

DERBY BOARD OF ALDERMEN MEETING

JULY 8, 2004 - DERBY CITY HALL, ALDERMANIC CHAMBERS – 7:00 P.M.

MINUTES

Mayor Marc J. Garofalo called the meeting to order at 7:12 p.m. All rose and pledged allegiance to the flag. Mayor Garofalo asked for a moment of silence for City Treasurer Keith A. McLiverty's Uncle who passed away today.

Roll Call

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

Absent: Alderman Robert Gabianelli (Excused Absence)

Also Present: David L. Kopjanski, Building Official
Gary M. Parker, Director Public Works, Chief – Derby Fire Department
Philip Hawks, Fire Marshal
Chief Andrew L. Cota, Jr., Derby Police Department
Anthony Paupini, Charter Revision Commission
William Purcell, Executive Director, Valley Chamber of Commerce
Richard Lutz, Mayoral Assistant
Richard J. Buturla, Esq. (arrived at 7:30 p.m.)
Warren Holcomb, Esq.

ADDITIONS, DELETIONS, CORRECTIONS & ADOPTION OF AGENDA

Mayor Garofalo said he would like to add one item to the agenda:

- o Executive Session for strategy and negotiations for the Downtown Project with no action to be taken

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

PUBLIC PORTION

John DeBarbieri, Grandview Blvd., Derby, CT – I would like to talk about two issues. Briefly one will be a comment and the second will have a comment and some questions that can be discussed in the regular portion (inaudible) as Marc just pointed out executive session. Item one is the Board of Education – as a voter, taxpayer and chairperson of Derby Voters Alliance (inaudible) I would again ask this board to reconsider its posture on the issue of appointing members of the Board of Education. I strongly believe that this is a bad idea for the City (inaudible) quality of education. Despite the (inaudible) of many citizens (inaudible) consolidation of power as seen by this board and this mayor. I know most of you well and find it difficult to accept that this power consolidation is one of the main reasons behind the change. Please don't take away the rights of parents to effect the quality of education of your children. Leave the Board of Education alone. Item number two according to the Register this morning the

City has signed an agreement on downtown development. I believe all the voters in the City believe it is a good thing. I do have a few questions. Derby has expended \$750,000 demolition to date. The developer has deposited \$100,000. Is the City out the remaining \$650,00? If we are, why are we? Is the City also responsible for the demolition purchase of Hubbell Bros. or was the agreement that is in existence signed with the developer or was it signed with the City? What are the terms of the agreement? What is the start date of the proposed project? What is the completion date of the project? When will the first market-rate units be available? And where are the terms of the contract with the developer? How long does the developer have to get into the ground? What are the performance provisions for non-completion of the project area from Caroline Street to the Derby/Shelton Bridge? Have any provisions been made for the remaining area of redevelopment, which was part of the big package but is now excluded in this latest agreement as reported? And my final question is when will the copies of the contract be available for public pickup? I know they're \$.50 a page. Derby Voters Alliance membership has contributed \$86.00 so far and we don't mind – we just want to know when they're going to be available. Thank you for your courtesy.

Tony Szewczyk, 166 Mt. Pleasant Street, Derby – Just two basic topics – the redevelopment in general and again the Board of Education thing. I've noticed since I've been to numerous meetings involving any kind of construction in this town that after whatever the projects is questions come up like why does the roof leak on the high school? Why is there asbestos here, mold there? Why aren't the (inaudible) bid contract – whatever. Here's my point – I'm a registered architect in a number of states including Connecticut. I've got about forty years experience in architecture. I've taught architecture on a college level for about 12-13 years. Whenever I go to these meetings the impression I get the boards and commissions don't know what they're doing. That's my professional opinion. And I don't understand why there isn't people like Mr. Kopjanski, Rick Dunne, myself – I'm sure there are others – and I'm sure you sitting at the table have friends that are contractors or something – I guess my point is it would be nice if on these boards and commissions that somebody actually has a clue on (inaudible) construction matters on these boards and commissions. My point about the Board of Education thing is, I'll try to keep it short and to the point, ever since I came back to Derby about four years ago there has been numerous projects they're all for the children. Schools, recreational facilities. I don't have any problem with any of this. It's legal go for it. But this Board of Education thing there's a little difference here. See where I'm coming from is I'm a conservatist. And one of the key things of being a conservatist is to protect the person's right to vote. In other words the voter has a voice. You don't encourage "big brother" or big government. Now everything that was said about this Board of Education whether it's appointed or elected is one basic point I don't think has been thought about at all. If it's for the children (inaudible) the children's biggest advocate is their parents. So to me the simplistic way you have the parents deciding who's on the school board or do you have the government deciding who's on the school board? This whole thing is beginning to look a little Aurelian to me. Please don't hurt the children.

Markanthony Izzo, Olivia Street, Derby, CT – Regards to the downtown development thing to be discussed today – I guess the question would be, not to be answered here, but (inaudible) just wondering through the process itself if there will be public input with the land develop?

Mayor Garofalo – Hearing no further questions...

PUBLIC PORTION CLOSED

MINUTES

A MOTION was made by Mrs. Fusco with a second by Mr. Flora to approve the minutes of the June 24, 2004 meeting. ***Mrs. Parizo abstained as she was absent from the meeting. Motion carried.***

JUNE POLICE DEPARTMENT REPORT

There were no questions asked. Report placed on file.

JUNE FIRE MARSHAL REPORT

Mr. Hawks said it was in the paper last week that the person who lit the Minerva Street fire received a 20-year sentence suspended after 8 ½ years served. He said he feels it speaks well for working as a team with the Derby Police Department, specifically Det. Donahue, who did the criminal investigation. Between my fire investigation and his criminal investigation it was good teamwork with a good outcome with the conviction. Report placed on file.

JUNE PUBLIC WORKS DEPARTMENT REPORT

There were no questions asked. Report placed on file.

JUNE BUILDING DEPARTMENT REPORT

There were no questions asked. Report placed on file.

JUNE BLIGHT REPORT

Mrs. Parizo questioned the status of 7 Cottage Street. Mr. Kopjanski said Corporation Counsel contacted the attorney for the owner. There has been no response from the owner. The owner has never acknowledged one way or another the blight notices. Mr. Rizzitelli asked if there are receipts that the owner has received the notices? Mr. Kopjanski said he has the certified receipts on file. Mayor Garofalo suggested having this item brought up at the next Neighborhood Committee meeting. Report placed on file.

JUNE REDEVELOPMENT AGENCY REPORT

Mayor Garofalo said we have the item on the agenda this evening. The document we have is obviously a matter that is being negotiated by the City. Many of the questions raised this evening are addressed, especially the strict nature of the timeline. Also the specific design issues are issues that will be dealt with through the normal course of Planning & Zoning, etc... No action is to be taken tonight. The document will be distributed to the Board of Aldermen and the Redevelopment Agency. Whatever further negotiation is to take place will take place at a duly noticed meeting.

JUNE PARKS & RECREATION COMMISSION REPORT

Mayor Garofalo said he is not sure if the commission had met.

JUNE CULTURAL COMMISSION REPORT

Mr. Sill said he knows the Cultural Commission will not have any more meetings until September, however, is there a way to get a report for Derby Day? Mayor Garofalo said he would receive one once it is finalized. Report placed on file.

JUNE OFFICE OF DEVELOPMENT & ADMINISTRATION REPORT

Mayor Garofalo noted that Mr. Dunne is on vacation. Ms. Finn is present should there be any questions. There were no questions asked. Report placed on file.

AUTHORIZE MAYOR TO EXECUTE TEMPORARY LICENSE AGREEMENT WITH UNITED ILLUMINATING

Mr. Lutz reported that the U.I. Company has requested a permanent ability to install three vaults on City property. One by the City garage, one behind the new City Hall and one underneath the drive-thru at the new City Hall. For the privilege to do that they have agreed to pour under the drive-thru area thereby expanding the space at the new City Hall. He noted the power supply in the downtown is very old – this would increase the power supply for downtown Derby. Mrs. Parizo informed everyone that Mr. Lutz was very good in negotiating this agreement.

A MOTION was made by Mrs. Parizo with a second by Mr. Flora to authorize the Mayor to execute the adopt the final Temporary License Agreement with United Illuminating as approved by Corporation Counsel. **Motion carried.**

AUTHORIZE MAYOR TO EXECUTE EASEMENTS WITH UNITED ILLUMINATING

Mayor Garofalo informed the board that this item is still being negotiated with U.I. This item should be marked off the agenda.

At this point in the meeting Mayor Garofalo informed the board that an item was overlooked and asked if it could be added to the agenda. The item is:

AGREEMENT BETWEEN AIRWAY ELECTRIC COMPANY AND THE CITY OF DERBY FOR THE CONSTRUCTION OF A SELF-ACTUATED PEDESTRIAN SIGNAL CROSSING

A MOTION was made by Mr. R. Sill and seconded by Mrs. Parizo to add the agreement between Airway Electric Company and the City of Derby for the Construction of a Self-Actuated Pedestrian Signal Crossing to the agenda. **Motion carried.**

PUBLIC PORTION

NO ONE FROM THE PUBLIC WISHED TO SPEAK.

PUBLIC PORTION CLOSED

Mayor Garofalo said this agreement is to accept the grant from the State for the pedestrian signals on Derby Avenue at Bank Street. He said this has been negotiated by the Corporation Counsel's Office. It is a basic form agreement. Most of the cost would be covered by the State.

A MOTION was made by Mrs. Parizo and seconded by Mr. R. Sill to authorize the Mayor to sign the agreement between Airway Electric Company and the City of Derby for the Construction of a Self-Actuated Pedestrian Signal Crossing. **Motion carried.**

TAKE ACTION ON FINAL REPORT OF CHARTER REVISION COMMISSION

Mayor Garofalo said pursuant to Section 7-191 of the Connecticut General Statutes the Board of Aldermen appointed the Charter Revision Commission. The Charter Revision Commission met all of its statutory guidelines and came up with a draft report. They

presented the draft report to the Board of Aldermen. The Board of Aldermen made recommendations back to the Charter Revision Commission. The Board of Aldermen and the Commission conferred pursuant to the statutes on those recommendations. The Charter Revision Commission then met and made amendments to their draft report and then voted unanimously for a final report dated June 21, 2004. Now pursuant to the statutes there is responsibility of the Board of Aldermen to either accept or reject the report. You can accept it all, or reject it all, or accept and reject part of it pursuant to 7-191. Mr. Oraziotti said the Board of Aldermen went through the final report. Based on the Board's recommendations the Charter Revision Commission has gone along with the board's recommendations.

A MOTION was made by Mr. Oraziotti with a second by Mr. Rizzitelli to approve the final report of the Charter Revision Commission as they adopted it in June 2004.

DISCUSSION ON MOTION

Mr. Rizzitelli – I would just like to clarify a couple of important points of interest regarding this. The first of which is the irresponsible, inciting democratic fear that I hear some opposition talking about. And that's inaccurate. It's a very inaccurate understanding of what this is that we're talking about. We're going from a system that has four-year terms that are all staggered to a system that has two-year terms that all line up for re-election at the same time. That's improving democracy. That's improving the democracy that we have right now in the system. Let me take it one step further. We go from nine elected to six elected – a majority of which are elected. So there should be no fear that the electorate doesn't have a majority say in those positions. We improve this system by adding appointments. Creating a link between the Board of Education and the City. That's never been done before and that is a key component to improving the performance of this system. Because it's a joint system. It's not just a school system and just the City. It's Derby and our school system is part of us in the City. We have to have that link. Not just to survive, but to compete and be better and succeed. So with the Republican Party inciting this false fear in people about lose of democracy and DeBarbieri's group – the little political action party that saying we're taking democracy out of the voters' hands is inaccurate. Especially because what we do tonight is put this before the people to vote for. So the people themselves have this opportunity to embrace this democracy, this better democracy, and improve on it. So all this spin doctoring and all this inciting unnecessary fear is irresponsible and I want to make that clear for the record. I also want to sum up what I believe to be the ulterior motive of folks like DeBarbieri and his political action committee. The end of his sentence, the end of his statement tonight said it perfectly – leave his system alone. Leave the system alone. If they want to stick their heads in the sand and pretend the school system is not seriously challenged today in Derby then they can do that themselves. But the rest of the City is well aware of what's going on and it needs improvement. And they have asked us to improve it. All the residents out there – we know we all get these phone calls – they want us to improve it and we're giving this opportunity to Derby to improve its school system. That last sentence sums it up perfectly – leave the system alone. He wants to take on protecting DeBarbieri and the group and the Republican Party want to take on trying to protect the little fiefdom that they have with that system that is only going to hurt the children that they pretend that they're trying to protect. And I want to make that clear at least for motivation behind some of which has been taken place over the last six or eight months. It's been a well, thought out process. The Charter Revision Commission has done an outstanding job.

And I have one member here – I would like to thank Babe Paupini for all your time and effort. And again seconding this motion move to adopt the changes.

With no further discussion...

MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Mr. R. Sill with a second by Mrs. Fusco to put this question before the voters for approval or rejection at the regular election of November 2, 2004. **Motion carried.**

A MOTION was made by Mrs. Parizo with a second by Mr. Oraziotti submit to the Town Clerk the question "Shall the Charter of the City of Derby be amended regarding the Board of Education as recommend by the Charter Revision Commission and adopted by the Board of Aldermen on July 8, 2004" for the approval or rejection of the Charter Revision on November 2, 2004. **Motion carried.**

TAKE ACTION ON PROPERTY TAX REVALUATION

Mrs. Parizo reported from the Administration Committee. Before you is a letter from the Assessor with an attachment of the Legislative Update. On May 11, 2004 at a special session the State legislature voted to allow municipalities to delay revaluation. Mrs. Parizo said it costs the City of Derby approximately \$100,000 to have this done. It is the recommendation of the Administration Committee to postpone revaluation until the 2005 Grand List pursuant to the statute.

A MOTION was made by Mrs. Parizo with a second from Mrs. Fusco to postpone revaluation until the 2005 Grand List pursuant to the Statute. **Motion carried.**

AUTHORIZE TEMPORARY CLOSURE OF HOMESTEAD AVENUE FOR A BLOCK PART ON AUGUST 21, 2004

Mrs. Fusco from the Neighborhood Committee reported on this item. She informed the board she received a letter dated June 23, 2004 from Steven Ogleby requesting Homestead Avenue (from the intersection of Shelton Street to 29 Homestead) be temporarily closed on August 21, 2004 from 2:00 p.m. to 8:00 p.m. for a block party. Chief Cota has reviewed the request and has no concerns.

A MOTION was made by Mrs. Fusco and seconded by Mr. R. Sill to authorize the closure of Homestead Avenue (from Intersection of Shelton Street to 29 Homestead) on August 21, 2004 from 2:00 p.m. to 8:00 p.m. for a block party. **Motion carried.**

APPROVE CONCEPTUAL PLANS FOR BOARD OF EDUCATION CENTRAL OFFICES AT LOWER LEVEL OF NEW CITY HALL

Mrs. Parizo from the Administration Committee reported on this item. In front of her is a conceptual plan that was prepared for the lower level of the new City Hall to accommodate the Board of Education offices. The plan has been designed to meet the needs of the Board of Education. It still has to go to the State for approval. We may also qualify for reimbursement money for construction. The current Superintendent has signed off on the plans with a few minor changes. It is the recommendation committee to approve the conceptual plans.

A MOTION was made by Mrs. Parizo with a second of Mr. R. Sill to recommend the approval of the conceptual plans and the development of the bid specs for the Board of Education Central Offices at the lower level of 1 Elizabeth Street. **Motion carried.**

DISCUSSION ON SEARCH FOR SUPERINTENDENT OF SCHOOLS (EXECUTIVE SESSION ONLY)

DISCUSSION ON SOUTH SIDE REVITALIZATION NEGOTIATIONS (EXECUTIVE SESSION ONLY)

A MOTION was made by Mrs. Parizo with a second by Mrs. Fusco to go into Executive Session at 7:45 p.m., subject to adjournment, for Discussion on Search for Superintendent of Schools and Discussion on South Side Revitalization Negotiations. Atty. Buturla, Atty. LeClerc, Mr. Lutz and members of the Redevelopment Agency invited to sit in for the South Side Revitalization Negotiations and Mrs. Holcomb from the CT Association of Board of Education Search Committee invited to sit in for the search for Superintendent of Schools. **Motion carried.**

Respectfully submitted,

Patricia Finn
Temporary Recording Secretary

/paf

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