

DERBY BOARD OF ALDERMEN MEETING

DECEMBER 16, 2004 - DERBY CITY HALL, ALDERMANIC CHAMBERS – 7:00 P.M.

MINUTES

Mayor Marc J. Garofalo called the meeting to order at 7:13 p.m. All rose and pledged allegiance to the flag.

Roll Call

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

Also Present: Richard T. Dunne, Executive Director, ODA
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
Richard Lutz, Mayoral Assistant
Warren Holcomb, Esq.

ADDITIONS, DELETIONS, CORRECTIONS & ADOPTION OF AGENDA

Mayor Garofalo said he would like to add the following items to the agenda:

1. Moment of Silence for Harvey Blechtman, who was the Director of Operations for the Save Our Sterling Group
2. Adopt Resolution regarding the Canal Road Bridge Project
3. Approve Sidewalk Reimbursement of Derby Neck Library at 307 Hawthorne Avenue
4. Approve Sidewalk Reimbursement of Walter Archer at 283 Elizabeth Street
5. Elect a President of the Board of Aldermen for the 2005 Calendar Year

Mayor Garofalo noted there is one correction to the agenda:

1. Item #27 – Approve Contract for Additional Storage Area Plans on Main Floor of New City Hall should be **ITEM #28**.

Mayor Garofalo – Are there any other additions, deletions or corrections to the agenda?

Atty. Francis Teodosio – From the public Mr. Mayor.

Mayor Garofalo – We'll have the public portion after this.

Atty. Teodosio – With regard to additions.

Mayor Garofalo – The public portion will come after this.

Atty. Teodosio – I was adding something to your agenda.

Mayor Garofalo – That's at the pleasure of the board.

Atty. Teodosio – Do I have to address you now or during the public portion? I want to make sure that I have the opportunity...

Mayor Garofalo – If there's an item – if there's an item that the board wants to add then we can add it. If not, then you can speak on any item that is on the agenda.

Atty. Teodosio – That's my point. There's an item not on the agenda. It's a regular meeting. The Board of Aldermen can add it if they choose and I would like to petition the Board of Aldermen to add it.

Mayor Garofalo – Well that's typically – usually if people want it, usually things come through a committee to the full board.

Atty. Teodosio – I understand but this is regarding something that's on your agenda. It's a very important issue – it has to do with item #29 and Barbara Moore and I would ask the Board of Aldermen to add it to the agenda.

Mayor Garofalo – The original item 29? Well you can speak in the public portion if you want to speak to that issue at that point.

Atty. Teodosio – No. The item 29 does not have Barbara Moore as the topic. I want to make sure that Barbara Moore is the topic. She's my client – I have the authority of Barbara Moore to speak on her behalf. There's no personnel issue, there's no notification issue and I'm asking that she be added to the agenda so that we can appropriately express her position with regard to her and her employment.

Mayor Garofalo – If there's an issue that comes up that is a personnel matter then we can we can address it that way on item number (inaudible).

Atty. Teodosio – I have already submitted a letter to the City of Derby regarding Barbara Moore. It came today and it is germane to item 29 and it needs to be added to the agenda and I'm asking the Board of Aldermen to add it.

Mr. Orazietti – Actually it's a new agenda and it's item 32.

Mayor Garofalo – Yeah on the original item that was posted.

Mr. Bassi – 33.

Atty. Teodosio – Item 33 is what, sir? I have one that says item...

Atty. Holcomb – There's been an amended agenda.

Atty. Teodosio – I was saying 29 because the agenda I have (inaudible).

Mayor Garofalo – Well I would defer to counsel here. What is – I mean if the board – there's really no issue really. I mean there's really no issue.

? – It's on the agenda.

Atty. Teodosio – It's not on the agenda. The topic of Barbara Moore is not on your agenda.

Mr. Bassi – Isn't she the Town Clerk?

Atty. Teodosio – She is the Town Clerk...

Mr. Bassi – Well then she's on the agenda.

Atty. Teodosio – No she's not sir.

Mr. Bassi – It says Office of Town Clerk. She's the Town Clerk. There's not another Town Clerk in the City of Derby outside of Barbara Moore. She's still the Town Clerk until she's officially out – isn't she?

Atty. Teodosio – If that's the way the Board of Aldermen wants to understand it this evening and you're going to allow me to speak on behalf of Barbara Moore then I will withdraw the request to speak or to add her to the agenda.

Mr. Bassi – So moved. Okay by me.

Mayor Garofalo – I'm sorry?

Mr. Bassi – It's okay by me.

Mayor Garofalo – What's that?

Mr. Bassi – Let him speak on in it in the public portion.

Atty. Teodosio – Not in the public portion - with regard to item 33.

Mayor Garofalo – Well Mr. Teodosio I mean you understand that if we don't have a public – I mean we don't have a, excuse me, a Town Meeting form of government and if it was a matter that needed to be discussed tonight then it should be addressed to the proper forum. I don't know that there is an issue that needs to be discussed in Executive Session tonight.

Atty. Teodosio – I don't care if you discuss it in open session. But I want the opportunity to speak when item 29 comes up – or item 33.

Mayor Garofalo – You can speak in the public portion.

Atty. Teodosio – No not in the public portion. When there's the give and take with regard to discussion...

Mayor Garofalo – There is no give and take. That's not how we do it.

Mr. Bassi – That isn't how we do things. Whatever's on the agenda – the public portion – and anybody that wants to speak on it they can speak at the public portion. You don't get an individual that speaks for everyone. Then we're going to have thirty-three people here for thirty-three different things here. It don't work that way.

Atty. Teodosio – I don't want to speak with regard to that item. That's why I wanted to speak with regard to Barbara Moore. That's why I was asking for her to be added to the agenda. The only reason I was saying I would then speak at item 33 is because you said at that item is a topic that involves Barbara Moore she's the Town Clerk so we'll discuss it then.

Mr. Bassi – You looking for an Executive Session? Is that what you're looking for?

Atty. Teodosio – Yes, sir.

Mr. Bassi – Well that's got to be an Executive Session – that's got to go through our main guy there. You got to go through the counselor here.

Atty. Holcomb – Well there's the 33 that's the agenda item. And because it depends upon what happens we may have to go into Executive Session on a personnel issue if that's what we deem to do. Otherwise it's an agenda item and he can speak to it in the public portion to the extent he wants to.

Atty. Teodosio – I will reserve my right to ask the board again and I will speak in the public portion.

Mayor Garofalo – Any other additions, deletions or corrections to the agenda? Hearing none then a motion would be in order to – actually like I said before the other one was a correction – the new item #28 is a correction from the other agenda. So a motion would be in order then to adopt the agenda with the five additions and the one correction.

A MOTION was made by Mrs. Parizo with a second by Mr. Bassi to adopt the agenda as amended. **Motion carried.**

PUBLIC PORTION

Markanthony Izzo, Olivia Street, Derby, CT – Mr. Mayor, members of the board, my name is Markanthony Izzo, Olivia Street, Derby. I would like to thank the Mayor for letting me speak tonight in regard to Harvey Blechtman. Although many people in this room or on this board may not know Harvey, he was a good friend to the City of Derby and even though he did not live in Derby, he lived in Orange. Harvey was a member of the Save Our Sterling group – he was artistic director – and again a good friend. He

was responsible for bringing a lot of talent into the City and also a major responsible person for bringing the two operas to the City Green that drew over 1,000 people to the Birmingham Green. I just thought it would be appropriate just to mention on the record that Harvey has passed on and I just thought – I appreciate all the work he has done. He had passed away in October and unfortunately this was the first meeting I was able to get to and I just thought it be noted for the record that Harvey Blechtman, a good friend to Derby had passed on.

Francis Teodosio, 375 Bridgeport Avenue, Shelton, CT – I am here this evening representing Ms. Barbara Moore, your current Town Clerk. With regard to Ms. Moore she has topics and issues, which relate to item 29 on your agenda. They are rather private and I would ask that you either go into Executive Session now so that we can discuss them or...

Mr. Bassi – 33 not 29.

Atty. Teodosio – I'm sorry I still have the other. Go into Executive Session now to discuss them or allow me the opportunity to when you get to 33.

Mayor Garofalo – So noted. We're not going to go into Executive Session now.

Atty. Teodosio – When you get to it?

Mayor Garofalo – If there's issues that come up that are related to Executive Session we would be happy to do that.

Atty. Teodosio – Are you letting me reserve my right if you don't go into Executive Session to speak then?

Mayor Garofalo – No. We don't do that. If you have something to add to that discussion now we would be happy to take any of that discussion right now.

Atty. Teodosio – All right. As you all know Barbara Moore is a very ill person. Barbara Moore had indicated to the City that she wanted to resign on January 1st of this year. As of today she resigned her request to leave on – she revoked her request to leave on January 1st. The reason she has done that is she is concerned about her medical insurance and she has been told that the Board of Aldermen have indicated that they will not give her medical insurance. We understand that the Board of Aldermen may not have even discussed that and we want to discuss it with you.

Mayor Garofalo – Anything further?

Atty. Teodosio – I would like to know if it has been discussed?

Mayor Garofalo – That's a matter – that's an Executive Session matter.

Atty. Teodosio – You just told me you weren't going to go into Executive Session on it. I represent her; we're speaking in public.

Mrs. Parizo – This is the public portion. You have to get through one portion of the agenda first. We can't go into Executive Session until we complete public portion.

Atty. Teodosio – I think I asked if you would go into Executive Session to discuss this either now or then. I was told you might not. I was not given the opportunity or the assurance that you would be in Executive Session so that's why I'm talking about it in open session.

Mr. R. Sill – It seems to me Mr. Mayor that definitely is an Executive Session matter. I don't like to be talking about these matters or talking about a person who's not here, even though you're counsel. He's here so if we can get to that time I would ask for a vote then to go into Executive Session from the board. It's up to the entire board (inaudible) but I don't think we should be talking about (inaudible).

Mayor Garofalo – (Inaudible).

Atty. Teodosio – Will I be allowed in the Executive Session on behalf...

? – (Inaudible).

Atty. Teodosio – It's a personnel matter about Ms. Moore. She's entitled to come into Executive Session.

Mayor Garofalo – First of all it's not even on the agenda. I mean this item is really not on the agenda. It's not up for discussion tonight. It really wasn't. If the board feels it wants to put it on the agenda for discussion tonight then that's fine. It was not on the agenda for discussion tonight.

Mr. Flora – And it has been on the agenda.

Mayor Garofalo – Yeah it has been.

Mr. Flora – For both regular and executive sessions.

Mr. R. Sill – The other thing...

Mayor Garofalo – Right – there's been at least two or three meetings where personnel matters were discussed regarding the Town Clerk's office. That's a matter of record.

Atty. Teodosio – I'm not sure I'm understanding then. Are you going to go into Executive Session to discuss Barbara Moore or are you not going to go into Executive Session because she is not on the agenda, even though we've asked to have her put on the agenda and have been told that item 29, 33 is the item that in fact would be the item germane to her this evening.

Atty. Holcomb – Well item 33 is the agenda item. Whether the board wants to add an agenda item or if the board wants to go into Executive Session is a matter where it would be taken on a motion at the time we get to that item.

Atty. Teodosio – But you do your additions now and I would again request that Barbara Moore be put down as an additional item on your agenda so that you could discuss it and go into Executive Session on that. And when you go into Executive Session for an employee of the City, that employee is entitled to be in the session and I am asking to be in the session.

Mr. Rizzitelli – If I can – and I want to first - we should follow Roberts Rules of Order and the protocol that we use to not deviate. So I don't want to open up a dialogue and exchange during public portion or anything, but what I think we ought to do here is take this up at another meeting. Give the administration the chance to flush out whatever this issue is. I don't like the idea of something new coming to us. Everything that comes to this board has been flushed out through our subcommittee process and we're all apprised and aware of what's going on. This sounds like possibly an issue that needs to get flushed out. So I would ask that the administration flush this out and perhaps if necessary put it on our future agenda so that we can either take it up in regular Executive Session or both. But I just don't like the way it's starting to get confusing here.

Mayor Garofalo – Any other comment?

Atty. Teodosio – May I speak to that? The reason it's germane to this evening's meeting is you're going to attempt to fill the Town Clerk's position this evening according to item 33. And we are telling you that as of today Ms. Moore is not resigning as the Town Clerk. And I have a letter that I'm submitting to the board, which has already been submitted to the City. And I am again asking that we try to resolve this thing this evening by adding an item to the agenda and discussing it.

Atty. Holcomb – Just so the record is clear on this, the document – the letter that Mr. Teodosio has submitted was faxed to corporation counsel's office sometime approximately 5:00 tonight.

Atty. Teodosio – And acknowledged.

Mayor Garofalo – Yeah I think he just did counselor. You've said a bunch of things alleging a whole host of issues that I'm not going to belabor everybody's time here this evening. But I think he did just acknowledge that for the record, didn't he? So that will be so noted as part of the record. Further public comment?

Mr. R. Sill – Mr. Mayor I would like to leave it up to the board if they want to resolve this tonight they have the opportunity to go into Executive Session when we come to that.

Mayor Garofalo – If the issue comes up then we ought to do that. Okay, thank you. Further public comment? Okay if there's nobody else from the public – any further public comment? Then we'll close the public portion.

PUBLIC PORTION CLOSED

MOMENT OF SILENCE FOR HARVEY BLECHTMAN

Mayor Garofalo asked the assembly to rise and pause for a moment of silence to remember Harvey Blechtman, the artistic director for the Saving Our Sterling Group, who recently passed away to recognize his accomplishments and contributions to the City of Derby.

MINUTES

A MOTION was made by Mr. R. Sill with a second by Mr. Gabianelli to approve the minutes of the November 18, 2004 meeting. **Motion carried.**

NOVEMBER POLICE DEPARTMENT REPORT

There were no questions asked. Report placed on file.

NOVEMBER FIRE MARSHAL REPORT

There were no questions asked. Report placed on file.

NOVEMBER PUBLIC WORKS DEPARTMENT REPORT

There were no questions asked. Report placed on file.

NOVEMBER BUILDING DEPARTMENT REPORT

There were no questions asked. Report placed on file.

NOVEMBER BLIGHT REPORT

Mr. Flora asked if the violations had been corrected at 34-36 Lakeview Terrace? Mr. Kopjanski said the violations have not yet been corrected. They have until December 23rd by his notice to them to correct the violations. There was a question as to the date of December 10th on the report. Mr. Kopjanski noted that the December 10th date was their response time to the Building Department as to when the blight would be corrected. After December if it is not corrected it would go into the penalty phase. Report placed on file.

NOVEMBER REDEVELOPMENT AGENCY REPORT

Mayor Garofalo said the agency met last night and heard a presentation regarding the Economic Impact Study. The Executive Summary and PowerPoint presentation was distributed. The full report was received today and it will be distributed to the board and the Redevelopment Agency. The Executive Summary will also be placed on the City's web site. The design charrette will take place the first week of January '05. The next meeting of the Redevelopment Agency will be January 12, 2005.

NOVEMBER PARKS & RECREATION COMMISSION REPORT

There were no questions asked. Report placed on file.

NOVEMBER CULTURAL COMMISSION REPORT

There were no questions asked. Report placed on file.

JUNE DERBY DAY REPORT

There were no questions asked. Report placed on file.

OCTOBER OFFICE OF DEVELOPMENT & ADMINISTRATION REPORT

The board members noted that they did not have a copy of this report. Mr. Dunne stated that he emailed it to the Mayor's office and asked that it be submitted as his final report. He also requested that the Mayor distribute it to the board members. Mr. Dunne will have copies made and it will be brought up at the close of the meeting.

OCTOBER PARKING DIVISION REPORT

There were no questions asked. Report placed on file.

OCTOBER ECONOMIC DEVELOPMENT REVOLVING LOAN REPORT

There were no questions asked. Report placed on file.

NOVEMBER OFFICE OF DEVELOPMENT & ADMINISTRATION REPORT

There were no questions asked. Report placed on file.

NOVEMBER PARKING DIVISION REPORT

There were no questions asked. Report placed on file.

NOVEMBER ECONOMIC DEVELOPMENT REVOLVING LOAN REPORT

There were no questions asked. Report placed on file.

AUTHORIZE TAX REFUNDS AS RECOMMENDED BY THE TAX COLLECTOR

Mrs. Parizo said everyone should have received the Request for Refunds of Excess Payments made to the Tax Office List in their packet. It is a relatively short list totaling \$2,288.06.

A MOTION was made by Mrs. Parizo with a second by Mr. Bassi to approve the Tax Refunds as recommended by the Tax Collector in the amount of \$2,288.06. **Motion carried.**

APPROVE PROGRESS PAYMENT FOR CELTIC ENERGY FOR SAVINGS INITIATIVE CONSULTANT

Mayor Garofalo said pursuant to the contract with Celtic Energy, a quarterly payment is due.

A MOTION was made by Mr. R. Sill with a second by Mrs. Fusco to authorize the payment of \$4,000.00 to Celtic Energy for consulting fees on the ESPC contract between the City of Derby and Noresco. **Motion carried.**

ADOPT AMENDMENT TO SECTIONS 18-1 THROUGH 18-19 OF THE REVISED ORDINANCES

Mrs. Parizo, Chair of the Administration Committee, reported on this item. She informed the board that the Administration Committee, together with Corporation Counsel, reviewed and revised the Code of Ethics for the City of Derby. Everyone should have received a copy of the final draft a few weeks ago. She noted that no one forwarded any comments to her attention so the Administration Committee went ahead and performed a final review at their last meeting. Although the City did have a Code of Ethics, after reviewing other models with the tremendous help of Corporation Counsel, it was decided to modify the current Code of Ethics to present a clearer understanding

of the purpose of the process. The Board of Ethics will be established by appointment. It will be a five-member board consisting of two Republicans, two Democrats and one Unaffiliated. They will each serve five-year staggered terms. Three alternates comprising of one Republican, one Democrat and one Unaffiliated would also be named. They would serve three-year staggered terms. All board members would be named by the Mayor, and approved by the Board of Aldermen. They cannot be an elected official, City employee, work for any company or firm that does business with the City or run for office during their term on the Board of Ethics. This board would issue guidelines, render advisory opinions, have investigatory powers and hire legal counsel as it deems necessary. Any resident, employee or taxpayer may file a complaint alleging a code violation; the complaint must be in writing. Within five business days the respondent is notified by registered/certified mail of the complaint. The board must then meet within fifteen days of receipt of the complaint.

Atty. Holcomb said the board would then go through an investigatory process where they make a determination whether there is probable cause to proceed to the next level of the violation. Under both State Statute and this ordinance, that process is exempted from the Freedom of Information Act to protect against essentially allegations where there's a determination made that there is no probable cause. If there is a probable cause determination, then the process proceeds to the next level where there would be a full-blown hearing with everything open up to the public. If there is no finding of probable cause, then the matter remains essentially closed. If there is a probable cause determination then there's an open hearing process, which is somewhat like an administrative hearing where there is evidence presented, parties can subpoena witnesses, etc...and at the end of that process there is a determination made whether there's a violation of the code. The jurisdiction of the Ethics Board is limited to violations of the code, which is part of this process. There are also provisions that states if there is a determination of the violation of the code the authority of the board is just to make recommendations in terms of what they deem is an appropriate punishment for that. The ultimate determination is made by the Board of Aldermen.

Mrs. Parizo noted that a lot of time and energy was spent on this document. She feels it is very clear and it leaves no room for ambiguity.

A MOTION was made by Mrs. Parizo with a second by Mr. Bassi to repeal the current 18-1 through 18-19 and adopt the new Section 18-1 through 18-13 for the Code of Ethics for the City of Derby. Mr. Rizzitelli recused himself from the discussion and the vote.

Motion carried.

ADOPT ORDINANCE REGARDING ABANDONED & INOPERABLE MOTOR VEHICLES AND DISCARDED MOTOR VEHICLE PARTS ON PRIVATE PROPERTY TO BE INCLUDED IN THE BLIGHT SECTION OF THE ORDINANCE BOOK

Mrs. Parizo, Chair of the Administration Committee, reported on this item. She noted that this issue came about through our committee, the Police Chief and the Building Official. Cars abandoned on the street are already taken care of under the law. The unregistered motor vehicles and car parts sitting on private property was brought to our attention. These situations can be dangerous, let alone an eyesore for the neighborhood. We are proposing the unregistered motor vehicles must be housed in:

a.) a four-wall garage; b.) a structure of some sort or c.) a tent. The Police or the Building Official in their daily routines should they come upon an unregistered motor vehicle on a private property that is in horrible condition posing a safety hazard a written notice is sent to the owner by registered mail, return receipt requested, indicating that the motor vehicle must be removed within thirty calendar days. The recipient has the right to request a hearing before the Vehicle Appeals Board within fifteen calendar days of receipt. Following the thirty-day period if the vehicle is not removed or a hearing is not requested, a \$25.00 per day fine is imposed. After an additional thirty days, the car will be removed at the owner's expense.

Atty. Holcomb said there is also a provision that says in lieu of having the abandoned or inoperable motor vehicle removed from the private property that the City could file a lawsuit in Superior Court to have the Court issue an order that the vehicle be removed and the proposed ordinance would also state that the City would be entitled to recover attorney's fees in those actions. There is also a provision in the ordinance for permits for someone to do repair work on a car that would exceed thirty days. They would be able to make an application for a period of up to sixty days to perform that work. In terms of enforcement, there is a Vehicle Appeals Board that would be set up that would consist of the members of the Aldermanic Administration Committee should a hearing be required. Also there is a provision prohibiting anyone from interfering with officials coming onto the property to make the determination if the vehicle is abandoned or inoperable. Atty. Holcomb said if a vehicle is just unregistered that won't be covered under this proposed ordinance. To be inoperable, it has to be unregistered and in its current condition it could not be legally registered with the Department of Motor Vehicles.

A MOTION was made by Mrs. Parizo with a second by Mr. Bassi to adopt the Ordinance regarding Abandoned and Inoperable Motor Vehicles and Discarded Motor Vehicle Parts on Private Property to be included in the Blight Section of the Ordinance Book.

DISCUSSION ON MOTION

Mr. Orazietti asked Chief Cota if he agrees with this ordinance? Chief Cota said he has attended the meetings. Mr. Orazietti asked if he thinks this is punishing people who have unregistered, inoperable motor vehicles on their property? There are people who have motor vehicles that some are refurbishing – that sometimes could take up to a year. Chief Cota said he would hope that wouldn't be the condition. Officers don't like to go on private property. He said most of the complaints would be based upon eyesores that need to be removed. Mr. Orazietti said the reason he is asking this is because he spoke to one of the Police Commissioners and he was not in accord with this policy. Chief Cota said he has no problem bringing this before the Board of Police Commissioners. Mayor Garofalo asked if the Police Commissioner is present at this meeting? Mr. Flora asked if the Police Commissioner had attended any of the meetings where this was discussed? Mr. Bassi said Chief Cota has been at the meetings where this has been discussed and reviewed. He is fully aware of what is going on. If the Police Commissioner has a problem then he should come to the meeting. Mr. Flora said we've had several meetings and none of them attended. Mr. Orazietti said he would like to make a motion to TABLE this item. Mayor Garofalo said there is already a motion on the floor. Mr. Orazietti said he feels that this should go through the Board of Police

Commissioners. Mr. Orazietti said everyone should be on the same page, especially if the Board of Police Commissioners have some reservations about this. Mr. Flora said we had numerous meetings on this. He feels it is a fine ordinance and that we should move on it. Mayor Garofalo asked the committee members if the advise of the Chief and the Building Official was taken into consideration? Mrs. Parizo said they were a great part of the discussion. Mayor Garofalo asked Mrs. Parizo if there are amendments that would be appropriate would the committee be opposed to amending it? All noted that they would not be opposed to amending it. Mr. Orazietti also suggested having a "No Trespassing" sign erected at the lower municipal parking lot.

FRIENDLY AMENDMENTS TO MOTION

- 1) Mr. Rizzitelli noted in Section 3 C – the new language would say unenclosed area means not within a four-walled garage or permanent structure.
- 2) Mr. Rizzitelli noted in Section 5 A – Line two should read “which are located in a automobile repair business licensed in accordance with the General Statutes of the State of Connecticut, as amended, or permitted under any exemptions to any such licensing requirements.

Mr. Rizzitelli said we should have this run with our current Blight Ordinance. Atty. Holcomb said under Section 2 A it reads this ordinance is adopted pursuant to Conn. Gen. Stat. §7-148(c)(7)(H)(xv) and is considered a blight ordinance and is also adopted pursuant to Conn. Gen. Stat. §7-150a.

A MOTION was made by Mrs. Parizo with a second by Mr. Bassi to adopt the Ordinance regarding Abandoned and Inoperable Motor Vehicles and Discarded Motor Vehicle Parts on Private Property to be included in the Blight Section of the Ordinance Book with **the Two FRIENDLY AMENDMENTS. MOTION CARRIED.**

APPROVE PROGRESS PAYMENT FOR MARTIN A. BENASSI ARCHITECTS ON NEW CITY HALL PROJECT

Mayor Garofalo said this invoice is for architectural services rendered in connection with the relocation of the Board of Education offices at 1 Elizabeth Street.

A MOTION was made by Mrs. Parizo with a second by Mr. R. Sill to authorize the payment of \$6,000.00 to Martin A. Benassi, AIA for the architectural services for the relocation of the Board of Education offices at 1 Elizabeth Street. **Motion carried.**

APPROVE CONTRACT FOR ADDITIONAL STORAGE AREA PLANS ON MAIN FLOOR OF NEW CITY HALL

Mrs. Parizo, Chair of the Administration Committee, reported on this item. As everyone is aware the UI Company initially wanted to install a switching station at 1 Elizabeth Street in the section where the drive-thru window was located. UI is no longer interested in locating the switching station at this location. However, there is need for additional storage space at the new City Hall. This proposal in the amount of \$5,600.00 is for plans for the additional storage area on the main floor at the new City Hall.

A MOTION was made by Mrs. Parizo with a second by Mr. Flora to approve the contract for the additional storage area plans on Main Floor of New City Hall in the amount of \$5,600.00. **Motion carried.**

ADOPT RESOLUTION REGARDING THE CANAL ROAD BRIDGE PROJECT

State Project No.: 36-173

Federal Aid Project No.: BRZ-6036(3) Replacement of Canal Street Bridge (Bridge No. 06063.) Description: First Supplemental Agreement between the State of Connecticut and the City of Derby for the Construction, Inspection and Maintenance Required in Conjunction with the Replacement of the Canal Street Bridge (Bridge No. 06063) Over the Derby Canal Utilizing Federal Funds and a Project Grant Under the State's Local Bridge Program.

RESOLUTION

RESOLVED, that Marc J. Garofalo, Mayor be and hereby is, authorized to sign the agreement entitled, "First Supplemental Agreement between the State of Connecticut and the City of Derby for the Construction, Inspection and Maintenance Required in Conjunction with the Replacement of the Canal Street Bridge (Bridge No. 06063) Over the Derby Canal Utilizing Federal Funds and a Project Grant Under the State's Local Bridge Program."

Mayor Garofalo said this is a federal project, fully funded by the federal government. It is being administered here at the City level. The original contract was signed years ago – this is just an amendment based on the adjusted bid figures.

A MOTION was made by Mrs. Parizo with a second by Mr. B. Sill to adopt the Resolution regarding the Canal Road Bridge Project as presented. **Motion carried.**

APPROVE SIDEWALK REIMBURSEMENT OF DERBY NECK LIBRARY AT 307 HAWTHORNE AVENUE

A MOTION was made by Mr. R. Sill with a second by Mrs. Parizo to approve the sidewalk reimbursement in the amount of \$841.50 for Derby Neck Library at 307 Hawthorne Avenue. Mr. B. Sill abstained, as he is a member of the Derby Neck Library Board of Directors. **Motion carried.**

APPROVE SIDEWALK REIMBURSEMENT OF WALTER ARCHER AT 283 ELIZABETH STREET

A MOTION was made by Mr. R. Sill with a second by Mr. B. Sill to approve the sidewalk reimbursement in the amount of \$1,295.91 for Walter Archer at 283 Elizabeth Street. **Motion carried.**

OCTOBER OFFICE OF DEVELOPMENT & ADMINISTRATION REPORT

Mr. Rizzitelli asked Mr. Dunne when is his last day? Mr. Dunne said it would be December 31, 2004. Mr. Rizzitelli thanked Mr. Dunne for his years of service to the City of Derby. He noted that Mr. Dunne had contributed greatly to some of the biggest projects and he thanked him and wished him the best. Mr. Dunne received a round of applause from the board.

ELECT PRESIDENT OF THE CITY OF DERBY BOARD OF ALDERMEN FOR 2005

Mayor Garofalo opened up the nominations for the President of the Board of Aldermen. Mr. Rizzitelli said he would like to re-nominate John Orazietti for President again. He has served us incredibly over the last year. Prior to that he has done an outstanding job in leadership. The projects that we have encountered are a testament to the hard work that he has done.

A MOTION was made by Mr. Rizzitelli with a second by Mr. Gabianelli to nominate John Orazietti as President of the Board of Aldermen for the year 2005.

Hearing no other nominations, nominations were closed and Mr. John Orazietti was unanimously elected President of the Board of Aldermen for the year 2005.

Mr. Orazietti thanked the Board members for their confidence in him. He said he would continue to work very hard.

DISCUSSION ON PENDING CLAIMS REGARDING NEW CITY HALL PROJECT (REGULAR AND EXECUTIVE SESSION)

A MOTION was made by Mr. Rizzitelli with a second by Mr. Flora to go into Executive Session at 8:25 p.m. to discuss pending claims regarding the new City Hall Project. In addition to the board members Richard Lutz, and Kevin Ouellette, P.E., C.S.P., of Cashin Spinelli & Ferretti, LLC were invited to participate in the Executive Session. **Motion carried.**

Without objection the board came out of Executive Session at 8:46 p.m.

A MOTION was made by Mrs. Parizo with a second by Mr. Bassi to authorize a Take Over Agreement regarding the New City Hall Project to be negotiated subject to the review of the Corporation Counsel and empower the Mayor to execute it. **Motion carried.**

Without objection the board took a five minute recess at 8:47 p.m.

Without objection the meeting was called back to order at 9:44 p.m.

Mayor Garofalo – We're going to go back to Item #4 to add Personnel Matter in the Town Clerk's Office for Regular and Executive Session.

A MOTION was made by Mr. R. Sill with a second by Mrs. Fusco to add the Personnel Matter in the Town Clerk's Office for Regular and Executive Session to the agenda. **Motion carried.**

Mayor Garofalo reopened the Public Portion for the item of the Personnel Matter in the Town Clerk's Office.

Hearing no one from the public wishing to speak on this item, the Public Portion was closed.

A MOTION was made by Mr. Rizzitelli with a second by Mr. Gabianelli to go into Executive Session at 9:45 p.m. for the personnel matter in the Town Clerk's Office.

Motion carried.

The Board came out of Executive Session at 9:55 p.m. The record notes that Mrs. Parizo excused herself from the Executive Session.

Mayor Garofalo – In the matter of the personnel matter in the Town Clerk's Office I call upon Corporation Counsel for the purposes of proposing a motion.

Atty. Holcomb – Terms of the proposed wording of the motion – the motion I believe should be as follows: That the City will continue to provide Group Medical and Dental Benefits to Barbara Moore and her spouse under the current plans through November 30, 2005 provided that a letter of resignation effective December 31, 2004 is submitted by Barbara Moore.

Mayor Garofalo – Is there a motion to that effect?

A MOTION was made by Mrs. Fusco with a second by Mr. R. Sill that the City will continue to provide Group Medical and Dental Benefits to Barbara Moore and her spouse under the current plans through November 30, 2005 provided that a letter of resignation effective December 31, 2004 is submitted by Barbara Moore. **Mrs. Parizo excused herself from the vote and the discussion. Motion carried.**

Atty. Teodosio requested that the motion be read back by corporation counsel. As corporation counsel had not written down the motion, the tape recording of the motion was played for Atty. Teodosio.

There was a discussion regarding the letter that had previously been submitted by Barbara Moore. Atty. Teodosio asked the board if they would like him to take back the letter? Atty. Holcomb said that something should be officially stated on the record.

Atty. Teodosio – Francis Teodosio on behalf of my client Ms. Barbara Moore your current Town Clerk I am taking back my letter of December 16, 2004, which was provided to the City during this evening's meeting, which reads as follows:

Dear Atty. Holcomb: Please accept this letter as formal notification that my client, Ms. Barbara R. Moore, hereby revokes her notification to the City of Derby dated November 17th advising that she will end her employment with the City of Derby effective January 1, 2005.

To be clear, that letter is no longer effective. I'm taking it with me.

Atty. Holcomb – That letter - does that mean just to make sure we're 100% sure that the notification sent on November 17, 2004 by Ms. Moore is in effect and that she will be retiring as of December 31, 2004? Or resigning?

Atty. Teodosio – That is correct. That is correct – I represent that on behalf of Ms. Moore. I would like to thank you all very much. I know this was a difficult situation and Mr. Mayor I appreciate what you did.

Atty. Holcomb noted that the letter that was submitted is from the public record and must be retained.

FILL VACANCY IN OFFICE OF TOWN CLERK EFFECTIVE JANUARY 1, 2005

Mayor Garofalo – Nominations will be opened to fill the vacancy in the Office of Town Clerk effective January 1, 2005. Pursuant to a section of the Charter the members of the Board of Aldermen from the same political party of the vacancy have the opportunity to vote on that matter. The record should reflect that Mr. Bassi has excused himself from the meeting. There are eight Democratic members. Mrs. Moore is a Democratic and the position has to be filled by a Democratic. At this point we will open nominations to fill the vacancy of the Town Clerk.

Mr. Rizzitelli – I would like to nominate Sheila Parizo for the position of Town Clerk. She has spent a long time in public service already. She has dedicated some pretty hard work over the years – we've all seen her in action. I think she would do an outstanding job continuing that service with the City in that position. Mr. Flora seconded the motion.

Mayor Garofalo asked if there were any other nominations for the position of Town Clerk? Hearing none, without objection the nominations for Town Clerk were closed.

Mayor Garofalo – All in favor of Sheila Parizo to fill the vacancy in the Office of Town Clerk effective January 1, 2005 vote yes, if you are opposed vote no.

ROLL CALL VOTE

Mrs. Fusco – YES

Mr. B. Sill – YES

Mr. R. Sill – YES

Mr. Gabianelli – YES

Mr. Rizzitelli – YES

Mr. Flora – YES

Mr. Orazietti – YES

Mrs. Parizo – ABSTAINED

7 IN FAVOR; 0 OPPOSED; 1 ABSTENTION. Mrs. Parizo was elected as the new Town Clerk effective January 1, 2005.

ADJOURNMENT

Without objection, the meeting adjourned at 10:04 p.m.

Respectfully submitted,

Patricia Finn

Temporary Recording Secretary

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