

## **DERBY BOARD OF ALDERMEN MEETING**

**DERBY CITY HALL, ALDERMANIC CHAMBERS – FEBRUARY 9, 2006 - 7:00 P.M.**

### **MINUTES**

The Honorable Mayor Anthony Staffieri called the meeting to order at 7:05 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: John DeBarbieri, Interim Chief Administrator  
Ronald Culmo, Director, Public Works  
David L. Kopjanski, Building Official/Zoning Enforcement Officer  
Philip A. Hawks, Fire Marshal  
Chief Andrew L. Cota, Jr., Derby Police Department  
Laura Wabno, Town & City Clerk  
Kelly Curtis, Fire Commissioner  
Thomas Lenart, Director, Storms Ambulance Corps.  
Jack Walsh, Director, Parks & Recreation Commission  
Michael J. Joyce, P.E., Milone & MacBroom  
David Elder, Valley Council of Governments  
Beth Colette, Board of Education  
Joseph Coppola, Corporation Counsel

#### **ADDITIONS, DELETIONS, CORRECTIONS TO THE AGENDA**

Mr. Hughes informed the board that he would like to make three additions to the agenda:

- Greenway Grants Utilization
- Update 97 Sodom Lane (Former Onopiak Property)
- Board of Education Disposal of Choir Risers

**A MOTION** was made by Mr. Bomba with a second by Mr. Sill to add the three items to the agenda and adopt the agenda as amended. **Motion carried.**

#### **PUBLIC PORTION**

Kelly Curtis, Fire Commissioner, City of Derby – I would like to take this time to let everyone know how we made out with the fire alarm. We did get it back and running last night at a cost of under \$1,000, which I'm extremely happy with; I'm sure you are. I'm very happy that all of that money didn't have to come out of my budget and also that we were able to save some money for the city. We found another avenue to go. We found someone that could service the original unit and they had replaced the circuit board in it and also a screen. They couldn't get new parts – they were able to repair what was there. Again, it is an obsolete unit but I'm very happy to say that it is working and it is working fine. They

bench tested it for seventy-two hours up there and we put out two boxes last night to make sure it was working. We did leave the tickertape like you had seen last month – we left it in there for about a week to make sure the system is working – just in case. But we're up and running and we're real happy and hopefully it will last us awhile. I do want to thank the Board and you Mayor for taking the time to work with us on this. We felt we were kind of stuck there for a short time and with your help and your support, which I'm glad to see we have a Board which is supporting the Fire Department I just want you to know that it is appreciated. So on behalf of the Department, thank you very much.

Mayor Staffieri – Thank you Kelly for your time and effort that you put into this too.

David Elder, Regional Planner, Valley Council of Governments – I'm just here in case there are any additional questions that Michael Joyce can't answer about the Greenway Grant. Thank you.

Dan Waleski, 21 Elm Street, Derby, CT – At the risk of causing a bombshell I and several other people around town have been talking among ourselves and we thought that it would be a great thing if this Administration would give some consideration to re-establishing the Conservation Commission.

Mayor Staffieri – I'll take that under advisement.

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

### **PUBLIC PORTION CLOSED**

### **MINUTES – JANUARY 26, 2006 MEETING**

**A MOTION** was made by Mr. Hughes with a second by Mr. Boulton to approve the Minutes of the January 26, 2006 as presented. **Motion carried.**

### **FIRE MARSHAL REPORT**

No questions were raised. Report placed on file.

### **POLICE DEPARTMENT REPORT**

No questions were raised. Report placed on file.

### **POLICE FEES/PARKING VIOLATIONS SUMMARY**

No questions were raised. Report placed on file.

### **BUILDING DEPARTMENT REPORT**

Mr. Szewczyk asked what specifically constitutes "blight?"

Mr. Kopjanski said that it is what is pointed out in the Blight Ordinance. It will give you a list of things that are considered blight. Some of those things don't necessarily have anything to do with maybe a preconceived notion of what is blight. Some of them might be something of an activity that's taking place at a certain property. For example, criminal type of activity that is repeatedly taking place at a property could be considered blight. There are four categories of blight in the ordinance. He suggested that everyone should

have an opportunity, if you have your book of ordinances, to take a look at the Blight Ordinance and just refresh yourself with some of these things.

Mayor Staffieri said the City is interested in blight. He said we need to take care of our own blight for City-owned property, which is being actively pursued. We will also actively pursue property owners who bring down the image of our City.

Mr. Sill added that the Building Inspector is always very gracious when he walks in and hands over a list of things. He encouraged everyone if they see blight to give the address to the Building Inspector.

Mr. Bomba asked if that was something that every citizen should have to do or should someone be looking at this already? Mr. Kopjanski said he believes the Mayor has appointed a committee and one of the duties of that committee is to oversee the Building Department and Blight. He said he would be more than happy to sit down with that committee at their monthly meeting to review these issues. Mr. Bomba asked if we have a process right now as far as blight is concerned? Mr. Kopjanski stated that the City does have a process. Chief Cota stated that oftentimes any of the departments that see something they call Dave to look at it. He noted that the Police Department oftentimes refers people to the Building Department – it is very common for us to do that. Mr. Kopjanski stated that in the immediate past he would report to the subcommittee of the Board of Aldermen that had blight relegated to them. He feels that is a good process and he would like to continue that.

Lavonna Cousely, Caroline Street, Derby, CT – Can I speak on that? I'm a homeowner on Caroline Street and this blight is the best thing to have. Because you have landlords that know that their tenants are putting trash, mattresses, all that kind of stuff outside. They won't move it. The landlord won't even look at it. They have to be served papers saying that they have so many days to remove this trash – and this is bad trash. Until that gets done that's the only time that you see some justice. So please keep that in consideration, because that's why I'm here today. Because I'm on Caroline Street and I've been going through this for about five months now and it's like mattresses all outside and they're telling us they can't pick it up. Something needs to be done about it.

Mayor Staffieri – The landlord can be fined. Please let us know.

Ms. Cousely – I'm going through it now on Caroline Street and I would be outside day and night cleaning and I hate going to work in the morning and that stuff is out there. I don't know how they can live like that. And I don't think we should have to live like that.

Mayor Staffieri – You're exactly right.

### **STORMS AMBULANCE REPORT**

Mayor Staffieri said he asked Storms Ambulance to submit a monthly summary report. He asked the Board members to review it and to contact Tom Lenart directly if there were any questions. The report that was submitted is very detailed.

Mr. Bomba asked Mr. Lenart if we are complying with State law? Mr. Lenart said we are currently under compliance with State law. He said as of 2001 we were supposed to have

in place an EMS Plan for the City of Derby. A proposed draft copy was compiled and submitted to the City for review. Mr. Sill said it went to then Corporation Counsel's office for review and it was never received back. Mr. Sill said this is something that we are all interested in and it is very important. Mr. Lenart said there is something that is called the "National Incident Management System", which is on the federal level and basically what they want is a local plan, a state plan and a federal plan for any type of disaster. He said we currently don't have a plan for the town. So should the feds or the state come in and want to do anything they're going to say what's your plan? And we don't have anything. So we drafted a plan and we've been trying to push it forward. Mr. Lenart said the draft of the plan that was prepared is in the packet that he submitted. Mr. Hughes said this is the first time that they are seeing this and he is sure that the Board will have questions. Corporation Counsel asked who initially drafted the plan? Mr. Lenart said he did. Corporation Counsel asked if Buturla's office was supposed to comment on the plan? Mr. Lenart said any time they asked all they were told was that Corporation Counsel had it. Corporation Counsel Coppola said he would be in touch with Mr. Lenart.

**TRANSFER AUTHORIZATION FROM STREET DEPARTMENT\***

***Request per Ronald J. Culmo, Director of Public Works \*Letter attached***

Mayor Staffieri noted that any request for a transfer must be approved by both the Board of Aldermen and the Board of Apportionment & Taxation.

February 1, 2006

City of Derby  
Board of Aldermen  
Board of Apportionment & Taxation  
1 Elizabeth Street  
Derby, CT 06418

Attention: Mr. Kenneth Hughes, Chairman Board of Aldermen  
Mr. Henry Domurad, Chairman Board of Apportionment & Taxation

Dear Mr. Hughes & Mr. Domurad,

Because of the inclement weather that we have received during the months of December and January there is no money left in the overtime account for special storms 4100-120-0121. Almost all of these storms have occurred on weekends or on holidays depleting the budget.

By reviewing my budget line items I have come up with a proposal to transfer money from several line items in the Sanitation Budget and one line item from the Highway Budget. I think that by reviewing the payments made during the last 7 months that we can possibly finish out the year with the remainder of the money in these items. If by some chance that we may need to refund these line items I will have to return to the board to ask for more money. Hopefully this could carry us for the rest of the budget period.

The following is the list of line items that I would like to transfer into account 4100-120-0121 Special Storm Overtime:

4100-380-0381	Line Marking	\$ 2,500.00
4300-270-0270	Scrap Removal	\$ 5,000.00
4300-330-0330	Wood Chipper	\$ 5,000.00
4300-330-0335	Recycling Collection	\$ 3,500.00
4300-390-0392	Landfill Capping	<u>\$ 2,000.00</u>
	<b>TOTAL</b>	<b>\$18,000.00</b>

Respectfully submitted, Ronald J. Culmo – Director of Public Works  
Cc: Hon. Mayor Anthony Staffieri; John DeBarbieri

**A MOTION** was made by Mr. Sill with second by Mr. Bomba to approve the transfer request from Public Works.

**DISCUSSION ON MOTION**

Mrs. Moran – Ron, this isn't going to leave you too short?

Mr. Culmo – I reviewed the bills for the first seven months of the budget period and it looks like if I use the money right now I'm pretty sure I can make it through the rest of the year with the money like it is. Hopefully I have no unforeseen bills and I can make it with what is there right now. Instead of having to have the City give me \$18,000 right now.

Mrs. Moran – Right, but you have scrap removal and stuff. You don't do that...

Mr. Culmo – I reviewed the bills – we get them monthly and I think I can make it through the rest of the year with what we have in there.

Mr. Szewczyk – I have a comment and I don't know how to put this other than when it snows things like curbs are buried most of the time. Snowplow drivers don't have x-ray vision – they don't know where the curb is and where it isn't. But the bottom line is I noticed that especially the bituminous curbs get plowed up with the snow. Is there any kind of device on the snowplows that can sense this sort of thing?

Mr. Culmo – Not really. It's hard to tell because you could be under two inches of snow and not see the curb. Because when we plow the snow it builds up on the side of the road and we try to get close to the curbs – this way the catch basins are open – if they're not opened you're going to have flooding if it rains after it snows. So therefore we have to go as close as we can, but they try their best not to break them up. A lot of the ones that are broken up are the new ones that are there and the backing behind them is not solid enough to hold in place.

Mr. Hughes – Do you have a guesstimate on how long this money would last? Do you go by the inches or the storm?

Mr. Culmo – Most of the storms that we've had this year have been on weekends or on holidays and it ate up all the \$30,000 already.

Mr. Hughes – So basically one monster storm on a Saturday or a Sunday can wipe this out too?

Mr. Culmo – Like the storm that we had on Martin Luther King's Birthday went for almost \$8,500. So the storm coming this Sunday again, maybe, it will be all day Sunday and it will cost some money. Hopefully it doesn't hit.

J. Rodger Birtwell, Caroline Street, Derby, CT – Just a quick comment on that issue. In that we have alternate sides of the street parking, which we try to recognize, but the plows come down and they plow the snow into the cars rather than to the area that is open for that. And when I've talked to the drivers they tell me to go back in the house and mind my own business. I think that if we're going to use the alternate side of the street parking the snow should be plowed into that side. Thank you Mr. Chairman.

**MOTION CARRIED.**

**RESOLUTION FOR AUTHORIZATION OF GRANT DISBURSEMENT**

Mayor Staffieri asked Mr. John DeBarbieri to review this item with the board members. Mr. DeBarbieri said this resolution pertains to the \$1 million grant for the Sterling Opera House Restoration that was obtained with Joe Crisco and Vin Tonucci's help. The State DECD has requested that the resolution be in place in order to draw down the money.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT  
STATE OF CONNECTICUT  
(AN EQUAL OPPORTUNITY EMPLOYER)  
CERTIFIED RESOLUTION OF THE LEGISLATIVE BODY

Certified a true copy of a resolution duly adopted by the City of Derby at a meeting of its Board of Aldermen on February 9, 2006, and which has not been rescinded or modified in any way.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Laura A. Wabno, Town & City Clerk, City of Derby

**WHEREAS**, pursuant to Section 4-66c of the Connecticut General Statutes, the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

**WHEREAS**, it is desirable and in the public interest that the City of Derby make an application to the State for up to One Million Dollars in order to undertake the Sterling Opera House Restoration Project, and to execute an Assistance Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Aldermen of the City of Derby

That it is cognizant of the conditions and prerequisites for the State Assistance imposed by Section 4-66c of the Connecticut General Statutes.

That the filing of an application for State financial assistance by the City of Derby in an amount not to exceed \$1,000,000.00 is hereby approved and that the Mayor of the City of

Derby is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the City of Derby, Connecticut.

**A MOTION** was made by Mr. M. DeBarbieri with a second by Mr. Hughes to approve the Resolution for the Grant Distribution of \$1,000,000.00 for the Sterling Opera House Restoration. **Motion carried.**

**VENDOR REQUEST: MICHAEL CARPINELLA – “SUPER SOFTY OF THE VALLEY”**

Mayor Staffieri noted that Mr. Carpinella has had a license in the past for this business. Chief Cota said he has had the license for a number of years. The Chief said he has reviewed the application and all is in order.

**A MOTION** was made by Mr. Hughes with a second by Mrs. Moran to approve the Vendor Request of Michael Carpinella for “Super Softy of the Valley” as presented.

**DISCUSSION ON MOTION**

Mr. Hughes – Is Mr. Carpinella here?

Mr. Carpinella – Yes.

Mr. Hughes – On your application – what are the additional names listed on the bottom?

Mr. Carpinella – Those are the names – sometimes they work for me whether it is the hotdog cart or the truck itself. I can't work every single day so they wanted a list of the people – 3 are my daughters and the other one is my girlfriend.

**MOTION CARRIED.**

**VENDOR REQUEST: MICHAEL CARPINELLA – “CITY DOGS”**

Mayor Staffieri said we don't have very much information on this application. Chief Cota said he did look over the application and he has it in his possession this evening. He said the application is short of what is required. There is no specific location cited on the application. The Chief said this is past practice and it is also in the ordinance. It states that there must be a location specified. If the location is on private property, permission from the owner must be received and if on City property permission needs to be obtained to locate in a specific spot. Chief Cota informed the board that there are currently two licensed hotdog vendors in Derby. One is “Court House Dogs” who is located at the Derby Court House and the other is “Nichols Dog”, which is located up on Roosevelt Drive in one specific location. Mr. Carpinella's application states City of Derby – that is not acceptable as it does not state a specific location. Chief Cota said it also would require authorization and sign off from Valley Health.

Mr. Carpinella noted that they do not receive a sign off from Valley Health until March. He then submits all the information to the Police Department. The Chief informed Mr.

Carpinella that he needs to cite a specific location. Mr. Carpinella said he goes to different places; should he list all the locations? He said he has no intention of setting up in front of Court House Dogs or anywhere near him. The Chief again said there needs to be a specific location noted on the application. He said there are a number of other vendors, not only food vendors, that are required to state a specific site location. The City of Derby, unless there is a special event, does not allow vending carts on the street (parade, etc...) Almost all of our fields, parks, etc. have specific regulations. The Chief said we need to establish where the cart is going to be located. Mr. Carpinella said the reason why he put City of Derby is because when it is the soccer season some of the Moms ask him to be there so the kids could have supper and they don't have to run to McDonald's to get something. Mayor Staffieri said you would have to get permission from Parks & Recreation for that. The Mayor suggested tabling this matter for now. Mr. Carpinella asked if there would be any objection to having the cart at the Riverwalk? The Chief said there might be problems because there is a parking lot and the rest of the site alongside BJ's. He also said we would have to check about the stipulations regarding usage of the Greenway. Mr. John DeBarbieri noted that there are a number of questions regarding this application and he suggested having Mr. Carpinella meet with the Chief.

**A MOTION** was made by Mr. Hughes with a second by Mr. Bomba to **TABLE** the vendor request of Michael Carpinella for "City Dogs" until the next meeting. **Motion carried.**

Jack Walsh, Chairman, Parks & Recreation Commission – I was just going to comment, as Bev who has been a long standing member of the Parks & Recreation knows, it's always been a standing issue as to what Parks & Rec actually has authority to give permission for. If this is a private vendor Parks & Rec has really never given permission to private vendors. We've given the use of a facility and tied into that has always been that if it's a for-profit it usually ends up coming before the board.

### **GREENWAY GRANTS UTILIZATION**

Mr. J. DeBarbieri said there was \$80,000 available by a federal grant if the City had \$20,000 matching funds. Mr. DeBarbieri said we never had \$20,000 in matching funds until Sen. Crisco came up with state money to help us with the Riverwalk. So with Mr. Dunne's (Valley Council of Governments) assistance we were able to put together the proposal that is before us tonight. So with the \$80,000 federal and the \$20,000 State we are able to address some of the issues that were in the various phases of the project. Mr. Joyce has prepared a list as an example.

Michael J. Joyce, P.E., Milone & MacBroom, Inc., Cheshire, CT – Good evening Mr. Mayor and members of the board. Just another step to add on to what John had mentioned - that estimate that you have as part of your package – the \$102,500 – the City of Derby through the Valley Council of Governments applied for a FTA or Federal Transit Enhancement Act Grant. In that there were items most of them are on that list. However, one item that wasn't on that list is the decorative brick pier. The decorative brick pier was included under the original design of the Greenway. When it went out to bid it was considered an add alternate because we knew the costs were going to be up at the upper end of the spectrum and the City might not be able to include it in the standard bid. We have prices and design for that specific item. The Greenway grant, the \$20,000 grant that you have, needs to be spent on Greenway items. The FTA Grant was a bigger

picture, multi-modal transportation center type grant. It was applied for because of the Greenway proximity. All these projects are linked together as part of one concept under this enhancement grant process. The City couldn't afford it as an add alternate until now. Now we that we have the \$20,000 match we could afford to do two of those piers – one at one end of the trail, the other at the other end. If you've seen other trails in other communities they usually have some sort of gateway feature that let people know that there is some sort of recreation use here – that was the intention of that. What we did was we modified the original estimate for the Federal Transit Enhancement Act to remove a couple of the items that were in there so that we could make room for these original piers in that estimate. That \$20,000 is a match to the federal \$80,000. Now there is a requirement in that grant, and David Elder from the C.O.G. can answer this better than I can, that the actual match to the FTA Grant is \$20,500. So while your grant match that you have from OPM (Office of Policy & Management from the State) covers your \$20,000 technically to group both of these together you need authorization for \$500 to complete the process for the Valley Council of Governments. It's a little bit convoluted; it came in as an afterthought with respect to the fact that you have a grant now that you didn't have before. I would be happy to answer any questions to clarify any of the issues.

Mr. Hughes – Does this need to be approved by the board or is it more of point of information?

Mr. Joyce – What you need in order to retain the \$20,000 is to adopt the resolution authorizing the use of this \$20,000 for the Greenway. The \$500 is not necessarily tied to the OPM grant. The \$500 you need is tied to the Federal Transit Enhancement Act.

David Elder, Valley Council of Governments, Derby, CT – I think you're either going to need to do two resolutions or one resolution that encompasses both grants. In one you're going to need to resolve to accept the OPM grant, so that's one resolution. The second resolution would be that you are going to use the \$20,000 plus the \$500 that you get from somewhere, as your local match for the \$100,000 FTA Grant and that will finish Phase II of the Greenway Project and that will be done. We have to show something to the FTA that says that Derby is committed to their \$20,500. This money has actually been obligated to the City of Derby since 2002 and we've just been moving it over, rolling it over in years and at this point we're coming up on the third year. So if we don't do this soon, that \$100,000 will actually go back to the FTA grants and will be redistributed to someone else who could come up with the match.

There was then a discussion as to how best approve these funds. Mr. Joyce said as far as the \$20,000 grant as long as it is used for the Greenway Trail development it complies with the use of that money. There is an audit that will be performed at the end of the process and that is where the City must demonstrate where the money was spent for the Greenway. The FTA grant is for improvements around the train station, but also along the trail. Mr. Elder said the first resolution should say that the City is accepting \$20,000 for Greenway enhancements and the second resolution should say that we are using this \$20,000 plus the \$500 as our local match. Mr. Joyce suggested that the first resolution state that we are accepting this \$20,000 as the local match and it also happens to be paying for an item on the Greenway.

**A MOTION** was made by Mr. Sill with a second by Mr. Hughes to accept the \$20,000 from OPM for the Greenway Enhancement.

**DISCUSSION ON MOTION**

Mrs. Moran asked if we could use the \$20,000 for something other than the gateway pier? Mr. Joyce said you can as long as you can demonstrate that the money was used for the Greenway. He noted that they want to know that you have real dollars and real ideas attached to why you're going to use this money. He said there have been other discussions about other items that could be incorporated. Mrs. Moran said suppose down the line we decide not to build this and go another way? Can we do that? Mr. Joyce said we have sixty days from the receipt of the grant to expend the funds. He said the reason why they picked that item was because it was originally included in the design of the Greenway. It was bid with the construction documents for the Greenway. We actually had bid prices from the current contractor still working on the Greenway to do it. The other ideas that we have for other things, such as the fountain relocation in that area, while we know that it is doable and possible we don't have any numbers right now to give to OPM to say this is how much it's going to cost us to do this. That's the problem. Mrs. Moran said that is what she wanted to know. If we could move the fountain instead of putting that up? Mr. J. DeBarbieri said we're pretty much in the position of use it or lose it. Mr. Joyce said he couldn't see why the fountain couldn't be included because technically we are using the money for the Greenway. At the end of the day the State won't really mind as long as the money has been spent on the Greenway. Mr. Elder said one other benefit is C.O.G. hasn't been able to apply for any enhancement grants since this has been obligated to us. Once we show FTA that we can come up with a match we can get grants for all kinds of Greenway enhancements.

**MOTION CARRIED.**

**A MOTION** was made by Mr. M. DeBarbieri with a second by Mr. Boulton that upon receipt of the grant from OPM in the amount of \$20,000 the Board of Aldermen hereby resolves to use that \$20,000 and the \$500 City funds to provide its local match for the FTA Grant.

**Motion carried.**

**UPDATE 97 SODOM LANE (FORMER ONOPIAK PROPERTY)**

Mr. Hughes read into the record the letter received from Joseph C. Jalowiec

February 9, 2006

Mr. Ken Hughes, Chairman  
Derby Board of Aldermen  
City of Derby  
1 Elizabeth Street  
Derby, CT

RE: 97 Sodom Lane, Derby, CT (Formally Onopiak Property)

Dear Mr. Hughes,

This letter will confirm our verbal conversations regarding the general maintenance of the above listed property.

Because we are the owner of record for most of the property that adjoins this parcel we feel that by maintaining it to the proper standards of the neighborhood it will most certainly become an asset for the entire City of Derby. Our proposed maintenance of this property will include items such as labor for general upkeep of the lawn areas, debris, and keeping a good overall appearance of the property as viewed from Sodom Lane.

Also, in addition to the above, we will maintain the snowplowing of the drive areas as designated in the future. We would like to work closely with the people from the City of Derby who are responsible for this parcel. Any cost for shrubs, trees and renovation work to the building itself would be expected to be paid for by the City or the Trust already in place for this property. Mr. Onopiak donated this property to the City of Derby for a nature preserve and we are delighted that the property will remain in that status. After personally knowing Mr. Onopiak for fifty-five years I would be honored to be part of this program.

We understand that a sign will be prepared with Mr. Onopiak's name on it as a nature preserve and the only request we have is that we can have our designated name placed at the bottom of the sign as the sponsor as you have viewed on other signs placed next to the entrance ramps at the parkway (RT 15).

Because this is a donation proposal we would request that any agreement with Jalowiec Realty, LP and the City of Derby include the option to revoke with a sixty-day notice from either party. Please find attached our certificates of insurance.

Sincerely, Jalowiec Realty Associates, LP – Joseph C. Jalowiec, General Partner

Mr. Hughes said basically what Mr. Jalowiec is offering is to maintain the Onopiak Property at no charge to the City.

Mayor Staffieri said Mr. Jalowiec has graciously donated his service to maintain the property at free cost to the City of Derby. And as anybody who knows that drives through that area the property that he owns is kept in impeccable condition.

Mr. Hughes said he would like to make a motion to empower the Mayor and Corporation Counsel to give Mr. Jalowiec the permission after his offer has been reviewed by counsel.

**A MOTION** was made by Mr. Hughes with a second by Mrs. Moran to empower the Mayor and Corporation Counsel to give Mr. Jalowiec the permission after his offer has been reviewed by counsel and found to be in order.

#### **DISCUSSION ON MOTION**

Mr. Szewczyk asked who would be approached if more shrubs, etc... would be required for the property? Mayor Staffieri said there are two caretakers to the property through the

estate. They would have to approve as would the estate lawyer. So the City would have to buy the items or have them donated and approach the caretakers to make sure the rules of the estate are being adhered to. Mr. Devonshuk asked if this would come back to the board for approval? Mr. Hughes said basically what the motion does is give the Mayor and Corporation Counsel permission to give Mr. Jalowiec the authorization to commence. Mr. Hughes said Mr. Jalowiec is a contractor and he is not as busy right now and would like to jump on this and get a head start. Mr. Devonshuk said he would just like to be informed once things are underway.

**MOTION CARRIED.**

**BOARD OF EDUCATION DISPOSAL OF CHOIR RISERS**

Mayor Staffieri asked if there was anyone present from the Board of Education to discuss this item? Ms. Wabno informed the board that she phoned Laura Harris at the Board of Education to see exactly what this item is. Ms. Wabno stated that they aren't even quite sure what these items are. She asked what kind of condition there were in and if they could be used in the grammar schools, here, the Boys' Club, etc... She did not receive an answer. Ms. Wabno suggests tabling this item and putting this on the subcommittee for education and have someone from the Board of Education attend.

**A MOTION** was made by Mr. Hughes with a second by Mr. M. DeBarbieri to **TABLE** this item and refer it to the Education Committee. **Motion carried.**

**ADJOURNMENT**

**A MOTION** was made by Mr. Sill with a second by Mrs. Moran to adjourn the meeting at 7:57 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