

DERBY BOARD OF ALDERMEN MEETING

AUGUST 12, 2004 - DERBY CITY HALL, ALDERMANIC CHAMBERS – 7:00 P.M.

MINUTES

Mayor Marc J. Garofalo called the meeting to order at 7:04 p.m. All rose and pledged allegiance to the flag.

Roll Call

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

Absent: Alderman John Oraziotti (Excused Absence)

Also Present: David L. Kopjanski, Building Official
Gary M. Parker, Director Public Works, Chief – Derby Fire Department
Charles DiCenso – Interim Superintendent of Schools
Lou Rogowski – Maintenance Director – Derby Public Schools
Vincent Guardiano – Tax Board, Energy Savings Task Force
Richard Lutz, Mayoral Assistant
Bryan LeClerc, Esq.

ADDITIONS, DELETIONS, CORRECTIONS & ADOPTION OF AGENDA

A MOTION was made by Mrs. Parizo and with a second by Mrs. Fusco to adopt the agenda as posted. **Motion carried.**

PUBLIC PORTION

Charles DiCenso, 55 Summit Street, Derby, CT (Interim Superintendent) – I just have two brief comments. First I was not aware that you were acknowledging David this evening. I would like to thank you for doing that and congratulate David's Mom and Dad. David's a wonderful student at the High School and he does an outstanding job, which we're all very proud of. Secondly I'm here to ask that the board vote favorably for the contract with Noresco. As you know one of the first requirements of any educational agency is to provide an environment that's conducive to learning. And lighting, heating, cooling, ventilation obviously are all components of that type of environment. Unfortunately at the present time due to the age of a lot of those buildings and mechanical systems we're unable to provide such an environment on a consistent basis. So I strongly urge the board confirm this contract with Noresco so we can move forward with the repairs and conditions to the system. You certainly know the contract better than I, but to very briefly – new windows at Irving School, (inaudible) air quality at all the schools, new heating and cooling at the High School, efficient lighting, water conservation, etc... So it's a great project for us – it really is. And I think it will move all of the schools forward and certainly help the students and teachers do what's necessary on a daily basis. And furthermore it would certainly give the City also a new quality of life. Because on given nights like this where we might have a thunderstorm we have a band recital or something you can have an air-conditioned auditorium you could go to. So I think it won't just serve the students and the faculty, important

enough, it would certainly serve the entire community, which I think is a great situation for all of us. So again all of this I believe will be accomplished with about \$1.6 million of the Capital Bond money that was approved and the rest will come from savings and energy so I think we're winning on both ends here. So again as the interim superintendent I would ask you strongly consider signing this contract so we can move forward. Thank you.

Gary M. Parker, Fire Chief – City of Derby Fire Department – Again I would like to echo Mr. DiCenso's words on the act of heroism and courage of David Gruttadauria. I responded on the call when the Storm Ambulance Corps was dispatched to a reported drowning. And it's not everyday that individuals or any of us have an opportunity to save a life and this was certainly one that came out favorably and you should be very proud. Thank you.

Mayor Garofalo – Hearing no further comment...

PUBLIC PORTION CLOSED

ADOPT RESOLUTION TO RECOGNIZE EFFORTS OF DAVID GRUTTADAURIA

Mayor Garofalo – David is one of our outstanding lifeguards at the Derby Veterans' Community Center downstairs and on the afternoon of July 19, 2004 there was a young man in the pool who was swimming and had an unfortunate incident where he lost his breath and passed out in the water. Through the swift efforts of Mr. Gruttadauria he saved his life and then quickly summoned the emergency medical crews. The young man's life was spared and he's made a complete recovery. Were it not for this bright, intelligent, articulate and very capable young man the circumstances would have been fairly grim for the young man. So, I would ask this board – I propose a resolution to adopt – to recognize Mr. Gruttadauria for his efforts and to thank him for his service – for his professionalism – being cool under the pressure and just being able to focus. For that he's a shining example of what good Derby lineage will bring you in your life ahead. Otherwise his parents are on both sides of him and they'll beat him up like any good parents would do – under all the letters of the law – but certainly make sure that he'll stay on the straight and narrow. So I would entertain that motion to adopt a resolution to recognize David Gruttadauria for his heroism and bravery.

A MOTION was made by Mr. R. Sill with a second by Mr. Bassi to adopt a resolution to recognize David Gruttadauria for his heroism and bravery. **Motion carried.**

Mayor Garofalo presented Mr. Gruttadauria with a plaque from the City: On behalf of the City of Derby I would like to present you with this Certificate of Recognition presented to David Gruttadauria for your outstanding effort, quick thinking and professionalism on July 19, 2004 and for your service as a lifeguard at the Derby Veterans' Community Center is greatly appreciated and given on this 12th day of August 2004.

Mr. Gruttadauria – I just want to say thank you to everybody. I'm very thankful that the kid survived. That he didn't sustain more serious damage. This was very hard for me and I just want to say how much I appreciate this. Thank you.

MINUTES

A MOTION was made by Mr. R. Sill with a second by Mr. Gabianelli to approve the minutes of the July 8, 2004 meeting. **Motion carried.**

JUNE PARKING DIVISION REPORT

There were no questions asked. Report placed on file.

JUNE ECONOMIC DEVELOPMENT REVOLVING LOAN REPORT

Mr. Bassi asked why Studio 275 was only paying interest. Ms. Finn said the reason is Studio 275 chose to pay interest only the first year. This option is offered to anyone who receives a loan. She noted that it was their last interest only payment and they have started to pay on the principal. Report placed on file.

JULY POLICE DEPARTMENT REPORT

There were no questions asked. Report placed on file.

JULY FIRE MARSHAL REPORT

Mayor Garofalo informed the board members that Mr. Hawks is on vacation. There were no questions asked. Report placed on file.

JULY PUBLIC WORKS DEPARTMENT REPORT

Mr. Bassi asked Mr. Parker about the status of the roof at the courthouse. Mr. Parker said he spoke with the City Treasurer. There is funding in the budget to support this project and he is in the process of preparing a bid package. Report placed on file.

JULY BUILDING DEPARTMENT REPORT

There were no questions asked. Report placed on file.

JULY BLIGHT REPORT

There were no questions asked. Report placed on file.

JULY REDEVELOPMENT AGENCY REPORT

Mayor Garofalo said that the PDA with Ceruzzi has been signed. Also the State Bond Commission met last week – HALO was not on their agenda. They will meet in September. Mayor Garofalo said he spoke with Rep. Belden who was not aware of the project. The Mayor said he was surprised to hear that as Rep. Belden is on the Bond Commission. Mr. R. Sill said that the City has had written communications from the State regarding this project.

JULY PARKS & RECREATION COMMISSION REPORT

There were no questions asked. Report placed on file.

JULY CULTURAL COMMISSION REPORT

Mrs. Parizo said she would like to see a report. We have not seen one in quite some time. We don't even know how they did with Derby Day. We keep putting this down as an agenda item and we never see a report. Mayor Garofalo said he was not sure of the date of their last meeting. Mrs. Parizo asked the Mayor to see to it that it is put in our next meeting packet. Ms. Finn will contact the City Clerk regarding this matter.

JULY OFFICE OF DEVELOPMENT & ADMINISTRATION REPORT

Mrs. Parizo said she would like to see a true update on the Greenway Trail. Ms. Finn will contact Mr. Dunne with this request. Report placed on file.

JOINT SESSION WITH ENERGY SAVINGS TASK FORCE

- A. Presentation by Noresco, Inc.
- B. Authorize Mayor to Execute Contract with Noresco, Inc., subject to technical review by Corporation Counsel
- C. Approve Payment of Invoice #212 to Celtic Energy for Energy Savings Consultant - \$8,700.00

Mayor Garofalo said the members of the Energy Task Force are present this evening. The members are: Ron Sill, Bruce Sill, Vincent Guardiano, Lou Rogowski and Rich Lutz. Bob Cerritelli is absent from tonight's meeting.

Mayor Garofalo turned the floor over to Chris Halpin from Celtic Energy who is the City's consultant on the project. Mr. Halpin informed the board members that Mike Harris and John Greenspan from Noresco are also present this evening. Noresco is the contractor that Celtic Energy selected after a pretty exhaustive search. We are now at the point of having a very detailed energy audit prepared for the three schools and City Hall. Mr. Halpin noted that this project has worked out very well. He said this is the fastest he's ever seen a project get to this point. It would usually take a year or more. We were able to accomplish it in five to six months.

Mr. Harris then reviewed the Executive Summary for the board members. He said this project is all based on energy savings. We will be saving roughly \$200,000 a year in both energy and operation of maintenance costs. We will also truly be improving the quality of the environment in the schools. Mr. Harris noted that the project would consist of five energy conservation measures (ECMs). The five ECMs are as follows:

Window Upgrades

Propose installation of Low E double pane operable windows in the old wing of Irving School. Also, a window film would be applied to existing windows in the new wing. Other existing double pane windows will have Low E film installed.

Building Automation Systems

Building automation controls will be installed at the High School, Irving School and Bradley School. The systems will control existing HVAC equipment and new HVAC equipment to be installed at the high school. Control strategies include occupied/unoccupied control, start/stop of exhaust fans, ventilation control, economizer control, radiator valve control, hot water reset control, boiler and circulating pump control, and temperature setback control.

High School Heating, Cooling and DHW Conversion

Electric resistance space heating and DHW is currently used in the High School. With the exception of a few small heat pumps in the office areas, there is no air conditioning in the school. The proposal is to install 33 new gas fired heating, direct expansion cooling, rooftop units. The new rooftop units will also have outdoor air economizer controls, to allow for free cooling when conditions permit. Two new gas fired water heaters will be installed to replace the electric units, as well as 21 instantaneous water heaters in various remote locations. A total of 130,000 square feet of space will be

affected. Over 300 tons of cooling will be installed, and approximately 120,000 CFM of air capacity.

Energy Efficient Lighting, Vending Controls and Daylighting

Propose the installation and/or retrofit of linear fluorescent fixtures with T8 lamps and electronic ballasts, and the installation of compact fluorescent fixtures. Upgrades will include the application of T5 high output fluorescent lamps and electronic ballasts where appropriate. In addition to reduced energy cost, this measure will result in improved lighting quality and maintenance cost savings. Daylighting controls will be installed in classrooms having adequate natural lighting. Vending machine occupancy controls will be installed on selected units.

Water Conservation

Propose the installation of low flow toilets, urinal valves, and sink aerators to reduce water usage and costs. Upgrades are proposed for the three schools and the Derby Community Center in the old City Hall. Showerhead replacements are included at the community center, but excluded at the schools due to low usage.

Mr. Harris then spoke of some measures that for various reasons are not recommended at this time:

- Burner Conversions – Old City Hall, Bradley School – The dual fuel conversion at the City Hall was removed from the project because the existing oil tank is unusable. The economics of the project in the initial proposal were based on the reuse of the existing tank. Noresco investigated the installation of a new tank and it was deemed not economically feasible. The oil burner conversion at Bradley School has also been excluded from the project due to unacceptable economics.
- Convert High School Kitchen Equipment – This was excluded during the development because of unacceptable economics.
- Irving School Ventilation Upgrades – This was put on indefinite hold until the removal of asbestos containing material is completed.
- Irving School/Bradley School Air Conditioning – These projects are on hold because of project economic constraints.
- Photovoltaic System – This was removed from the project due to poor economics.

It was noted that the capital improvements to the High School have been submitted by the City of Derby for State reimbursement under the School Construction Grant process. The installation of the air conditioning and building automation system is reimbursable under this program and reimbursement of over \$1,000,000 is likely. Should this reimbursement amount be achieved, the project will produce significant, positive cash flow for the City of Derby assuming a one-time reduction to the outstanding principle.

Project Cash Flow With Additional Reimbursement

Lease Term (Years)	16
Investment	\$4,480,549
Capital Contribution (1)	\$2,648,536
Annual Savings (2)	\$222,082
Annual Payment (3)	\$131,955
Net Cash Flow (4)	\$90,127

- (1) Includes rebates, grants and state reimbursement
- (2) Annual savings include escalation attributable to first year
- (3) Includes NORESCO service phase payment
- (4) For this example, the anticipated state reimbursement has been assumed as a \$1,000,000 additional capital reduction payment made concurrent with the other capital reduction payments. Actual timing and amount will vary slightly.

Mayor Garofalo asked the board members if there were any questions?

Mrs. Parizo said on page four you talk about occupancy controls and on page five one of the items not recommended is occupancy controls. Is this a mistake? Mr. Harris said the title should have been changed. Since the lights are turned off so regularly there wasn't a savings for us to install the occupancy control. So that title is incorrect. Thank you for bringing that to our attention.

Mrs. Parizo said on page six there is a whole list of items that are not to be included in the proposal. One of those items is the roof at the high school. If the roof leaks while the rooftop units are being installed is there contingency in place to deal with subsequent leakage? Mr. Rogowski said included in the Capital Bond there is \$190,000 in roof repair at the high school. We are anticipating some problems due to the age of the roof. The Mayor said it's not a secret about the way the roof was put on the building years ago. It is almost twenty years old and everyone knows that will have to be dealt with outside of the scope of this project. Mr. Rogowski said it would require a complete tear off.

Mrs. Parizo questioned what was a Photovoltaic System? Mr. Halpin said they are solar powered panels. This was declined from the State.

Mrs. Parizo said the Executive Summary states that NORESCO specifically excludes any liability for window breakage resulting from the installation of the window film at Irving School. Why is that? Mr. Harris said that should have been written clearer. It means down the road, not during installation.

Mrs. Parizo asked how long this project would take after it is signed, sealed and delivered? Mr. Harris said it should take one year in the construction schedule. It should run through the end of summer.

Mr. Flora asked what would be the first phase before school begins? Mr. Harris said at this point they are not sure anything could get done before the start of school. Mr. Flora questioned the safety of installing the very large rooftops while the children are in session. Mr. Harris said any kind of work that is considered dangerous or intrusive would be done after the school day.

Mayor Garofalo thanked everyone in this process. It has been a very aggressive endeavor. He noted the next phase would include work at the WPCA Plant.

A MOTION was made by Mrs. Parizo with a second by Mr. B. Sill to authorize the Mayor to execute the contract with Noresco, Inc., subject to technical review by the Corporation Counsel. **Motion carried.**

A MOTION was made by Mr. R. Sill with a second by Mr. B. Sill to approve payment of Invoice #212 to Celtic Energy for Energy Savings Consultant in the amount of \$8,700.00. **Motion carried.**

ADOPT RESOLUTION REGARDING AN AGREEMENT WITH THE DERBY WPCA TO REPAIR CERTAIN SEWER LINES

A MOTION was made by Mrs. Parizo with a second by Mrs. Fusco to waive the reading of the resolution and adopt the entire text into the minutes of the meeting. **Motion carried.**

Mayor Garofalo said this resolution comes as a result of the Road Bond Project that we are currently undertaking. He said there is always that little mystery any time you are going to open up the road. It makes sense to address these issues before any of the roads are repaved. Mr. Parker has sent out letters to all the utilities. The Board of Apportionment and Taxation has already authorized this item, which is essentially a loan to the WPCA. The loan would be coming out of the fund balance. The resolution was drafted by our Bond Counsel in order to comply with the rules and regulations. He also noted that this has been discussed by the Neighborhood Committee, the Board of Apportionment and Taxation and by the WPCA. Mr. Guradiano said hopefully within a year when they get their energy consultant in place they can start looking at the overall picture of the plant and some of the structures throughout the City. He said what would probably happen is that we would have to go for some type of bonding to make some major improvements to the facilities. Mayor Garofalo said at this moment this item is an issue of timing. We need to do this once and we need to do it right the larger picture.

Resolution appropriating \$250,000.00 from the undesignated fund balance for the repair of sewer lines in Kings Court, Hillcrest Avenue, Hickory Road, Bank Street and Devon View Road and approving a loan of such funds to the City of Derby Water Pollution Control Authority.

Section 1. The sum of \$250,000.00 is appropriated for the planning, acquisition and construction of the repair of sewers in the Kings Court, Hillcrest Avenue, Hickory Road, Bank Street and Devon View Road are of the City, including gravity sewer lines, force mains, pump stations, manholes, acquisition of easements and other interests in property, associated utility, street and drainage improvements, repair and relocation, appurtenances related thereto, licenses and permits, blasting if and as necessary, and for testing, surveying, paving, engineering, administration, advertising, printing, legal and financing costs (hereafter the "Project").

Section 2. Said appropriation shall be loaned to the City of Derby Water Pollution Control Authority ("WPCA") solely to complete the Project and in accordance with such terms as the Board of Aldermen and the Board of Apportionment and Taxation shall determine, including but not limited to, the requirement that the WPCA agree to

repay the appropriation over 3 years, at 3% interest, commencing on 9/01/05 and to levy user and connection fees, benefit assessments and other sources of revenue sufficient to repay the foregoing loan in accordance with its terms, One-Third Principal, One-Third Interest 9/01/05, One-Third Principal, One-Third Interest 9/01/06, One-Third Principal, One-Third Interest 9/01/07.

A MOTION was made by Mrs. Fusco with a second by Mr. Bassi to adopt the resolution regarding an agreement with the Derby WPCA to repair certain sewer lines. **Motion carried.**

AUTHORIZE MAYOR TO EXECUTE INTERMUNICIPAL AGREEMENT WITH THE CITY OF SHELTON REGARDING A SKATE PARK

Mayor Garofalo said we did approve the concept of the skate park and this is the Intermunicipal Agreement for the operation of the park and the construction of this project that we said would be coming back to the City. This has been reviewed by Corporation Counsel. There was a lengthy discussion regarding insurance liabilities between the City of Derby and the Town of Shelton. Mr. Rizzitelli said he feels that the issue of liability is not stated clear enough in the Intermunicipal Agreement.

A MOTION was made by Mrs. Fusco with a second by Mr. R. Sill to refer the Intermunicipal Agreement with the City of Shelton for a skate park back to the Neighborhood Committee for further clarification. **Motion carried.**

AUTHORIZE USE OF ONOPIAK NATURE PRESERVE FOR TEMPORARY PARKING

Mayor Garofalo said he received a letter from Dora Edgerly requesting use of the Onopiak property on Sodom Lane to park cars on August 14, 2004 commencing at 2:00 p.m. for approximately four hours. Ms. Edgerly noted in her letter that she is the owner of 380 David Humphreys Road and she would be having a party on that date at her residence. As David Humphreys Road is narrow for street parking she would like permission to park the cars on the Onopiak Property. Mrs. Parizo said she has a problem with this request. That property is not meant to be a parking lot – it is a nature preserve. Mr. R. Sill questioned whether the City would be liable for any damage that occurred on the property. Mayor Garofalo noted that the property is still in probate and David Kopjanski is one of the executors. He would suggest taking no action on this request.

A MOTION was made by Mrs. Parizo with a second by Mrs. Fusco to take no action on the request for temporary parking at the Onopiak Nature Preserve. **Motion carried.**

Mayor Garofalo said we would need to go into Executive Session for the next three items. He would ask that Mr. Parker sit in for the 88 Sodom Lane item. Mr. Lutz and Corporation Counsel were invited to sit in on all three items. Mayor Garofalo said action would be taken regarding 88 Sodom Lane.

A MOTION was made by Mr. R. Sill with a second by Mr. Gabianelli to go into Executive Session at 8:08 p.m. for Authorize Letter Regarding 88 Sodom Lane; Discussion on Pending Claims regarding New City Hall; Discussion on Pending Litigation regarding Derby Senior Center. Mr. Gary Parker is invited for the 88 Sodom Lane discussion. Messrs. Lutz and LeClerc and invited for all three discussions. **Motion carried.**

AUTHORIZE LETTER REGARDING 88 SODOM LANE (REGULAR AND EXECUTIVE SESSION)

DISCUSSION ON PENDING CLAIMS REGARDING NEW CITY HALL (EXECUTIVE SESSION ONLY)

DISCUSSION ON PENDING LITIGATION REGARDING DERBY SENIOR CENTER (EXECUTIVE SESSION ONLY)

Without objection the board came out of Executive Session at 8:32 p.m.

A MOTION was made by Mrs. Parizo with a second by Mr. Gabianelli to authorize the Mayor to execute and send the letter to Mrs. Josephine Opuszynski of 88 Sodom Lane regarding her property. **Motion carried.**

ADJOURNMENT

Without objection the meeting adjourned at 8:32 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