

## **DERBY BOARD OF ALDERMEN MEETING**

**DERBY CITY HALL, ALDERMANIC CHAMBERS – JANUARY 12, 2006 - 7:00 P.M.**

### **MINUTES**

Mayor Anthony Staffieri called the meeting to order at 7:00 p.m. All rose and pledged allegiance to the flag.

#### **Roll Call**

Present: Anthony Szewczyk, Matthew DeBarbieri, Beverly Moran, James Benanto, Ronald Sill, Joseph Bomba, Kenneth Hughes, Scott Boulton, Dennis Devonshuk

Also Present: Chief Andrew L. Cota, Jr., Derby Police Dept.  
David L. Kopjanski, Building Official/Zoning Enforcement Officer  
Philip A. Hawks, Fire Marshal  
Gary M. Parker, Director, Public Works (arrived at 7:11 p.m.)  
Ronald Culmo, Public Works  
Keith A. McLiverty, City Treasurer (arrived at 7:14 p.m.)  
Julia Romano, Board of Apportionment & Taxation (arrived at 7:14 p.m.)  
Richard T. Dunne, Executive Director, Valley Council of Governments  
Jack Walsh, Chair, Parks & Recreation  
John DeBarbieri, Interim Chief Administrator  
Alan Schlesinger, Interim Finance Director (arrived at 7:40 p.m.)  
Laura Wabno, Town & City Clerk  
Joseph Coppola, Corporation Counsel

#### **ADDITIONS, DELETIONS, CORRECTIONS**

Mr. Hughes informed the board that he had additions and deletions to the agenda.

#### *Additions:*

Department Reports – will be 7.1 on the agenda. The individual reports will be as follows:

- a) Fire Marshal Report – December 2005
- b) Police Department Report – December 2005
- c) Police Fees and Parking Violation Summary
- d) Building Department Report – December 2005
- e) Blight Report – December 2005

Item #16 on the agenda will be Information Water Test and Bathroom Clarification (Witek Park)

Item #17 – Appointment of Ronald Culmo as Street Commissioner

Item #18 – Approval of Pension Plan Amendment

*Deletions:*

1. Approve Philip Mickelowski, Consultant for Downtown Business
2. Abatement of Real Estate Property Tax for 28 Smith Street

Mayor Staffieri noted that Approval of Pension Plan Amendment needs to come before the appointment of the Street Commissioner.

### **MINUTES – DECEMBER 22, 2005 MEETING**

**A MOTION** was made by Mrs. Moran with a second by Mr. Hughes to approve the Minutes of the December 22, 2005 as presented. **Motion carried.**

### **PUBLIC PORTION**

Brian Calvert, Calvert Safe & Lock, 40 Caroline Street (business) 37 Lewis Street (home) Derby, CT – Last September I introduced a proposed ordinance through this board; not you people, but this board. And I'm just wondering what the situation was in regard to that? This was an ordinance that would define the scope of eminent domain powers in the City of Derby. The ordinance was based upon five other towns in this area, and their efforts to control this, including Seymour, Milford, Woodbridge, and Orange. And I spoke to the board and they were favorable. And at the end of the closing remarks they said they would give this to the City attorney and we would get back to you. They didn't get back to me and I suppose the committee is now defunct – I don't know. Does that committee carry on in this administration or is there a new one? I think it was called the Downtown Committee, I'm not certain.

Mayor Staffieri – You probably know more than we do on that. Again, we're trying to pick up the pieces where they were scattered all over and we have been discussing it and we're going to look to put it to a real committee and to see what could be done about that. We have talked about it.

Mr. Calvert – Thinking that might – I did send these Board of Aldermen a copy of this ordinance and yourself and may I suggest maybe a workshop be formed to discuss this. We don't want to railroad something through, but we would also like a chance to discuss this across the table with a workshop so all of the reasons for presenting this are on the table and all the reasons for rejecting it, or possible rejection, are going to be on the table. I think it's a good ordinance and I would like to have the chance to present it in such way.

Mayor Staffieri – We will definitely explore whatever needs...

Mr. Calvert – Will there be a timetable on this?

Mayor Staffieri – Again, it's so new and just finding out about it. We thought some paperwork was already done and it wasn't – we also have to check with Corporation Counsel on what kind of ramifications. But we are doing what we can do.

Mr. Calvert – Its going through the system then.

Mayor Staffieri – Yes it is.

Mr. Calvert – It is – so possibly by next month we'll have some kind of an answer.

Mayor Staffieri – I didn't say that. I don't want to get your hopes up or anything. John do you have anything to add?

Mr. J. DeBarbieri – We have right now we have a list of nineteen ordinances up for review. That's existing ordinances. The committees that are going to be appointed tonight these are the items on the agenda. If you would look through responsibilities of each individual committee – they will start probably in February having their discussion on things. To sit here as the Interim Administrator and say we will have something ready or these guys will be prepared we don't want to do that. We want to say to you that we will work at it with the haste and you know Tony better than most. He's not going to tell you he's going to do it if he doesn't intend to do it. I would say within ninety to one hundred twenty days we will have at least looked at it and reviewed it and we would have had at least one, possibly two hearings with the appropriate committee on it. I received a copy – one of the Aldermen gave me a copy of it – and have it now as the 20<sup>th</sup> potential ordinance change.

Mr. Calvert – Excuse me if I appear to be forceful but I've just come off of the other administration as indeed have you...

Mr. J. DeBarbieri – I don't blame you.

Mr. Calvert – And so I'm just following along...

Mr. J. DeBarbieri – That's why Tony allows me to speak on more at these meetings than what would normally be proper. But since he brought me on as the Interim Administrator I want to be perfectly frank with everybody in the audience because those are his instructions. No false promises, no we'll talk about it later or I'll look into it. We'll give you a timeframe and we'll try to live up to our timeframe as best as possible.

Mr. Calvert – If we can sit down gentlemen and discuss it that would be all that I could ask for. Thank you.

Mayor Staffieri – Thank you. Any other comments?

Anthony Simonetti, 6 Hayfield Drive, Shelton, CT – This evening I come to you specifically concerning the municipal fire alarm box system. I think it was on the agenda – it might have been taken off. I got each one of the aldermen and I think you Mayor got a copy of this – I won't read it because I know it's not on the agenda tonight. I would like you to think about repairing the system that is down at the Derby Police Department. If for no other reason I think that for our facility, Birmingham and Griffin Hospital, this system is faster than any system that we have. And with 120 people – I have 120

residents and anywhere from 15 to 35 employees in the building at one time they won't have the opportunity to get out of the building. They need the Fire Department as soon as possible. We have an excellent fire department and I know they'll respond if they get the call. I want them to get the call as soon as possible. Unfortunately even with the electronics system that I just paid \$30,000 for, it's not as fast as that box system that we've had for the last thirty-three years. So I would appreciate if the board would think about appropriating the money to have that system repaired. I know it's a working system right now but to have it put back to as good as possible for the safety of our residents – those at Birmingham and those at Griffin Hospital – who are not in the position to be able to get out of a building and will need rescue.

Mayor Staffieri – Just for a little clarification this system has been broken for at least over a year, year and a half. And we will repair it, but we just want to make sure that we repair it in the right way. You do have coverage – it's the old tickertape coverage – but you have coverage. So it's just that when we want to act on something we want to act on it correctly with all the correct information. And we would like to make a one time repair instead of putting a band-aid on it and just wasting the City's money.

Mr. Simonetti – Thank you very much.

Mayor Staffieri – You're welcome. Anyone else?

Dan Waleski, 21 Elm Street, Derby, CT – I would like to voice an objection to your selection of Milone & MacBroom as continuing as City Engineers. Among other things they're costly; they're far out of town. Item two – delighted with the City's reactivating a citywide redevelopment agency, which is long over due. Further, may I endorse and second the motion of appointing Mr. Dunne as its chairman. A noteworthy appointment in my judgment.

Mayor Staffieri – Just for correction – not for chairman. Just a member.

Mr. Waleski – Well whatever he is. If he's not going to be chairman, he's going to be sitting on (inaudible.)

Mayor Staffieri – I understand that.

Mr. Waleski – But perhaps my suggestion originally may be correct, maybe he should be chairman.

Mayor Staffieri – I don't know about that.

Mr. Waleski – And lastly I endorse and look with favor the suggestions by Mr. Calvert to place restrictions on the State and the City's use of eminent domain. As you know this topic in the State of Connecticut is undergoing wide debate and discussion. In fact the state legislators are in the process of deliberating changes to our state statutes. Public hearings are to begin this spring on proposed changes and I'm sure some of you know we in this chamber have been to the State Capitol in regards to these hearings. May I take this opportunity to strongly urge the Mayor and members of the Board of Aldermen

to heed Governor Rell's request to all municipalities to put aside all action on eminent domain until the state legislators finish their work on this overdue, overused, and controversial issue of serious concern to owners of private and business property. Thank you Mr. Chairman.

Mayor Staffieri – Thank you Mr. Waleski. Anyone else from the public?

Hearing no one else wishing to address the board...

## **PUBLIC PORTION CLOSED**

### **DEPARTMENT REPORTS**

- a) Fire Marshal Report – December 2005 – No questions asked.
- b) Police Department Report – December 2005 – No questions asked.
- c) Police Fees and Parking Violation Summary – No questions asked.
- d) Building Department Report – December 2005 – No questions asked.
- e) Blight Report – December 2005 – No questions asked.

**A MOTION** was made by Mr. DeBarbieri with a second by Mr. Sill with to accept the reports as submitted. **Motion carried.**

### **FINAL SELECTION OF ALDERMANIC COMMITTEES**

Mr. Hughes read off the list of the committees, their duties, and the alderman who would be serving on each committee.

The committees are as follows:

- o Finance Committee

City Budget, Cost Control, Long term cost supervision and analysis, work with Treasurer and Finance Director and cooperate with Capital Planning.

*Committee Members – Beverly Moran, Scott Boulton, Ron Sill*

- o Downtown Committee

Redevelopment issues from the Green to Route 34. Business development in the City, all zoning matters related to blight and development work with all Zoning Boards, zoning enforcement department and building department, inspectors, parking garage and personnel.

*Committee Members – Ken Hughes, Ron Sill, Anthony Szewczyk*

- o Education

Included is working with Education Liaison Committee (2) Aldermen serving, all school related activities including citywide recreation and playgrounds (non Witek Park Fields as well.)

*Committee Members – Dennis Devonshuk, Joseph Bomba*

- Operations

Police Department, Fire Department, WPCA, Street Department, City Hall

*Committee Members – Jay Benanto, Matt DeBarbieri*

**A MOTION** was made by Mrs. Moran with a second by Mr. Szewczyk to accept the committees as presented. **Motion carried.**

### **APPROVAL OF MEETING DATES FOR 2006 BOARD OF ALDERMEN**

January 12 and 26

February 9 and 23

March 9 and 23

April 6 and 20

May 25

June 29

July 27

August 31

September 28

October 26

November 30

December 28

**A MOTION** was made by Mr. Sill with a second by Mr. Szewczyk to approve the 2006 meeting dates for the Board of Aldermen. **Motion carried.**

### **APPOINTMENT OF CAPITAL PLANNING COMMISSION BY CURRENT ORDINANCE**

Mr. Hughes read the appointments to the Capital Planning Commission

- Chairman of the Board of Apportionment & Taxation – Henry J. Domurad
- Republican Board of Apportionment & Taxation member – Martin Martino
- Board of Aldermen President – Ken Hughes
- Minority member of the Board of Aldermen – Ron Sill
- Republican member of the Board of Aldermen – Beverly Moran
- Mayor Anthony Staffieri
- Chairman, Board of Education – Martin Hubbard
- Finance Director, Ex-officio – Alan Schlesinger

**A MOTION** was made by Mr. Boulton with a second by Mr. DeBarbieri to approve the appointments to the Capital Planning Commission by Current Ordinance. **Motion carried.**

### **APPOINTMENT OF ZONING BOARD OF APPEALS – MARK ZECK, ESQ.**

Mayor Staffieri said the Zoning Board of Appeals is a very important board within our City. It is the actual appeal process for any zoning decision. Atty. Zeck has a broad spectrum of experience as is evidenced by his resume. A City trying to grow, like Derby, needs intelligent, dedicated people helping it move forward. Having another lawyer on the Zoning Board of Appeals should be a big plus for the City.

**A MOTION** was made by Mr. Benanto with a second by Mr. Bomba to approve the appointment of Mark Zeck, Esq. to the Zoning Board of Appeals. **Motion carried.**

Mayor Staffieri noted that Mr. Zeck would be replacing Bev Moran on the ZBA. He also noted that Mr. Zeck is present this evening.

#### **TECHNOLOGY COMMITTEE (MAYORAL)**

Mayor Staffieri said that he and his administrator both saw a big need for a unified computer system throughout the City. All City functions in our departments, including education, need to be compatible. They have discussed the situation with the Treasurer and Tax Collector. It was noted that and they began preliminary work on this item two years ago. A blended team has been formed. The team consists of:

- Keith A. McLiverty, City Treasurer
- Dennis Devonshuk, Board of Aldermen
- Henry J. Domurad, Chairman, Board of Apportionment & Taxation
- Cinda Bucher, Tax Collector
- John DeBarbieri, Interim Chief Administrator
- Steven Anderson, Board of Education computer expert

#### **SERVICE EXPANSION BUILDING DEPARTMENT**

Mayor Staffieri said we are looking to improve our Building Department and how we could best make things work. He said we have talked about improving our services at City Hall and we spoke to all the departments and received solid suggestions with more to come. Mayor Staffieri asked Mr. J. DeBarbieri to read into the record the memo sent to the Board of Aldermen on January 9, 2006.

We currently have an opportunity before us. In the current budget there is a funded position for Assistant Building Inspector for \$20,000 6100-110-0110, which reflects a \$14,000 salary for the current building inspector Dominic Mascolo and a raise that the Tax Board had approved. David Kopjanski and I have discussed expanding the service hours on Friday. Currently the department secretary works a four day week, she is off on Fridays. David is by himself on Friday and he cannot service the walk-in people and do inspections.

Dominic Mascolo currently does electrical and is a Building Inspector as well. He does inspections in the evening and has for several years. The "raise" would cover 400 additional annual hours on Friday that Mr. Mascolo would be available for inspections to allow Mr. Kopjanski to more aggressively pursue zoning and blight issues. Attached is Mr. Mascolo's resume detailing his extensive experience.

I recommend the Board and Mayor approves this change and make it effective no later than March 1, 2006.

Mr. J. DeBarbieri noted that the money for this position has been allocated by the Board of Apportionment & Taxation; however it was never approved by the Board of Aldermen. The money has been sitting in the account for quite a while. He and Mr. Kopjanski have been working since the first week of December to formalize, codify and

establish the procedures in the Building Department so we can better serve the people who are coming in to apply for building permits. Mr. J. DeBarbieri said Mr. Kopjanski has been very positive and helpful with this matter. With Mr. Kopjanski also being Blight Office and Zoning Enforcement Officer there really is not enough hours in the day for all three positions. The discussion of expanding the service hours on Friday was reviewed. With the board's approval Mr. Mascolo will now be able to work on Friday during the daytime hours to free up Mr. Kopjanski to more aggressively pursue Zoning and Blight issues.

**A MOTION** was made by Mr. Sill with a second by Mr. Bomba to approve the proposed service expansion to the Building Department as presented. **Motion carried.**

Mr. Sill said he feels it is a great idea expanding the hours of the Building Department.

Mr. Hughes asked if we know what will happen after the fiscal year? Mr. J. DeBarbieri said it would begin the new budget. They will review the entire situation prior to the new budget being submitted.

Mrs. Moran questioned why the other Board of Aldermen never approved this? Mr. Kopjanski stated that it was never put on their agenda. The money has been in the budget for two consecutive years.

Mr. Bomba said ultimately he hopes that this move frees up Mr. Kopjanski's time to really concentrate on the blight issues.

#### **APPOINTMENT TO FILL REDEVELOPMENT AGENCY VACANCY – RICK DUNNE**

Mayor Staffieri said we need experienced, aggressive and knowledgeable people on the Redevelopment Agency. As everyone can see from Mr. Dunne's resume he has the qualifications. In addition to the qualifications listed on Mr. Dunne's resume he also has the criteria that Mayor Staffieri has sought – experience and belief in the City of Derby.

Mr. Sill said we are very fortunate to be able to tap into Mr. Dunne's experience. He's really been involved with the redevelopment, as far as he could have been.

Mayor Staffieri said Mr. Dunne has a lot to offer the City.

**A MOTION** was made by Mr. Hughes with a second by Mr. DeBarbieri to approve the appointment of Richard T. Dunne to fill the vacancy in the Redevelopment Agency. **Motion carried.**

#### **SALE OF VEHICLE ON ONOPIAK PROPERTY**

Mr. Hughes read the following into the record:

A few years ago, the City was deeded a piece of property referred to as the Onopiak property. This is located on the bottom of David Humphreys Road and Sodom Lane. The property sat for the past three years with no action taken by the previous administration. Part of the provisions of the City taking the property was it had to be

used as a nature preserve. The property abuts another property given to the City by a previous developer; therefore there are 17 acres in total. The executors of this estate are Joe Moore and David Kopjanski. There are also two vehicles on the property, also left to the City. The Board of Education showed interest in a Ford Van, and that was recently moved and put into their possession. The other vehicle is still left on the property. No City agency has shown interest in this vehicle, (there is considerable body rust) therefore it would be in the best interest of the City to see it via auction, with the funds received to be put into the account to maintain this property.

There is a current contractor using the site to store vehicles as part of a past agreement, and several attempts have been made to the contractor to have these vehicles removed, and the relationship ended. Contact has yet to be made.

The house and garage located on the property are filled with junk, mostly tag sale items. We invited a few knowledgeable people in to look for antiques, etc... but the value of the items vs. the cost to have them removed and sold is still being weighed. Corporation Counsel is currently looking into the probate issues involved with cleaning out the buildings. Once these issues are realized, we can then decide on how to best approach the cleanup.

I am asking for a motion to allow the City to sell the remaining vehicle via a public auction, with the funds received to roll back into the maintenance account for the Onopiak property.

Mr. Hughes stated that he also included information about the vehicle from the Kelly Blue Book. Mr. Szewczyk asked exactly what type of vehicle is it? Mr. Hughes said it is a 1989 Chevy Suburban.

Mayor Staffieri said whatever we were to get for the vehicle would be a plus for that account.

**A MOTION** was made by Mr. DeBarbieri with a second by Mr. Sill to approve the sale of a vehicle on the Onopiak Property. **Motion carried.**

#### **INFORMATION WATER TEST AND BATHROOM CLARIFICATION**

Mr. Hughes said this item would only be a point of information. He noted that it was in the newspaper that there was a possibility of bathrooms being installed at Witek Park. He would like to reconfirm that part of the approval of the fields was that there be no buildings erected at Witek Park. If there are bathrooms they would need to be portable. He also informed the board that he started to research the parking to see what other agencies have done. He said another condition upon the approval of the field was that the City needs to have a yearly water test of the reservoir to test for pesticides, nitrates, etc... Mr. Hughes said the costs for the tests would be \$20,400.00, which is a yearly cost. We need to make sure that provisions were made to cover these costs and to possibly look for alternatives.

Mr. McLiverty said there is \$87,000 available for those tests. The money is in the Water Company Property Account. He also noted that the dam wall needs to be tested.

Mr. Hughes asked Mr. McLiverty if he knew if multiple bids were received to conduct the tests? Mr. McLiverty said they only received an estimate from Milone & MacBroom to set up the funds. The question of turf management was raised. Mr. Hughes noted that the maintenance of the fields has not yet been turned over to the City – it is still in the hands of the contractor. Mayor Staffieri said we will be looking to put together a good committee to monitor Witek Park. Mr. Szewczyk said as far as field maintenance it is his understanding that the builder of the fields was to maintain them up to a certain point. However, he noted that the City was doing maintenance on the fields last summer. Mayor Staffieri said the release of the fields has not been signed over by the contractor. We need to make sure that everything that the contractor is obligated for is completed to our satisfaction. The committee that is to be formed would oversee this. Mr. Bomba also noted that there is a problem with vandalism at the park – ATV's, etc... Is this something that the committee would handle? Mayor Staffieri said he would talk to Chief Cota about this. He said that we should look at where they are coming in from and erect a barrier to prohibit them from entering. Mr. Bomba said he would hate to see the fields torn up and then the City would have to pay to repair the fields.

### **APPROVAL OF PENSION PLAN AMENDMENT**

Mr. McLiverty passed out a copy of the Pension Plan Amendment to the board members. The Pension Plan document is a document that we utilize to govern the Pension Plan. It is something that we don't change on a very frequent basis. In fact, the last amendment was made in 1996. This is the document, just like the City Charter, that sets the parameters of the Pension Plan for all employees that are full-time employees. A full-time employee is defined as someone who works forty weeks a year, thirty-five hours a week. Mr. McLiverty walked the board members through where we are focusing on the plan amendment tonight to address the employment of Ron Culmo.

Mr. McLiverty said Exhibit #1 is simply the Pension Plan cover page. If you flip to page three, under section three, there is a paragraph that says "employees to whom this act applies." The key sentence is the very last sentence of that paragraph, which says "a regular full-time employee is one who is employed by the City for at least thirty hours a week for forty weeks a year." So if you're an employee that falls within those hours and the number of weeks per year you are entitled to a pension under the City of Derby. Just for the record, the Mayor has not yet been determined to be full-time therefore he is not entitled to the pension under this plan. Individuals who were part of the City Pension Plan were offered an early retirement where they were offered up to five years of age and five years of service and they would start to receive a pension. If you go to Exhibit #2 this is a copy of the release document, which Mr. Culmo signed, as well as three other individuals that were offered the early retirement package. If you flip to page two of the document and you go to paragraph two there's a paragraph that talks about how an employee agrees to voluntarily retire if he qualifies for normal retirement and he waives any right or claim to be reinstated, recalled or rehired to any job position within the City in which he would participate in the City of Derby Pension Plan. He agrees not to apply for reinstatement or rehire to any such position after his date of retirement. Although they are allowed to work part-time and seasonal. So at this point I'm going to let counsel get into the issue with how he's going to come back. Because this said rehired, reinstated or apply. Now he's going to go into an appointed

position and counsel is going to talk about that Release Agreement and how it is different. It's not like Mr. Culmo sought out a position that was available in the Bargaining Unit. So now we have a Plan document, which is the document that I showed you before. If you flip to Exhibit #3 you have to modify the plan document. Because if you recall the first exhibit I showed you, which was paragraph #2 where "the employees for which this act applies" it stated that anyone who works those thirty and forty has to go into the pension. But Mr. Culmo already received a pension. So we have to amend the pension to address the situation with the four early retirees. We have to first define what a full-time employee is and how even though he goes into an appointed position, and he works the thirty/forty, he's not going to be entitled to a pension in this rehire situation. Mr. Culmo had a pension that was calculated based on his years of service as a member of the Bargaining Unit. It's the highest 5 years x 2% x average yearly salary. For arguments sake let's say he was getting \$3,000 a month – he's going to come back. When you agree with this Plan Amendment and the Amendment that Counsel is going to propose to you tonight for the newest contract of Mr. Culmo, he's going to stop receiving that pension while he's under the new employ. So if it's a two year stand he stops receiving that \$3,000. He will earn the salary of the commissioner. When he stops that, he goes back to receiving the pension that he was entitled to under his original employ. But it's going to change and here is why it's going to change. If Mr. Culmo left employ at age 55 the actuarials look at his life expectancy. So if his expectancy was, just say for discussion purposes thirty years, it's calculated that from age 55 to age 85 Mr. Culmo would take home "X" number of dollars over his thirty year span. But now he's going to carve out a block of let's say two years where he's not receiving that \$3,000 a month. Now what happens is the window or the balance of time that he has to take home what the actuary calculated to be his retirement benefit now goes from thirty to twenty-eight. With that in mind his monthly take home would then escalate because we guarantee him so much money over his life expectancy but now we have to pay it back to him in a shorter period of time. So the answer is it becomes actuarially equivalent so the \$3,000 today may be \$3,300 if he stays a year; may be \$3,700 if he stays two years. And I cannot provide you that number because it's all going to be contingent on how long he stays. So if someone says you gave him an increased benefit – it is absolutely not true. What we did was give him the same benefit, made it actuarially equivalent because he's receiving it in a shorter period of time. So what you see in Exhibit #3 is the plan amendment that was voted on by the Pension Board on January 5<sup>th</sup>, reviewed by Corporation Counsel, and then was approved by the Union because they were part of the early retirement package, and now it comes before you. All the motions were contingent upon the Board of Aldermen approval because according to the Charter you actually approve any plan document changes. So if you look at paragraph 2 on this exhibit #3 paragraph one stays but we add a paragraph that talks about people who have come back to employment and how we're not going to consider them full-time employees for the purposes of pension calculations or benefits. They're full-time employees for the purposes of medical, they're full-time employees for the purposes of Workman's Comp – they will not have the percent deduction to go into the Pension Plan nor will these two years of this increased salary and years of service be used to modify Mr. Culmo's pension calculations. Now this document, this Plan Amendment, just for the record addresses any and all. It does not address Mr. Culmo by name; it addresses all employees who received the early retirement. So if a situation arises where one of the other remaining

three come back we don't have to address this again. The second amendment, which is on the following page, talks about the pension payment. And this goes back to how I explained to you how he is going to receive an increased monthly benefit. It states there mid-way down "upon a said person's subsequent termination of employment with the City the pension payment shall restart to the member but the monthly amount shall be increased based on actuarially adjustments performed by plan's actuarial to restore the lost value to the retired member for the suspended payments that he did not receive during his period of re-employment." This was drafted by the Pension Plan's attorney and viewed by Corporation Counsel and voted on by the Pension Board, approved by the Union this past week. And what I attached as a final exhibit is a draft of the minutes of January 5, 2006 that shows that we voted on it January 5<sup>th</sup>. I just want to note that it is a draft because the Pension Board did not have a subsequent meeting to approve the minutes. Just so you all know this was a very unique situation that required a lot of research on behalf of Corporation Counsel and our Attorney and we're confident that this change to the plan protects the City and it also protects the employee(s) who may come back and it makes it very clear as to how we would proceed. Thank you Mr. Mayor.

Mr. Szewczyk – What is Mr. Culmo actually going to earn?

Mr. McLiverty – He receives a salary for the year – I believe the budget has \$73,000/year.

Atty. Coppola – Keith, the amendment to the agreement that I had provided you did you receive that?

Mr. McLiverty – I did receive that. We handed it out to the Pension Board. It is not up to us to sign. The only thing that Mr. Culmo did ask was something is in there that states that he is entitled to medical. He should be entitled to what the employees are entitled to.

Atty. Coppola – This is just another document that modifies Mr. Culmo's agreement and general release. Based on your vote it will modify the agreement in general to allow him to come back for his appointment. And when he leaves that position everything reverts back to (inaudible) agreement.

**A MOTION** was made by Mr. Hughes with a second by Mr. Boulton to approve the Pension Plan Amendment as presented. **Motion carried.**

#### **APPOINTMENT STREET COMMISSIONER – RONALD CULMO**

Mayor Staffieri said before he picks the best man or woman to do a job he tries to go and eliminate any potential problems that might come back to the City. Mr. Culmo's experience speaks for itself. He has served the City in many capacities. He has submitted his letter of interest and his resume. Ron has been dedicated to the City and has helped our City's residents for many years. He's been a laborer, truck driver, heavy equipment operator, assistant foreman, foreman, and has assisted Mr. Parker for many years. Mayor Staffieri said it is our loss to lose Gary Parker, however, he informed me

while I was running for election that he had no interest in staying on board. He has offered to come back and help in any way, which is a great reassurance for the City.

**A MOTION** was made by Mr. Bomba with a second by Mr. DeBarbieri to appoint Ronald Culmo as Street Commissioner for the City of Derby. **Motion carried.**

**ADJOURNMENT**

**A MOTION** was made by Mr. Sill with a second by Mrs. Moran to adjourn the meeting at 7:59 p.m. **Motion carried.**

Respectfully submitted,

Patricia Finn  
Recording Secretary

/paf

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