts.

Mayor Garofalo – Further comments on the Charter Revision? ***If there are no other further comments, then without objection the public hearing is closed.***

Mayor Garofalo said if there is no objection from the board he would like the board to go to item #15 regarding adopting the resolution designating the Lilac as the official bush of the City of Derby. There were no objections.

Mayor Garofalo – As you know the City of Derby has a long and rich history that dates back to 1642 when the Dutch traders established a settlement at the junction of what is now know as the Housantic River and the Naugatuck River. In 1675 Derby was given the name as City status – that was on May 13, 1675. In 1893 we were established as a City, incorporated as a City and Town. Derby is home to many firsts – the first ambassador to a foreign country was General David Humphreys who's from Derby, CT and he was ambassador to Portugal and an aide to General Washington at that time who would go on to be President of the United States. The invention of the common pin was started here in Derby as well as the first African American ambassador to a foreign country, Ebenezer Bassett, who was the ambassador to Haiti, appointed by President Ulysses S. Grant. Another first for the City is the fact that the lilac bush was brought to this country by Dr. John Durand. He bought the house on Academy Hill in 1680. The first lilac plants were brought to the City of Derby some point thereafter. I would just like to thank the Business Association, Joan Driscoll from the Derby Public Library, Jack Walsh from the Electronic Valley Website and the support of Rob Novak and the whole board of directors of the Derby Historical Society and the Derby Garden Society and a special, double extra special thank you to Markanthy Izzo because he brought us some of the purple and white lilacs from the David Humphreys House and the other purple ones are from Brownie Castle, which is probably the original plant that was brought here to this country. And this will be the first official tangible item that we have in the City so we'll make history again tonight.

ADOPT RESOLUTION DESIGNATING THE LILAC AS THE OFFICIAL BUSH OF THE CITY OF DERBY

**PROCLAMATION AND RESOLUTION
City of Derby Official Bush – Lilac**

WHEREAS, The City of Derby can declare many historical firsts not only in the State of Connecticut but in the United States and,

WHEREAS, The Encyclopedia Americana says that the most common and widely cultivated of the Lilac bushes in the United States is the French Lilac that blossoms in May and comes in an array of beautiful spring shrubs and flowers and,

WHEREAS, The story of the Lilac bush in the United States is a first for Derby, in fact, it's a Connecticut first when Dr. John Durand, a French Huguenot physician came to Derby about 1680, purchased a house (also known to Derbyites as the Brownie Castle) on Academy Hill, which is reportedly the oldest house in Derby and,

WHEREAS, Derby was sparsely settled with only a few families and was mostly wilderness and Dr. Durand who missed the fragrant Lilac shrubs that grew in France, upon making a return voyage back to France, returned with a large number of Lilac roots, which he planted on the grounds around his Derby home and that of his descendants, all of whom are said to have the loveliest Lilac bushes surrounding their homes and,

WHEREAS, Dr. John Durand, who is buried in Derby's Olde Uptown Burial Ground, should be recognized for his contribution to the beauty of springtime in America, now

THEREFORE, The Board of Aldermen of the City of Derby, in concurrence with, Marc J. Garofalo, Mayor of the City hereby resolves and designates that the Lilac Plant is hereby the official bush of the City of Derby and we call upon all of our citizens to honor Dr. John Durand who brought the first Lilac Plant to the United States of America in Derby, CT.

In witness whereof, I have hereunto set my hand and caused to be affixed the seal of the City of Derby, on this 13th day of May 2004, the 329th Anniversary of the naming of our City.

Marc J. Garofalo, Mayor

A MOTION was made by Mr. Bassi and seconded by Mr. Flora to adopt the Resolution designating the Lilac as the official bush of the City of Derby.

DISCUSSION ON MOTION

Mr. Oraziotti suggested a friendly amendment to the motion - that a lilac bush be planted in front of City Hall.

MOTION CARRIED.

Mr. Markanthony Izzo – I would just like to thank the Mayor and the Board for their consideration.

MINUTES

A MOTION was made by Mrs. Parizo and seconded by Mr. R. Sill to approve the minutes of the April 22, 2004 meeting. **Motion carried.**

A MOTION was made by Mr. Bassi and seconded by Mr. B. Sill to approve the minutes of the April 28, 2004 meeting. **Motion carried.**

APRIL POLICE DEPARTMENT REPORT

There were no questions asked. Report placed on file.

APRIL FIRE MARSHAL REPORT

Mrs. Parizo said that it's nice to see a lot more completed than working on issues on the list. Report placed on file.

APRIL PUBLIC WORKS DEPARTMENT REPORT

Mrs. Parizo questioned whether or not the sweeper was here? Mayor Garofalo said no that an outside contractor is doing the work. Report placed on file.

APRIL BUILDING DEPARTMENT REPORT

There were no questions asked. Report placed on file.

APRIL BLIGHT REPORT

Mr. Bassi asked if Mr. Kopjanski could look at 37 6th Street. Mr. Kopjanski said that he would inspect the site tomorrow. Mayor Garofalo noted that 153 Main Street had been razed this week. Report placed on file.

APRIL REDEVELOPMENT AGENCY REPORT

Mayor Garofalo informed the board that the Redevelopment Agency will be meeting next month. He also noted that he had spoken with representatives from Hubbell Brothers and S&S. They are still on their timeframe for the move. Mr. Oraziatti asked when that should happen? Mayor Garofalo said that he was informed it would be the end of June.

APRIL PARKS & RECREATION COMMISSION REPORT

There were no questions asked. Report placed on file.

APRIL CULTURAL COMMISSION REPORT

Mayor Garofalo said that they just met on Monday. They did raise a question regarding their permit for Fireworks on June 27. They need to submit a rain date of July 2. If there is no objection, they would like to add that to their application. Phil Hawks said that they would need to get their permit to him fifteen days prior to the event. Mayor Garofalo suggested that Mr. Hawks coordinate this tomorrow with his secretary Mrs. Ritter.

APRIL OFFICE OF DEVELOPMENT & ADMINISTRATION REPORT

Mr. Oraziatti asked Mr. Dunne about the improvements for directional signage and informational signage for the garage. Is this going to be done? Mr. Dunne said that he is using existing tube frames and sign blanks that are on hand. He is going to print updates and have it placed on Elizabeth and Third Streets. He noted that there is confusion with the old signs reading that the garage closes at 5:00 p.m. on Friday. That is not the case anymore with the garage opened on Friday and Saturday evenings. He said that beyond those changes everything else is in the budget request for improvements to the garage. The Mayor noted that the capital improvements would be done as soon as the finances are transferred up to the City Clerk's Office. The Mayor asked Mr. Dunne what is the timeline for that? Mr. Dunne said that there is really no physical transfer. It is just a matter of setting up the accounts – it is relatively simple. Mr. McLiverty has asked him for a budget for a twelve-month period – a line item budget, which had never been prepared. Budgets were never prepared for the parking garage since it was a cash basis. Mr. Dunne said that he is developing a line item budget and that he has asked for policy & procedure from Mr. McLiverty. It is his understanding that they are going to start paying the bills on the same system the City

uses, but the checks and the accounts will remain the same and separate from the City as they have to by statute. Mr. Orazietti asked Mr. Dunne when he anticipates this taking place? Mr. Dunne said that there is a recommendation to take items out of the Improvement Plan and go out for bid on the items – approximately \$80,000.00 cost estimate in the study. When we get authorization to go forward we will draw specs, we'll go to bid and select a contractor. Report placed on file.

ADOPT REVISION TO CAPITAL PLANNING ORDINANCE – SECTION 7-90

John Orazietti from the Downtown Committee reported on this item. He noted that his committee had recommended approving the changes. He also noted that the changes are mainly technical in nature.

ARTICLE XIX, Capital Planning Commission (Adopted 7-23-1998)

§ 7-90. Created.

There is hereby created a Capital Planning Commission for the City.

§ 7-91. Composition. (Amended 9-28-2000; 8-22-2002)

Such Commission shall consist of the following seven members: two members of the Board of Apportionment and Taxation, one the Chairman and one from the other political party represented on the Board; three members of the Board of Aldermen, one of whom shall be its President; the Mayor; and the Chairman of the Board of Education. If one or more members of the Board of Aldermen are from the minority party, then one such minority party member shall serve on the Commission. The Finance Director will serve as an ex officio member. The Mayor shall serve as the Chairman of the Commission. All members, with the exception of the Finance Director, shall have full voting rights.

§ 7-92. Appointment of members; filling of vacancies. (Amended 8-22-2002)

The member from the minority party of the Board of Apportionment and Taxation, excluding the Chair, and the two members from the Board of Aldermen, excluding its President, shall be appointed by the Mayor, subject to the approval of the Board of Aldermen, at the first regular meeting of the Board of Aldermen in January of even numbered years, for terms not to exceed two years. Any vacancy in such positions shall be filled by the Mayor, subject to approval of the Board of Aldermen, for the unexpired portion of the term. Should a vacancy occur in the position of Chairman of the Board of Apportionment and Taxation, President of the Board of Alderman, or Chairman of the Board of Education, such vacancy shall be filled by the successor Chairman or President of the respective Board.

§ 7-93. Term of members.

The first appointed members of the Commission shall serve until January 15, 2000. Thereafter, members Members shall serve for terms of two years, beginning on the first Saturday of December of the odd numbered years.

§ 7-94. Meetings.

The Commission shall meet on a monthly basis at such time and place as shall be designated by the Chairman. The Chairman, or a majority of the members of such Commission, shall have the right to call such special meetings as may be required from time to time.

§ 7-95. Powers and duties.

The Commission shall have the following responsibilities, duties and powers:

- A. To assist in long-range planning for the retirement and replacement of the City's capital assets, including but not limited to buildings, vehicles and equipment.
- B. To annually meet with the head of each City department for the purpose of determining each department's short-term and long-term capital needs.
- C. To recommend to the Board of Aldermen, for adoption, a five year Capital Plan.

A MOTION was made by Mr. Oraziotti and seconded by Mrs. Fusco to adopt the revision to the Capital Planning Ordinance Sections 7-90 through 7-95. **Motion carried.**

DECLARE \$15,110.40 AS UNAPPROPRIATED REVENUE OF THE CITY PURSUANT TO SECTION 34 OF THE CITY CHARTER

THIS ITEM WAS MARKED OFF THE AGENDA. THE ENTIRE BOARD OF ALDERMEN NEED TO BE PRESENT TO ACT.

WAIVE 2004 PICNIC GROVE FEE FOR CHARITABLE ORGNIZATIONS

Mayor Garofalo listed the organizations:

- o Derby Cultural Commission – Saturday May 15, 2004
- o St. Mary/St. Michael School Field Day – Tuesday June 1, 2004 (9:00 a.m. – 3:00 p.m.)
- o Cub Scout Pack 3 – Monday June 7, 2004 (5:00 p.m. – 8:00 p.m.)
- o Derby Middle School Field Day – Friday June 11, 2004 (8:00 a.m. – 2:00 p.m.)
- o Derby Cultural Commission for Derby Day – Sunday June 27, 2004
- o Storm Engine Co. – Saturday August 7, 2004
- o Civil Preparedness – Sunday August 8, 2004
- o Paugasset Hook & Ladder Co. #4 – Sunday August 29, 2004

A MOTION was made by Mr. B. Sill and seconded by Mr. Flora to waive the 2004 picnic grove fee for the above-mentioned charitable organizations. **Motion carried.**

APPROVE PAYMENT OF BILL FOR ENERGY SAVINGS INITIATIVE AS RECOMMENDED BY THE ENERGY SAVINGS TASK FORCE

Mayor Garofalo noted the amount of the bill is \$7,500.00. It is part of the \$30,000 contract that was previously approved. The work has been done and the invoice signed off.

A MOTION was made by Mr. R. Sill and seconded by Mrs. Fusco to approve payment of bill for Energy Savings Initiative in the amount of \$7,500.00. **Motion carried.**

AUTHORIZE CLOSURE OF FAIRVIEW TERRACE ON JUNE 12, 2004 FOR A BLOCK PARTY

Mrs. Fusco, Chair of the Neighborhood Committee informed the board that a letter had been received from Mr. Carloni requesting that Fairview Terrace be closed on June 12, 2004 from 6:00 a.m. until 10:00 p.m. for a Block Party. Mrs. Fusco noted this is at least the second year for this event and that she had an opportunity to discuss this with Chief Cota. Chief Cota stated that there were no problems last year and he believes that there may be several officers attending this event.

A MOTION was made by Mrs. Fusco and seconded by Mr. Rizzitelli to authorize the closure of Fairview Terrace (between Lewis Street & Division Street) on June 12, 2004 from 6:00 a.m. until 10:00 p.m. for the purpose of a block party. **Motion carried.**

AUTHORIZE RFP FOR AUTOMATION CONSULTANT FOR CITY OF DERBY TECHNOLOGY UPGRADE

Mayor Garofalo said for the purpose of reporting from the committee on Administrative Mrs. Parizo. Mrs. Parizo said that Rich Lutz and Rick Dunne worked very hard to put together this RFP. The goal is to bring the computer system forward to the new City Hall. Mr. Lutz said that the Automation Committee has met and it is their recommendation that they will need a consultant to first help them move everything from the current City Hall to the new City Hall. Help them to establish a proper network in the new building and they would also help to manage the system on a long-term basis.

A MOTION was made by Mrs. Parizo and seconded by Mr. Flora to approve an RFP with minor technical and non-substantive changes for an Automation Consultant for the City of Derby Technology Upgrade. **Motion carried.**

APPROVE VENDOR SITE APPLICATION FOR MARK LANZIERI IN FRONT OF SUPERIOR COURT GA #5 ON ELIZABETH STREET

Mayor Garofalo said for the purpose of reporting from the committee on Administrative Mrs. Parizo. Mrs. Parizo said that the application was presented to the Administrative Committee. All the information was found to be in order and the committee recommends approval of the application. She noted that Mr. Bassi was very instrumental to make sure that Mr. Lanzieri would conduct business in front of the Superior Court GA#5 and not in front of the Sterling Opera House.

A MOTION was made by Mrs. Parizo and seconded by Mrs. Fusco to approve the Vendor Site Application for Mark Lanzieri in front of Superior Court GA#5 on Elizabeth Street for Court House Dogs. **Motion carried.**

AUTHORIZE PLANTING OF A BUSH AT WITEK PARK IN HONOR OF ARBOR DAY 2004

Mayor Garofalo said for the purpose of reporting from the committee on Neighborhoods Mrs. Fusco. Mrs. Fusco said that Mr. Waleski came to the Neighborhood Committee representing a group of citizens who would like to beautify Witek Park because they have concerns regarding the work that is being conducted at the Park. So to honor the spirit of Arbor Day they would like to plant a bush or shrub in the area of Witek Park or on the Witek Park property. The committee approved it with the proviso that the group works with the Tree Warden, Mr. Parker. Mr. Parker was in attendance at that meeting and has agreed to work with this group.

A MOTION was made by Mrs. Fusco and seconded by Mr. R. Sill to authorize the planting of a shrub in honor of Arbor Day 2004 by Mr. Waleski and his group of citizens subject to the approval and supervision of the Tree Warden.

DISCUSSION ON MOTION

Mrs. Parizo said that she hopes that they would consider the lilac. Mr. Waleski said no. The lilac has been adopted tonight. Our efforts are the first Arbor Day observance in Witek Park. He assured the board that next year or the year after they would seriously consider the lilac.

MOTION CARRIED.

ADOPT RESOLUTION REGARDING EMS WEEK IN THE CITY OF DERBY

PROCLAMATION AND RESOLUTION

WHEREAS, The members of emergency medical services are ready to provide lifesaving care to those in need twenty-four hours a day, seven days a week; and

WHEREAS, Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, Emergency medical services providers have traditionally served as the safety net of America's health care system. The services consist of medical response technicians, paramedics, emergency nurses, physicians, firefighters, police officers, educators, administrators, and others; and

WHEREAS, Whether volunteer or career, members engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals. It is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, I, Marc J. Garofalo, Mayor, in concurrence with the Board of Aldermen do hereby proclaim May 16-22, 2004 as EMERGENCY MEDICAL SERVICES WEEK in the City of Derby, Connecticut and we encourage all of our citizens to observe this week with appropriate programs, ceremonies, and activities.

In witness whereof, I have hereunto set my hand and caused to be affixed the seal of the City of Derby on this 13th day of May 2004.

Marc J. Garofalo, Mayor

A MOTION was made by Mr. B. Sill and seconded by Mr. Bassi to adopt the Resolution designating May 16-22, 2004 as Emergency Medical Services Week in the City of Derby.

DISCUSSION ON MOTION

Mr. Oraziotti said that they are going to conduct CPR training. The training would take place this Saturday, May 15, 2004 at Derby High School at 7:30 a.m. and 9:30 a.m. Mr. Oraziotti said it is a good thing to take advantage of. There is a different way of CPR now being proposed.

MOTION CARRIED.

Mayor Garofalo thanked the members of the Storm Ambulance Corps for the work that they do for the City.

CHARTER REVISION DRAFT REPORT

The board noted that they would review the comments made by the public this evening and it would be taken up at the next meeting.

DISCUSS BACCHIOCCHI V. CHAPMAN MATTER (REGULAR & EXECUTIVE SESSION)

DISCUSSION ON HEART & HYPERTENSION PENDING CLAIM (REGULAR & EXECUTIVE SESSION)

Mayor Garofalo said that he would excuse himself during the discussion on the Heart & Hypertension Pending Claim due to a conflict of interest.

A MOTION was made by Mrs. Parizo and seconded by Mr. R. Sill to go into Executive Session at 8:24 p.m., inviting Ted Estwan, Police Commissioner and Chief Andrew L. Cota, Jr. to discuss Bacchiocchi v. Chapman and discuss Heart & Hypertension Pending Claim. **Motion carried.**

The board came out of Executive Session at 9:06 p.m. There is to be no action taken.

With no further business before the board and without any objection the meeting adjourned at 9:07 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