

DERBY BOARD OF ALDERMEN MEETING

APRIL 14, 2005 - 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.

Mayor Garofalo asked for a Moment of Silence to remember Pope John Paul II and one of our business owners in the downtown area, Vincent "Wege" Milardo, who passed away very suddenly.

Roll Call

Present: Alderwoman Linda Fusco, Alderwoman Sheri Pflugh, Alderman Bruce Sill, Alderman Ron Sill, Alderman Joseph Bassi, Alderman Robert Gabianelli, Alderman Samuel Rizzitelli, Jr., Alderman Michael Flora, Sr., Alderman John Oraziotti

Also Present: David L. Kopjanski, Building Official
Gary M. Parker, Director Public Works
Philip A. Hawks, Fire Marshal
Chief Andrew L. Cota, Jr. – Derby Police Department
David Ahearn – Derby Police Commissioner
Richard Lutz, Mayoral Assistant
Warren Holcomb, Esq.

ADDITIONS, DELETIONS, CORRECTIONS & ADOPTION OF AGENDA

Mayor Garofalo noted that there are four additions to the agenda:

- 1) Authorize Temporary Sign at Main Street & Derby Ave. for Area Congregations Together
- 2) Authorize Street Closures on Saturday April 30, 2005 for Cleaning Day (Resolution)
- 3) Approve Appointments to the Insurance Commission
- 4) Waive Section 14 of the City Charter regarding Frank Lazowski, Sr. & New City Hall (Regular & Executive Session)

A MOTION was made by Mr. R. Sill with a second by Mrs. Fusco to approve the four additions and approve the agenda as amended. **Motion carried.**

PUBLIC PORTION

No one from the public wished to address the board.

PUBLIC PORTION CLOSED

Mayor Garofalo stated that he would like to add one more item to the agenda:

- o Approve Minutes of March 31, 2005 Meeting.

A MOTION was made by Mrs. Pflugh with a second by Mrs. Fusco to add the Minutes of the March 31, 2005 meeting to the agenda for approval. **Motion carried.**

PUBLIC PORTION REOPENED

Mayor Garofalo asked if anyone from the public would like to address the board regarding the Minutes of the March 31, 2005 meeting? No one addressed the board.

PUBLIC PORTION CLOSED

MINUTES

Mr. Oraziotti said he wished Mrs. Parizo was present this evening. There is a typo on page six of six of the March 23, 2005 minutes – the spelling of Alderwoman Sheri Pflugh – not Plug.

A MOTION was made by Mrs. Pflugh with a second by Mr. Oraziotti to approve the minutes of the March 23, 2005 meeting with the one correction. **Motion carried.**

A MOTION was made by Mr. R. Sill with a second by Mr. Gabianelli to approve the minutes of the March 31, 2005 meeting. **Motion carried.**

MARCH POLICE DEPARTMENT REPORT

Mr. Oraziotti said that there is an error in the math on the income report. The corrections were noted – Parking Violations - \$870.00; Photocopy Machine \$214.00; Vendor Permits \$150.00 – Total \$1,234.00. Report placed on file.

MARCH FIRE MARSHAL REPORT

There were no questions asked. Report placed on file.

MARCH PUBLIC WORKS DEPARTMENT REPORT

There were no questions asked. Report placed on file.

MARCH BUILDING DEPARTMENT REPORT

There were no questions asked. Report placed on file.

MARCH BLIGHT REPORT

There were no questions asked. Report placed on file.

MARCH REDEVELOPMENT AGENCY REPORT

Mayor Garofalo said everyone should have a copy of the minutes of the last meeting. He noted that the agency met last night – they did move forward with the Redevelopment Plan, which everyone should have a copy of it. There were some minor changes that were made. That Redevelopment Plan was referred to Planning & Zoning. Planning & Zoning will be meeting on April 26, 2005 to conduct their part in this process to forward a written report back to the Redevelopment Agency. As was discussed last month, and updated this month, we expect to have the Preferred Developer Agreement for next month's meeting. Mayor Garofalo noted that the

Redevelopment Plan is probably the second most important step in all of this next to the Preferred Developer Agreement. We are hoping to have the Redevelopment Plan posted to the City's web site. It will also be on file in the City Clerk's Office on Monday, April 18th. Mr. Oraziotti asked what role does the Housing Authority have in this process? Mayor Garofalo said pursuant to the statutes whenever a redevelopment project takes place that has a significant amount of housing in it they need to do the same as Planning & Zoning and offer their opinion in writing. Mrs. Pflugh asked if Planning & Zoning would hold a public portion? Mayor Garofalo said yes – they conduct a meeting and pursuant to Section 101 of the City Charter there will be a public portion. Planning & Zoning's role is in their role as the planners to offer a written opinion.

MARCH PARKS & RECREATION COMMISSION REPORT

There were no questions asked. Report placed on file.

MARCH CULTURAL COMMISSION REPORT

Mayor Garofalo said he does not see a report in the packet. He does not believe that they have met recently.

MARCH OFFICE OF DEVELOPMENT & ADMINISTRATION REPORT

Mayor Garofalo said this was covered under Item #12 – March Redevelopment Agency Report.

APPROVE APPOINTMENTS TO THE INSURANCE COMMISSION

Mayor Garofalo said this board did adopt a revised ordinance to include Board of Education representation on the Insurance Commission. The commission would consist of two members from the Board of Aldermen, two members of the Board of Apportionment and Taxation, two members of the Board of Education, and three At-Large members. Mayor Garofalo said at this point he is prepared to put before the board eight names to fill those positions. He said one of them - at this point he would need to look at the ordinance and determine the proper staff person to put on the commission as we're going to be transitioning to the Finance Director's position. We need to blend that into the process as we go. In order to make sure we meet our deadlines with respect to the insurance, he would like to propose the following:

1. Samuel M. Rizzitelli, Jr. – Board of Aldermen
2. Joseph F. Pinto, III – At-large member
3. Rachael Turiano – At-large member
4. Martin Martino – Board of Apportionment and Taxation
5. William Zaleha – Board of Apportionment and Taxation
6. Dennis Devonshuk – Board of Education
7. Paul Varsanik – Board of Education

Mr. Rizzitelli asked if there was going to be another Board of Aldermen member? Mayor Garofalo said that is a good question – is there another Board of Aldermen member? He noted that we do not have to appoint eight, however, he would like to appoint eight. Mayor Garofalo asked if there were any volunteers from the Board of Aldermen for the position? Mr. Oraziotti asked Mr. Rizzitelli if he is in favor of just seven? Mr. Rizzitelli said the seven number is fine to start with, however, we do need someone else from the

Board of Aldermen. He said he does agree with leaving one of the spots open to see how the transition to the Finance Director transpires – how it develops over the next couple of months.

A MOTION was made by Mrs. Fusco with a second by Mr. Bassi to approve the names submitted by Mayor Garofalo to serve on the Insurance Commission. **Motion carried.**

WAIVE PICNIC GROVE FEE FOR CERTAIN CHARITABLE ORGANIZATIONS

Mayor Garofalo said as it has been the custom in the past the Board of Aldermen waives the Picnic Grove fee for certain charitable organizations. The list for 2005 is as follows:

- Cub Scout Pack 3 – Monday, June 6, 2005
- St. Mary/St. Michael School Field Day – Tuesday, June 7, 2005
- Derby Middle School – Field Day – Thursday, June 16, 2005
- Civil Preparedness – Sunday, August 14, 2005
- Storm Engine Company – Sunday, August 21, 2005
- Paugasset Hook & Ladder Company #4 – Sunday, August 28, 2005

A MOTION was made by Mr. Bassi with a second by Mr. Gabianelli to waive the 2005 Picnic Grove Fee for the above named charitable organizations. **Motion carried.**

AUTHORIZE TEMPORARY SIGN AT MAIN STREET AND DERBY AVENUE FOR BOY SCOUTS OF AMERICA

Mayor Garofalo said the Boy Scouts are conducting their annual recruitment for Cub Scouts. They know not to place the sign in front of the monument and they were respectful enough, unlike many other organizations, to ask permission to place this temporary sign.

A MOTION was made by Mr. B. Sill with a second by Mr. Gabianelli to authorize the temporary sign at Main Street and Derby Avenue for the Boy Scouts of America. **Motion carried.**

ADOPT AMENDMENTS TO SALARY ORDINANCE

Mr. Ron Sill, Chair of the Administration Committee reported on this item. Mr. Sill informed the members that the Administration Committee at their last meeting voted to recommend several salary proposals for the full board's consideration tonight.

A MOTION was made by Mr. R. Sill with a second by Mr. Bassi to amend and adopt the Salary Ordinance for the following positions: Animal Control Officer from \$19,040.00 to \$21,000.00; Executive Assistant to the Mayor from \$46,200.00 to \$50,000.00; and the third is for a fifth term Mayor in the amount of \$70,000.00 and all consecutive terms thereafter; pursuant to statutes delete the salary paid to the Police Commissioners and raise the vehicle allowance for the Assistant Building Official from \$500.00 to \$800.00.

DISCUSSION ON MOTION

Mr. Oraziotti – Mr. Mayor based on the fact that we're talking salaries, it is my request that the Board of Aldermen go into Executive Session to discuss these salaries. We

haven't had much time to think about this and I would like to make a motion to go into Executive Session.

Mayor Garofalo – On what grounds would it be for Executive Session?

Mr. Oraziotti – The grounds would be to discuss the salaries. How do we feel about the salaries. Should we approve them, shouldn't we approve them – I think we need to talk about it.

Mayor Garofalo – Unfortunately, that's not a reason to go into Executive Session. I would defer to counsel on this.

Atty. Holcomb – That should be a matter of public discussion. I guess you can go in under personnel issues.

Mayor Garofalo – It's not about a personnel issue.

Atty. Holcomb – It's a general salary structure?

Mayor Garofalo – Yeah – it's just revising the Salary Schedule.

Mr. Oraziotti – Well corporation counsel I need to address it any way that we can to do it legally. I think it would be to our best interest to go into Executive Session to discuss this.

Atty. Holcomb – Well if it doesn't fall into one of the categories for Executive Session then it has to be done publicly. Since this is revising a...

Mr. Oraziotti – This is a personnel matter. Can we go into Executive Session on personnel matters?

Mr. Rizzitelli – Can we – I think it's probably a better format to simply table this matter. And we can table this matter until a later meeting and at that time you can deliberate over it personally and other wise everybody can think about it. If that's what you would like to do. There's no proper way to avoid this without just tabling this. I think that's just the proper mechanism to move forward without voting on it tonight. I throw that out as an option John.

Mr. Oraziotti – Okay. Well don't we have the option of going into Executive Session on a personnel matter corporation counsel?

Atty. Holcomb – Well the issue of whether this is a personnel matter and because you're dealing with a Salary Schedule that is done by position I don't think it really qualifies as a personnel matter. Because you're really talking about the salaries for position – personnel matter would be individuals. I have to take a look at that.

Mr. Oraziotti – I think if you're going to be discussing money that should be discussed in Executive Session. I mean to me that's just common sense. You just don't talk about money if there are some questions in public. I don't think that's the way to do it.

Atty. Holcomb – If you're talking about performance issues – that type of thing – that would be a personnel issue. If you are talking about salaries or positions I don't believe off the top of my head that that would qualify as a personnel issue that would fall within the Executive Session. I would be glad to look at that issue – research it really quickly and let you know. But I don't believe that probably does qualify.

Mr. Oraziotti – Well if that's the case perhaps you can get back to us on a ruling on that.

Atty. Holcomb – I would be glad to.

Mayor Garofalo – Well if there's anything that needs to be said I don't have an issue talking about it in public.

Mr. Oraziotti – Well Mr. Mayor we would like to discuss this – we want to discuss this amongst the members of the board. This is an issue, this is a salary issue that members of the board have shown some concern. And to discuss it in public I don't have a problem with it but I don't think it's right. I think we should discuss it amongst ourselves and come to a conclusion. I think it's only right that we do that. To me that's just being logical. To discuss salaries in public, in my opinion, is not a good thing. To discuss it in private and we come up with what we think is a solution or not a solution and then we present that as such based on our conversations. But I don't feel that to discuss this publicly – unless the rest of the members want to do that? Do you want to take a vote? Maybe we can do that and if the rest of the members want to discuss it publicly we will. If the rest of the members want to take it and wait for corporation counsel to make a decision then perhaps we can go that route and table it. It's up to the board.

Mr. Bassi – The Administration Committee approved it Mr. Mayor. What's the big deal? I mean we're 4-0 when we discussed it. We talked it over and we went 4-0. Now what's the problem? All of a sudden you got something against them? What is it just one person?

Mr. Oraziotti – No. I'm not against any one person. I'm against publicly talking about it if I have some concerns. And I have some concerns Mr. Bassi that I need to discuss with members of the board. If you want me to discuss them publicly I'll discuss them publicly. I don't have a problem with that.

Mr. Bassi – We have nothing to hide.

Mr. Oraziotti – If it's the desire of the rest of the board to discuss this publicly then I don't have a problem with it.

Mr. Rizzitelli – If I can – to appreciate your concern about what possibly could be discussions regarding performance then that would make sense. It would not be proper to discuss a person's performance publicly. That may be a personnel issue that

warrants a discussion that is exempt from the Freedom of Information. So we just have to be careful what we're saying we want not to talk about in public. Everything else would be probably public discussion and proper for public discussion so the public knows what we're deliberating on and our reasoning behind it. But if the concern – and I think it's probably the concern that you're having...

Mr. Oraziotti – It's justification.

Mr. Rizzitelli – It is – if it is – because it's not fair to talk about a person's performance publicly when that is exempt from the Freedom of Information – we have a duty to honor that legal status and that legal right of those employees. So if that's a concern when we do talk publicly we should refrain from discussing the performance issues that may arise in that discussion and simply keep it to what is public.

Mr. Oraziotti – That's why I want to go into Executive Session.

Mr. Rizzitelli – But that would only be for performance based matters – performance related discussions - that's possibly an in.

Mr. Oraziotti – That's exactly what I'm interested in.

Mr. Rizzitelli – Okay.

Mr. Oraziotti – The performance – we want some justification. We need to discuss justification. Now if that's a personnel matter and that warrants Executive Session – corporation counsel you're saying you don't know for sure.

Atty. Holcomb – I'm saying that the Salary Schedule is a schedule of salaries for positions. It's not based on who is holding the position.

Mayor Garofalo – That's my understanding.

Atty. Holcomb – If you're going to get into a discussion about what the salary should be because you're tying it to the individual who's got the position rather than the position, than that comes over into the personnel area where you're starting to talk about an individual's performance. As I understand the Salary Schedule it is not tied to an individual's performance. For example, if you had somebody in one of the positions and they left, the next person who came in would get exactly the same salary. That's the differentiation I believe would apply. Now I don't know what's going to be discussed...

Mr. Oraziotti – Well my view I need to substantiate whether I vote yes, no, or whatever the case may be. I need to substantiate that. Just to say yes without any kind of justification, or to say no, to me that's not the way that I like to do things. If I'm going to vote yes for something there's a reason for it. If I'm going to vote no for something there's a reason for it.

Atty. Holcomb – Well maybe the way to kind of get beyond this is to if it has something to do with performance, you think it does, I suggest that maybe we should go into Executive Session so that I can at least hear what you want to bring up to make a determination about whether that's a personnel issue or not.

Mr. Oraziotti – Okay.

Atty. Holcomb – I think that's the best way to do that. And if it is then we'll discuss it and if it isn't we'll come right back out of Executive Session.

Mr. Oraziotti – Okay.

Mayor Garofalo – I don't know what the issue is for the clarity of the record. In the spirit of what FOI is all about, if we're going to talk about, if you want to talk about performance of somebody or some position or whatever, then you need to name that position – which one you're going in to and that's the only one we can talk about in Executive Session.

Atty. Holcomb – True.

Mr. Oraziotti – Well let's see where it goes and if corporation counsel stops us we'll come right back in (inaudible).

Mayor Garofalo – If you go in you have to say we're going in to discuss the performance of who?

Mr. Oraziotti – Well you see basically it's a two-fold thing. It's performance and it's justification. It isn't just one particular issue. That's why we would like to go into Executive Session – I would like to go into Executive Session. Because to me...

Mayor Garofalo – Let me – I'm going to try to say...

Mr. Oraziotti – Let's say this – if the members of the board want to vote on this publicly and don't go in Executive Session just let me know and we'll speak about it publicly. I'm going to vote the way I vote whether it's public or in Executive Session. I just want to make sure everybody is in agreement with that and nobody can't say that we didn't attempt to get together to discuss this like we should instead of in public. Does anybody else have any comments? Mrs. Fusco.

Mrs. Fusco – What would be helpful to me is to look at a bigger picture before we talk salaries. Is to look at the reorganization of City Hall. And there's been talk about a grant writer position; there's been talk about whether or not we will replace Mr. Dunne as Community Development Director. If there's going to be other parties or other kinds of positions I would like to see how the job requirements are going to be split up and what the salaries for everybody will be before I make those kinds of decisions for increases. That's where I would like more information.

Mayor Garofalo – Yeah – the issue of reorganization - we looked at reorganization of Public Works and the WPCA and we're looking at the reorganization of administration inside City Hall, which will hopefully be under one roof at some point. And that is the case and that certainly would be the case if, when and if, we did reorganize and redesigned positions and so forth. In terms of (inaudible) the only position that we're talking about is the Executive Assistant to the Mayor that I assume would (inaudible) because I really don't think that the Animal Control Officer would necessarily fall under that general reorganization. But I think either way – if we didn't change anything I think the committee's recommendation stands as it is if nothing changed. If something changed it wouldn't say well it's like a double dip. It would be in concert with any changes that would be made to the position. They may or may not be changed but if they are not, then it would seem to make sense – it would have been two years on that position of the Executive Assistant to the Mayor. The position warrants that – before you even talk about the performance of Mr. Lutz, which I think is exemplary and based on the amount of money that he has saved us in the energy efficiency savings program, our ability to parlay that with the educational bond referendum – the way that we're able to stretch that money forward – is without question. And when you look at the position compared to towns of our size, which is the most appropriate, but then also juxtapose some of the towns in our area, even at the proposed salary it's somewhat below that. And that would be borne out by the work of the committee and also by the survey of the salaries in terms of that. And that would be aside of any reorganization.

Mrs. Fusco – Well in all fairness to Mr. Lutz if he gets more responsibilities then he should get more than what's proposed.

Mayor Garofalo – Right. And if that was part of the reorganization then we would look at that and make the requisite change. This I see more as the adjustments in that it has been addressed like all the other positions have been addressed in two years. But to your point if we do reorganize we'll certainly look at that with a definite – we would have to look at the position and say what are we going to do? Are we going to expand, are we going to retract – how are we going to do that? And certainly there's great merit for the grant writer position, which we've been talking with the Board of Education and working with the Board of Apportionment and Taxation very closely and we're optimistic that that's a way for us to really get our fair share of the money. As a matter of fact we just had a conversation with the First Selectman of Sprague Connecticut – I think that classifies as the middle of eastern Connecticut or thereabouts – population 3,000 and they have made a strong commitment towards getting a grant writer because they feel it's important. And I know that this board feels it's important and I concur with that and I feel that we will get our best bang for the buck by combining with the Board of Education. I think you've seen the grants that we've been able to obtain on the energy savings efficiency project in conjunction with the school project – I mean to Mr. Lutz' credit there has been a tremendous amount of research and time that has gone into those projects. And it's towards the City's better effort. I mean it's a tremendous opportunity that we have. There are many grants in public safety – the obvious ones and the ones that are not so obvious if you start digging around. And then again I think that each and every department would say the time to write grants is just not something that is on the radar screen. And it's certainly well –

especially if it's set up correctly and I want to thank Mr. Gabianelli for his perseverance and guidance on that matter and we've been in close contact to make sure that is – and that's just alongside to the position if we didn't do anything we still should address that. And if we were organized we should definitely look at that again to say is the proposed salary in line with what the future duties would be? But if we didn't do anything this would certainly be well within line with what consistent communities would have in this area.

Mr. Oraziotti – Mr. Mayor if we can't due to the legality...

Mayor Garofalo – If you want to go...

Mr. Oraziotti – If we can't go in Executive Session and we can't discuss it I'm not comfortable with it and I suggest – I would like to make a motion to table it. That's – I don't want to do that...

Mayor Garofalo – Here's what I would say – if you want to go into Executive Session all you have to do is name the people whose performance you want to discuss.

Mr. Oraziotti – Mayor Garofalo, the Animal Control Officer and Richard Lutz.

Mayor Garofalo – That's what you're making a motion to go into Executive Session to discuss my performance?

Mr. Oraziotti – Yes. Your performance, Mr. Lutz' performance and the Animal Control Officer's performance. You want me to name it – that's the way we got to do it. That's the way we got to get into Executive Session so be it.

Mayor Garofalo – So – well that – counselor is that...

Atty. Holcomb – (Inaudible) personnel matter (inaudible) go into Executive Session.

Mr. Oraziotti – What did you say Warren I didn't hear you?

Atty. Holcomb – I said if you're discussing performance of individual employees or offices - that's a personnel – individuals as opposed to the office and the responsibilities of that office and comparative data and stuff like that then you ought to go into Executive Session.

Mr. Oraziotti – Thank you.

Mrs. Pflugh – Can I discuss...

Mayor Garofalo – Mrs. Pflugh.

Mr. Bassi – Can we finish the agenda and then go into Executive Session for that and get it over with.

Mr. Orazietti – (Inaudible) determine that.

Mayor Garofalo – We're determining that Mrs. Pflugh...

Mrs. Pflugh – I'm just a little bit confused. As a member of the Administrative Committee, Administration Committee, my understanding is what we're doing here is setting the Salary Structure for the administration for the City of Derby. I am not at all prepared to discuss people's performance. That was not known to me to be part of this discussion because this is for the Dog Control Officer not whoever that is. So I'm a little nervous...

Mayor Garofalo – Mr. Rizzitelli.

Mr. Rizzitelli – I move to table the action of adopting amendments to the Salary Ordinance – I move to table it at this time.

Mrs. Fusco – Second the motion.

Mayor Garofalo – Well we already have a motion on the floor to do that and we have a motion from Mr. Orazietti that we hold for discussion to go into Executive Session. So I'll recognize Mr. Orazietti's motion first...

Mr. Orazietti – Well if Mr. Rizzitelli can make a motion to table it, I rescind my motion.

Mr. Rizzitelli – And I ask that...

Mayor Garofalo – Okay you made a motion to table and it was seconded by Mrs. Fusco. There's no discussion on the motion to table. So all in favor – if you want to table the matter you vote yes; if you want to continue the discussion you vote no. And then we would continue the discussion if you want to go into Executive Session. Call the roll.

ROLL CALL VOTE

Mrs. Fusco – Yes

Mrs. Pflugh – No

Mr. Gabianelli – Yes

Mr. R. Sill – Yes

Mr. B. Sill – Yes

Mr. Bassi – Yes

Mr. Rizzitelli – Yes

Mr. Flora – Yes

Mr. Orazietti – Yes

Mayor Garofalo – **THE MATTER IS TABLED.**

AUTHORIZE TEMPORARY SIGN AT MAIN STREET AND DERBY AVENUE FOR AREA CONGREGATIONS TOGETHER

Mayor Garofalo said they would like to erect a temporary sign for their fundraiser to be held on April 24, 2005. They also know not to place the sign in front of the monument and they also were respectful enough to ask permission.

A MOTION was made by Mrs. Fusco with a second by Mr. R. Sill to authorize the temporary sign at Main Street and Derby Avenue for Area Congregations Together.
Motion carried.

AUTHORIZE STREET CLOSURES ON SATURDAY, APRIL 30, 2005 FOR CLEANING DAY

Mayor Garofalo read the resolution into the record:

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

On Saturday April 30, 2005 between the hours of 9:00 a.m. and 12:00 noon the following streets are hereby closed to vehicular traffic:

1. Caroline Street between Cottage Street and Main Street
2. Minerva Street between Cottage Street and Main Street
3. Cottage Street between Elizabeth Street and Caroline Street
4. Fourth Street between Minerva Street and Caroline Street
5. Fifth Street between Elizabeth Street and Caroline Street

A MOTION was made by Mr. Rizzitelli with a second by Mr. Gabianelli to approve the resolution authorizing the street closures on Saturday April 30, 2005 for Cleaning Day.

DISCUSSION ON MOTION

Mr. Rizzitelli asked Chief Cota to contact Pamela Ortiz on Caroline Street in order to coordinate the efforts. Ms. Ortiz is the person organizing the community volunteers for this. Chief Cota said he would be glad to contact Ms. Ortiz.

MOTION CARRIED.

APPROVE APPOINTMENTS TO THE INSURANCE COMMISSION *(It was noted that this did not need to be added – it was already listed as Item #16 on the agenda)*

WAIVE SECTION 14 OF THE CITY CHARTER REGARDING FRANK LAZOWSKI, SR. AND NEW CITY HALL (REGULAR AND EXECUTIVE SESSION)

Mayor Garofalo said this is a matter of strategy with respect to competitive pricing. In order to protect all the people who are bidding he would ask for a motion to go into Executive Session for a strategy discussion for the City.

A MOTION was made by Mrs. Fusco with a second by Mrs. Pflugh to go into Executive Session at 8:00 p.m., inviting Corporation Counsel and Richard Lutz for the purpose of discussing the Waiver of Section 14 of the City Charter strictly as it relates to the price.
Motion carried.

Without objection the board came out of Executive Session at 8:11 p.m.

Mayor Garofalo – Read the proposed resolution into the record:

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

Whereas, the City of Derby ("City") needs to retain an HVAC contractor to undertake certain repairs and work at its building located at 1 Elizabeth Street; and

Whereas, the City has obtained proposals for said work, including a proposal from M&O Heating and Cooling Company ("M&O Proposal"); and

Whereas, the City is considering accepting the M&O Proposal, but has been informed that Frank Lazowski is employed by M&O as a salesperson;

Whereas, Frank Lazowski is also a member of the Board of Apportionment and Taxation and accordingly, in order for the City to consider accepting a proposal from M&O, the provisions of Section 14 of the Charter of the City of Derby need to be waived by the Board of Aldermen.

Now therefore, the Board of Aldermen hereby waives the provisions of Section 14 of the City Charter regarding Frank Lazowski and the M&O Proposal.

Mayor Garofalo said we just want to disclose for the record that through the efforts of Mr. Lazowski we are trying to obtain the best price for this and his advice. The Mayor said he wanted to disclose this to maintain a transparent account of this project so that there would be no questions and that we are following the Charter and the Code of Ethics for the City of Derby. He said without divulging the prices they wanted to disclose for the record that they are looking at M&O as a potential contractor and if the board did not waive it then we would not accept the proposal from M&O. Mayor Garofalo noted for the record that Mr. Lazowski is an employee – he is not an owner of the company.

A MOTION was made by Mr. B. Sill with a second by Mr. Bassi to adopt the resolution.

Mayor Garofalo said in order for this motion to pass it must be a unanimous vote. He called for a Roll Call.

ROLL CALL VOTE

Mrs. Fusco – Yes

Mrs. Pflugh – Yes

Mr. Gabianelli – Yes

Mr. R. Sill – Yes

Mr. B. Sill – Yes
Mr. Bassi – Yes
Mr. Rizzitelli – Yes
Mr. Flora – Yes
Mr. Oraziotti – Yes

9 – Yes, 0 – No. MOTION CARRIED UNANIMOUSLY.

Mayor Garofalo - I would like to go back to Item #19 on the agenda just to address one of the comments that was made. There was an issue about discussing the performance of the – or my – I guess it was mine, not the position – my performance and my performance as Mayor. I just want to disclose here for the record that...

Mr. Bassi – Are we (inaudible)...?

Mayor Garofalo – No, I'm taking the privilege to go back to Item #19 so that the record is clear. My job performance as Mayor is to be discussed and the evaluation of my job performance is done on the Tuesday after the first Monday every other year – its called Election Day. That's when my job performance is discussed.

Mr. Oraziotti – If we're going to go into Executive Session the only way we can go into Executive Session is to discuss areas proposed...

Mayor Garofalo – I'm just telling you that the performance of the Mayor that is judged by the voters of the City of Derby every two years on Election Day. I just want to be clear.

Mr. Gabianelli – Marc I don't think that's the issue here. The issue is there's a lot of questions here that we just don't understand and we want to talk about it.

NUMEROUS VOICES – COULD NOT DISTINGUISH.

Mr. Rizzitelli – (Inaudible) point of order. Point of order – this was tabled, okay? When it's tabled the discussion is over – point of order.

ADJOURNMENT

There being no further business to come before the board, without objection the meeting adjourned at 8:16 p.m.

Respectfully submitted,

Patricia Finn
Temporary Recording Secretary

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