

DERBY BOARD OF ALDERMEN MEETING

JUNE 24, 2004 - DERBY CITY HALL, ALDERMANIC CHAMBERS – 7:00 P.M.

MINUTES

Mayor Marc J. Garofalo called the meeting to order at 7:15 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Alderman Bruce Sill, Alderman John Orazietti, Alderman Michael Flora, Alderwoman Linda Fusco, Alderman Ronald Sill, Alderman Samuel Rizzitelli

Absent: Alderman Robert Gabianelli (Excused Absence)
Alderwoman Sheila Parizo (Excused Absence)
Alderman Joseph Bassi (Excused Absence)

Also Present: Richard T. Dunne, Executive Director, ODA
Henry J. Domurad, Chair, Board of Apportionment & Taxation
Keith A. McLiverty, City Treasurer
Al Felice, Chair, Witek Park Fields Committee
Richard Lutz, Mayoral Assistant
Warren Holcomb, Esq.

ADDITIONS, DELETIONS, CORRECTIONS & ADOPTION OF AGENDA

Mayor Garofalo noted that there are five additions to the agenda this evening:

1. Authorize Renewal of Insurance for 2004-2005 Year pursuant to previously adopted rate lock
2. Authorize St. Mary's Church to post a temporary sign at Derby Avenue and Main Street
3. Authorize Youth CONNnection Players to post a temporary sign at Derby Avenue and Main Street
4. Discussion on Heart and Hypertension Claims in Police Department (Executive Session Only)
5. Discussion on Personnel Matter in the Office of the Town Clerk (Executive Session Only)

A MOTION was made by Mr. Flora and seconded by Mr. B. Sill to adopt the agenda with the five additions. **Motion carried.**

PUBLIC PORTION

Mayor Garofalo asked if anybody from the public would like to address any item on the agenda?

Henry J. Domurad, Jr., 6 Devon View Road, Derby (Board of Apportionment & Taxation Chairman) – That's why I'm speaking tonight. I'm not speaking for the board but as a member of financial (inaudible). Agenda item ten I believe the ball fields there's going to be a resolution to take about 33 acres of land at Fountain Lake and use it for sports – baseball in particular. I would ask that if this is correct that the board reconsider that because I've been on record during the last budget meetings it's not getting any easier without any physical growth in the City's grand list. We actually had negative growth. Without any progress with the HALO project or the downtown we need some help financially. I would strongly suggest that any decisions on that property be tabled until an economic development plan could put together where (inaudible). My impression is that the City is going to try to market it on the State web site – I don't know if that ever transpired. I think we need to develop commercial properties to grow a tax base in the City.

Mayor Garofalo – Mr. Domurad there may be some confusion I believe what was mailed out was the wrong resolution.

Mr. Domurad – I'm just looking at the resolution coming before and the prospect of taking 32 acres of land and use those for recreation and I was encouraged to see Mr. Orazietti's comments at the beginning of the week and I think that's the way the City should be going. In fact two meetings ago the Tax Board took (inaudible) fall we're going to be formulating a study committee to look at ways to address the next budget – we're going to take a six month leap forward time to see how the (inaudible) could be improved. That's how dire the situation is. So anything you can do to lower the tax base would be appreciated. Thank you.

Mayor Garofalo – Anybody else from the public? No one else wished to speak.

PUBLIC PORTION CLOSED

MINUTES

A MOTION was made by Mr. B. Sill and seconded by Mr. Flora to approve the minutes of the June 10, 2004 meeting. **Motion carried.**

MAY PARKING DIVISION REPORT

There were no questions asked. Report placed on file.

MAY ECONOMIC DEVELOPMENT REPORT

Mr. Orazietti noted that there are three current items due. At what point in time would they be past due? Mr. Dunne said they are current due as of the May period. They are now paid. Anything that shows as current are generally paid by the time you receive the report. Mr. Dunne said the report comes out the third week of the month once the bank statement is received. The report could be sent out later, however, that would mean handing the report out the night of the meeting.

APPROVE SITE LOCATION VENDOR PERMIT OF SECONDS, LLC

Mrs. Parizo was to report on this item this evening. Mayor Garofalo read § 136-13. Duration of license; fee; issuance into the record: The duration of each location license shall be 12 months from the date the Aldermen approve the same. The management itinerant vendor location licensee fee shall be \$200. The itinerant vendor location

license fee shall be \$75. Mayor Garofalo also noted that there is a provision in §136-19. Exceptions stating that any vendor, itinerant vendor or managing vendor that operates for a single event that does not exceed four consecutive days per calendar year may request an exemption from paying a license fee described in §136-13 for that calendar year, which request shall be determined by the Board of Aldermen, at its sole discretion, if said Board finds that said exemption will enhance the cultural opportunities of the community.

Mayor Garofalo – Upon the recommendation of the Chief of Police and the research of Mrs. Parizo and the committee Seconds is looking to have a three-day event, which will be June 25, 26, and 27 and the location will be 237 Roosevelt Drive. There is permission from the landlord and because it is only a three-day event, Mr. Orazietti who is the President and CEO of Seconds, LLC is requesting a waiver for that license. Mr. R. Sill said that all the information and documentation has been reviewed and all has been found to be in order.

A MOTION was made by Mr. R. Sill with a second by Mr. Flora to authorize the Site Location License for Seconds, LLC pursuant to §136-13 for the one time event for June 25, 26, 27, 2004 at 237 Roosevelt Drive and to waive the fee pursuant to §136-19 B. **Motion carried.**

ADOPT RESOLUTION REGARDING MARIA CONLON DAY

A MOTION was made by Mrs. Fusco with a second by Mr. R. Sill to adopt a Resolution citing June 27, 2004 as Maria Conlon Day in the City of Derby. **Motion carried.**

ADOPT RESOLUTION REGARDING SCHOOL IMPROVEMENT BOND ISSUE (7/8/2003) FOR STATE REIMBURSEMENT

Be it hereby resolved by the Board of Aldermen of the City of Derby:

The Downtown Committee of the Board of Aldermen shall be designated as the Building Committee for the Derby Public Schools Maintenance Project that was approved at the Referendum held on July 8, 2003; and

The Building Committee is hereby authorized, with the approval of the Mayor, to prepare schematic drawings and outline specifications for the various projects approved in the referendum; and

The Building Committee shall, and is hereby authorized to, direct City and Board of Education staff to file any and all grant applications to the State of Connecticut or any other entity for reimbursements available for the successful completion of this project.

Approved this 24th day of June 2004.

Mayor Garofalo – Because we're trying to get reimbursement on several of these projects from the State we need to have this Certified Resolution designating the committee – this is the way they want to have it for the purposes of the State reimbursement. This is strictly for the project that was approved at the referendum on July 8, 2003.

A MOTION was made by Mr. R. Sill with a second by Mrs. Fusco to adopt the Resolution regarding the School Improvement Bond Issue (7/28/03) for State Reimbursement. **Motion carried.**

DISCUSSION ON BILLS FOR NEW CITY HALL

Mayor Garofalo said that all the bills have been reviewed by the City Engineer and they have approved the bills. This is for work that has already been done. There was some confusion as to the amount due on the front sheet of AIA Payment Application #7 – the amount states \$46,385.00 due. The bills being presented this evening total up to \$32,385.00. Why is there a \$14,000 difference? Mr. Lutz said the \$14,000 was for an emergency payment to the electrician who was threatening to walk off the project. The name of the contractor is Power Network Solutions. Mr. Lutz would retrieve the bill for the board's consideration.

APPROVE PAYMENT OF BILLS FOR NEW CITY HALL – STEELTECH - \$17,085.00

A MOTION was made by Mr. Orazietti with a second by Mr. Flora to approve the payment of \$17,085.00 to Steeltech. **Motion carried.**

APPROVE PAYMENT OF BILLS FOR NEW CITY HALL – P&J PAINTING - \$5,000.00

A MOTION was made by Mr. Flora with a second by Mr. B. Sill to approve the payment of \$5,000.00 to P&J Painting. **Motion carried.**

APPROVE PAYMENT OF BILLS FOR NEW CITY HALL – CONNECTICUT CARPENTERS FUNDS - \$6,969.60

A MOTION was made by Mr. Orazietti with a second by Mrs. Fusco to approve the payment of \$6,969.60 to Connecticut Carpenters Fund. **Motion carried.**

APPROVE PAYMENT OF BILLS FOR NEW CITY HALL – CONSOLIDATED CONTRACTORS - \$3,330.40

A MOTION was made by Mr. Flora with a second by Mrs. Flora to approve the payment of \$3,330.40 to pay Consolidated Contractors. **Motion carried.**

ADD INVOICE FOR POWER NETWORK SOLUTIONS TO THE AGENDA

A MOTION was made by Mrs. Fusco with a second by Mr. R. Sill to add the invoice of Power Network Solutions to the agenda for action. **Motion carried.**

PUBLIC PORTION

Mayor Garofalo asked if anyone wished to comment on the addition of the Power Network Solutions Invoice to the agenda? No one wished to speak.

PUBLIC PORTION CLOSED

APPROVE PAYMENT OF BILLS FOR NEW CITY HALL – POWER NETWORK SOLUTIONS

A MOTION was made by Mr. Orazietti with a second by Mr. Flora to approve the payment of \$14,000 to Power Network Solutions. **Motion carried.**

AUTHORIZE RENEWAL OF INSURANCE FOR 2004-2005 YEAR PURSUANT TO PREVIOUSLY ADOPTED RATE LOCK

Mr. Rizzitelli reported from the Insurance Commission. We have the renewal policy and we have already approved the rate lock for the liability, auto and property insurance.

The renewal premium last year's values and last year's rate is \$541,971 – according to our ordinance it has to come before this board for a 7/1/04-7/1/05 renewal.

A MOTION was made by Mr. Rizzitelli with a second by Mr. B. Sill to approve the renewal of the policy with CIRMA according to expiring rates and expiring terms and conditions in the amount of \$541,971. **Motion carried.**

Mr. Rizzitelli said for the Workman's Compensation Program our carrier is MidWest Employees Casualty Company. This is an excess policy, which is exactly the same as last year. Actually we did very well last year. Our claims were down and our management of our claims process with this carrier has been very favorable. We have actually saved money in comparison to the prior years. Again, this term is 7/1/04 to 7/1/05 and it would be renewing for expiring terms and conditions with a deposit premium of \$50,049 minus \$1,515.00, which is a recommendation from the Insurance Commission and the reason that \$1,515.00 is broken out is for terrorism coverage that we really don't need to be included in the policy.

A MOTION was made by Mr. Rizzitelli with a second by Mr. B. Sill to approve the renewal as quoted. **Motion carried.**

Mr. Rizzitelli said the Derby Fire Department has a separate policy and the renewal premium is \$25,984.00. It's a renewal quote per expiring terms and conditions. It actually went down a little bit even though we added a very large value fire truck to the policy this year. This is a very decent quote.

A MOTION was made by Mr. Rizzitelli with a second by Mr. R. Sill to approve the renewal of the 7/1/04 to 7/1/05 term for the Fire Department Fire Policy in the amount of \$25,984.00. **Motion carried.**

Mr. Rizzitelli said the last one is the Storms Policy.

A MOTION was made by Mr. Rizzitelli with a second by Mrs. Fusco to approve the renewal of the Storm Engine Ambulance Corps insurance policy in the amount of \$24,603.00.

DISCUSSION ON MOTION

Mr. Orazietti said it states earthquake coverage. Mr. Rizzitelli said that's limit for coverage for the building and the equipment. He said believe it or not there's a fault line that does run directly underneath Logan Airport and actually follows the Connecticut River.

MOTION CARRIED.

AUTHORIZE ST. MARY'S CHURCH TO POST A TEMPORARY SIGN AT DERBY AVENUE AND MAIN STREET

A MOTION was made by Mr. B. Sill with a second by Mrs. Fusco to authorize St. Mary's Church to post a temporary sign at Derby Avenue and Main Street. **Motion carried.**

AUTHORIZE YOUTH CONNECTION PLAYERS TO POST A TEMPORARY SIGN AT DERY AVENUE AND MAIN STREET

A MOTION was made by Mr. B. Sill with a second by Mr. R. Sill to authorize the Youth CONNection Players to post a temporary sign at Derby Avenue and Main Street.

Motion carried.

ADOPT RESOLUTION REGARDING LITTLE LEAGUE FIELDS

Be it hereby resolved by the Board of Aldermen of the City of Derby,

Whereas, the City of Derby finds that the City is lacking recreational field space for organized sports and athletic programs which provide the residents of the City with positive community interaction; promote the health and welfare of participants; embrace the spirit of competition and teamwork; develop personal discipline and a strong work ethic and in general, supports the local economy.

Whereas, the Parks and Recreation Commission has identified baseball/softball fields as its next priority after soccer fields are established.

Whereas, the task force that was formed by this Board, by and through the Parks and Recreation Commission, identified the need for at least 7 fields to accommodate the demand for Derby Little League and the City's Girl's Softball League.

Whereas, the dedication of a single mass of land for use as Baseball and Softball fields would most economically, practically and efficiently provide the City with the opportunity to satisfy the need for such facilities in the future.

Whereas, the Derby Pop Warner Program would benefit greatly through the use (exclusive of baseball fields) of the current Derby Little League space located at the Derby High School campus.

Now therefore, the Board of Aldermen hereby resolve and order the following:

1. That the City shall dedicate the use of the land known a Fountain Lake for Recreational Open Space purposes to satisfy the need for baseball and softball fields.
2. That the City, by and through the President of the Board of Aldermen and the Mayor, shall petition the City's Planning and Zoning Commission to consider changing the zoning of Fountain Lake to Recreational Open Space or other designation that would satisfy the intention of this resolution.

A MOTION was made by Mr. Rizzitelli with a second by Mrs. Fusco to adopt the resolution regarding the Little League Fields.

DISCUSSION ON MOTION

Mr. Richard T. Dunne – By way of addressing to the board some of the comments made in public portion I just want to briefly go over a couple of those issues. The property has been marketed consistently through the Connecticut Economic Resource Center for economic development and that's been going on for about eight years. In all that time I've had about twenty inquiries, I've actually done site visits with about six firms. What it comes down to really is that the piece of land that Derby is left with after

splitting with the joint land with Ansonia is ill suited towards any substantial commercial development. There's thirty some odd acres, which twenty-one acres are either wetlands, ledge or otherwise unbuildable. Access is certainly an issue. Access would be an issue either way. My opinion is that it is not a likely candidate for development of economic base. Having said that if there were a single user looking to build a corporate campus office type development then it could be a good use for that. There's not much of a market for that. But for headquarters type thing where they would build a building and parking lots that wouldn't take up more than ten acres the rest of it would basically be wooded campus. That's the only real viable development scenario for economic development and I don't think it's likely. I just want to by way of addressing the board address those comments. I was asked to develop a space study based on work that we had done on the original soccer fields. Take a look at the site and determine how many fields of each type could fit. The results of the engineers work indicate that we could comfortably fit five fields – one would be a major league field, another one would be a minor league fields, a softball field which would also function as a T-ball field and another major league field. Those are the ones that would comfortably fit on the site right now. It is possible crossing the wetlands that another two ball fields could be developed at the top. But that would require us to do some things to get across that wetland area. Downsides are – there will be a significant per field cost especially in the early stages to develop this site. There's going to be a lot of cutting and filling of the topography to create flat playing areas. Leaving the issue of gaining access aside putting in a road and putting in parking does make it a tough fit to get more than five fields. The City obviously does have a number of options to gain access to its land.

Mr. Orazietti – Is there any chance of getting any grants for this?

Mr. Dunne – I think it would be likely with a fully formed plan to apply to the DEP. Getting federal funds is a little more difficult.

Mr. Orazietti – Can we apply for funds now?

Mr. Dunne – We really can't apply for funds without a plan that has been adopted.

Mr. Rizzitelli – I would like to submit for the record a conceptual plan that was adopted by the Neighborhood Committee. It does show a layout of six or more fields that can be put together at Fountain Lake. Let me go to funding thoughts because it's important for us to at least understand where we're going with funding. We're not asking for any funds in this year's budget. This budget has been set. We're not asking for Capital Planning funds. We're not asking for local funds. This has nothing to do with the current tax structure that has already been adopted by the Tax Board. This has absolutely nothing to do with that. What we're doing tonight and we discussed it in the Neighborhood Committee and we're bringing it forward is really adopting the conceptual plan. Adopting this as the future. Creating that vision, embracing it and presenting that to ourselves. This is what we need. So as far as money goes as soon as we have something more solid such as an understanding of access, an understanding of exact schematics of where the fields would be laid then it would be appropriate for us to seek funding. Yes, absolutely we are going to need help from the State of Connecticut and we're going to have to get local representation in the State of Connecticut involved in helping us out with that. So I think ultimately it's something that the City of Derby should bear itself. But even if we did it should be done over a long

enough period of time so it's not asking for too much money, too soon. It's something we can grow into. If we adopt this vision it's a space that we can grow to. We can put a field there one year. Another field the next year and if we don't have the money we wait another year. Then you put another field there and we have room to grow. The problem with Derby with field space is that we cookie cut ourselves into not being able to grow anywhere. We've settled for substandard conditions for a really long time and that is not satisfactory anymore. We raised the standards – this City has raised the standards in corners of this City for the last eight years. We continue to raise these standards and this is part of that. It's no longer acceptable for these kids to play and let me describe the fields for you – I'll start with the T-ball field. The T-ball field is cut in the middle of the major league and the minor league field. It was never supposed to be there. It was haphazardly cut there a few years ago as a sandlot field because they had no other field. So it's really the space where people just traverse back and forth from the minor league field to the major league field and now a T-ball field as a sandlot sits there with really no amenities to it – it's really just a sandlot. It's sad and pathetic. Let me go to the minor league field next. It's not really a completed minor league field. The minor league field in right field isn't even completed. If you go over there and look the baseline runs off the cliff. It's not even a finished complete field. Not to mention a lack of an infield. The saddest thing I heard going to other cities is our coaches instructing our players how to play on grass in the minor league fields in some of these other towns. They don't know how to play on grass because we don't have grass on our field. Because by the way the minor league field the fence line comes down after the season is over so Pop Warner can use that field as a football field. The major league field has been out of regulation for quite some time. You have to have a certain amount of footage and it doesn't meet that. So our Little League can't play games there. They have to go to other towns to play official games because our fields aren't regulation sized. Besides the fact our senior field the one the high school kids use is cut into our football field. That's pathetic. We know the need exists and we've identified this as the probable solution and tonight if we embrace this conceptual plan the City can move forward. And let's face it if we relieve that space from Little League then Pop Warner also benefits. Now our City has a plan for recreation and children's play. We would have soccer going on up at Witek Park, you could have all the baseball in the world going on at Fountain Lake and then Pop Warner could have the rest. And then it could be a much greater use of our land and a much better quality of life for the residents that enjoy that. That's really the summary of where we're at.

Mayor Garofalo – Further Discussion? All in favor –

MOTION CARRIED.

DISCUSSION ON HEART AND HYPERTENSION CLAIMS IN POLICE DEPARTMENT (EXECUTIVE SESSION ONLY)

DISCUSSION ON PERSONNEL MATTER IN THE OFFICE OF THE TOWN CLERK (EXECUTIVE SESSION ONLY)

Mayor Garofalo – There are two items that are on the agenda for executive session. The discussion on the heart and hypertension claims in the Police Department and the personnel matter in the Town Clerk. A motion would be in order to go into executive session on these two matters subject to adjournment. On the heart and hypertension claim I will continue to excuse myself as I have a conflict there.

A MOTION was made by Mr. B. Sill with a second by Mr. Flora to go into Executive Session subject to adjournment regarding the matters of the Heart and Hypertension Claims in the Police Department and the personnel matter in the Office of the Town Clerk inviting Corporation Counsel and Mr. Lutz to attend. **Motion carried.**

Respectfully submitted,

Patricia Finn
Temporary Recording Secretary

/paf
Attachment

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