

## **DERBY BOARD OF ALDERMEN MEETING**

**DERBY CITY HALL, ALDERMANIC CHAMBERS – FEBRUARY 23, 2006 - 7:00 P.M.**

### **MINUTES**

The Honorable 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

Absent: Dennis Devonshuk

Also Present: John DeBarbieri, Interim Chief Administrator  
Phil Robertson, Chief Administrator  
Ronald J. Culmo, Director, Public Works  
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 add two items and delete one item from the agenda:

##### Additions

- Clarification Mohawk Avenue Abandonment
- Refund of Excess Taxes Requested through 2/16/06 per Tax Collector Cinda Buchter

##### Deletion

- Board of Education Report – Middle School

**A MOTION** was made by Mr. Hughes with a second by Mr. Sill to approve the additions and deletion and adopt the agenda as amended. **Motion carried.**

#### **PUBLIC PORTION**

Carl Yacobacci, 10 Lombardi Drive, Derby, CT – I just want to talk to the board about – I'm a member of Clark Development and on Tuesday night our building that we've been working on proposing for the last few months I believe most of you have seen the drawings, seen the picture and know about the property was denied by Planning & Zoning based on a parking issue in downtown Derby the municipal parking lot. There's a couple of things that I would just like to review and go over with the board about the issue. First was when we did the building we looked at the Zoning Regs and in the CDD District for a non-residential use building in Section 195-54 it states that "off-street parking requirements shall be waived for all but residential units within three hundred feet of a municipal parking facility. Distance shall be measured from property to property along

the center line of the nearest street line or other public right-of-way." Now we took a look through this and there was no mention of this will be waived only if you need "X" amount of spaces or if somebody doesn't have a lease or anything else. Except for the only requirement is you have to be within three hundred feet of the municipal parking lot. You know over the last few years many, many places have been up here and they all gotten their waivers for parking and that's the one thing that I want to bring up. That I believe that we still fall under that no matter what was on there because that's what the regulations read. However, because it bought up there's leases, possible leases, there's other people using it – I just want to read a couple of things for you and I'll try to stay within the three to four minutes. (Inaudible) although very disappointed that the P&Z Commission decision regarding our proposed building was based on a parking issue we feel that we did bring to the forefront a problem that would befall any person or company who wants to invest in downtown Derby. While trying to address the problem over the last two, three months we were told that the P&Z municipal lot was leased to Lifetouch and Housatonic and we brought up some issues on that and the P&Z between what was there and what was leased and so on and so forth. We wanted to make clear, we made clear to P&Z, we would like the use of the space, we don't want to displace anybody. I think there's a lot of room in downtown that could be made for parking and to accommodate Housatonic Lumber and us. You know that when I was proposing this building starting back in last summer most of you we talked a lot, you've seen it, I had a lot of support for the building and to try to start help revitalize downtown Derby, bring in tax dollars bring in money. I'm hoping that I get the same support from the people now. We addressed our concerns a lot to the Town Engineer to try to solve the problem too. He knew a lot about it. It just seemed like everything was dropped in our laps. We did address a couple of issues about other parking areas and the concerns that one might have about that and who would be responsible for those. But we did seem to come up with some solutions. What I'm doing here now is I'm asking the Mayor and the Board of Aldermen to weigh in on this – to negotiate, to talk with Clark Development, Housatonic Lumber, Lifetouch and sit down and see what we can do to resolve this so everybody can move forward and then we can get our building. Although by the Regs I still don't think we should have had a problem, but that's it. We have done a lot of work. We put a large investment in downtown Derby; we support a lot of people here. The questions that were raised in Planning & Zoning and if this lot is full and this is the way it's going to go then actually nobody can build a building in downtown Derby and have any parking. So what we did now is the downtown can't be built because of this issue. So I think it has to be resolved for everybody's good and I'm just asking that you get involved in this and any Board of Aldermen get involved in this to take a look at this. Time is of the essence – we do have our plans, we were at this point ready to go. I don't know how long it can be dragged out. I'm just looking forward to hearing from anybody on this issue. I'm always available; most of you people have my phone number. And if you have anything, please give me a call so that we don't close downtown Derby to any new developer.

Mayor Staffieri – I think I would like to refer this to the Downtown Committee.

Mr. J. DeBarbieri – I believe that the Board would refer this to the Downtown Committee and then they could ask for input from Planning & Zoning and go over the detail they have on the matter regarding multiple parking spaces.

**A MOTION** was made by Mr. Hughes with a second by Mr. Bomba to refer the issue of Clark Development to the Downtown Committee.

**DISCUSSION ON MOTION**

Mr. Szewczyk said he hasn't seen the plans for this project.

The board members noted that the plans could be reviewed at the committee meeting.

**MOTION CARRIED.**

**MINUTES – FEBRUARY 9, 2006 MEETING**

**A MOTION** was made by Mr. Bomba with a second by Mr. Hughes to approve the Minutes of the February 9, 2006 regular meeting as presented. **Motion carried.**

**LIAISON COMMITTEE UPDATE**

Mr. M. DeBarbieri read the following statement into the record:

As this Board is aware, the Education Liaison Committee was appointed on December 22, 2005. The Mayor and the Chief Administrator met with them and discussed the Mayor's vision of the mandate for that Committee. Its purpose is fairly straightforward. Their responsibility will be to review and update all data concerned with the overcrowding of our schools. They will review the recently completed recommendation to build a stand alone Middle School. They will also review and update any other plans that were previously dismissed.

The Mayor believes that one reason why past Bond issues have been defeated is because the voters lacked or had the wrong information to make an informed decision. This committee will review past building plans; their objective is not to get involved with any issue other than the infrastructure solutions available. All past proposals will be reviewed and possibly updated if those solutions are viable. Any plan that is eliminated will have a full disclosure of the reasons for that elimination and those reasons will be fully documented and given to the voters prior to any referendum. We firmly believe that we need to present all available information to the public so they can make the best decision possible for Derby.

Many suggestions have been put forth and the voters are wary of the reappearance of the Middle School as the only solution. This Liaison Committee will propose at least three (3) potential solutions for the actual ballot. We believe it should be the choice of the voters; the Committee is here to assemble the information. Each solution will list both positive and negative aspects in the interests of full disclosure. This committee will do the study, prepare the solution and report to the Mayor, Board of Aldermen, and Board of Education. The voters will then receive a list of the proposals in the mail detailing the options chosen, the list of positives and negatives for each, and reasons for any suggestions that were eliminated. The Mayor believes that an informed community makes the best decisions.

The committee consists of Myself, Joseph Bomba, Richard Grande, Jacqueline Wilson, and Chairman Andrew Mancini. All of us on this committee are in agreement; our aim is to

give the people the information we have and let them make the decision. The final say does not belong to any Board, committee or Administrator. The final choice belongs squarely in the hands of the voters, as it should be.

### **CLARIFICATION MOHAWK AVENUE ABANDONMENT**

Mayor Staffieri asked Corporation Counsel to brief the board members on this item. Atty. Coppola said a few meetings ago we had a presentation by Griffin Hospital. Griffin had made a request that we abandon Mohawk Avenue and Mohawk Avenue Extension. He also noted that there may have been some reference to L Street. Atty. Coppola handed out a copy of the Assessor's Map with Section 77 of the Charter stapled to it. He said the clarification is basically twofold. First, it is the abandonment of the entire L Street, which was not clarified at that time. Secondly, upon the process that we are going to embark on with abandoning that area Griffin Hospital will provide the City with an A-2 Survey as to the actual description of L Street and a portion of Mohawk Avenue that is going to be requested to be abandoned. He said Section 77 of the Charter directs that the Board set up a committee to provide the Board of Aldermen with a report as to the damages or benefit of abandoning a street. Atty. Coppola said that is a little bit different than what the Connecticut General Statutes call for. Basically the Statute section directs that the board send the request for an abandonment of a road to the Planning & Zoning Commission. Atty. Coppola said he would direct the Board of Aldermen send the request to the Planning & Zoning Commission for review. He said they would then have thirty-five days to provide us with a report. He said he would forward the information that the Board of Aldermen has to Planning & Zoning. After receiving the report, the City would follow the rest of Section 77 of the Charter, which would require notice in the paper, another public hearing, and then the final vote to abandon it.

Marge Deegan, Griffin Hospital, 130 Division Street, Derby, CT – I have an additional handout (attached to minutes). Mr. Charmel is right behind me somewhere. As you pointed out I guess the clarification was needed. We were originally, I guess, referring the whole section that is in light green as Mohawk Avenue, where in fact I guess a portion of it is considered to be L Street. Again, the plan is as we previously presented to the Board of Aldermen. It is just a matter of not being clear regarding this small section.

Atty. Coppola said that Atty. Skowronski notified him on behalf of Griffin Hospital regarding the area that is marked in blue. Atty. Coppola said an A-2 Survey is required to abandon the street. He also noted that there is some portion after the paved area that is going to be left a paper road. Ms. Deegan showed on the handout she supplied the discrepancy between the green area and the orange area.

**A MOTION** was made by Mr. Hughes with a second by Mr. Bomba to refer this request to Planning & Zoning for their review. **Motion carried.**

### **REFUND OF EXCESS TAXES REQUESTED THRU 2/16/06 PER TAX COLLECTOR CINDA BUCHTER**

**A MOTION** was made by Mr. Hughes with a second by Mr. Boulton to approve the refund of excess taxes requested thru 2/16/06 per Tax Collector Cinda Buchter. **Motion carried.**

## **ADJOURNMENT**

**A MOTION** was made by Mr. Sill with a second by Mrs. Moran to adjourn the meeting at 7:16 p.m. **Motion carried.**

Ms. Pam Ortiz from Caroline Street noted that the Public Portion was never officially closed and asked to address the board.

**Mr. Sill and Mrs. Moran rescinded their motion to adjourn.**

**A MOTION** was made by Mr. Hughes with a second by Mrs. Moran to re-open Public Portion. **Motion carried.**

## **PUBLIC PORTION**

Ms. Pam Ortiz, Caroline Street, Derby, CT – I just wanted to take a second to bring up on the record that we're having some issues that we're concerned about on Caroline Street. We had an ongoing rapport with the former administration regarding the issues and there's some issues about blight. I guess some phone calls have been made into the appropriate departments – some of the neighbors have been complaining. I represent Caroline Street, our Neighborhood Association, and some people have been calling me regarding blight at specific addresses.

Mr. J. DeBarbieri – 192, 195...

Ms. Ortiz – Yes. 199...

Mr. J. DeBarbieri – 199 – the Street Department has made an arrangement...

Mr. Ronald Culmo – Today.

Mr. J. DeBarbieri – You took care of it today?

Mr. Culmo – We picked up some mattresses, wood, and bag of leaves today. It was done this morning.

Ms. Ortiz – Okay. She called me tonight, but she may have still been at work. But it's been an ongoing issue.

Mayor Staffieri – Let us know.

Mr. J. DeBarbieri – A young lady came to the last meeting and spoke with myself and the Blight Officer, Dave Kopjanski. Dave sent them a blight citation. Ron went out and got it picked up and we're going to send them a bill for the pickup.

Mr. Sill – Ms. Ortiz just a point of information – the Downtown Committee will be handling blight and we'll be meeting the first Tuesday of each month.

**ADJOURNMENT**

A MOTION was made by Mr. Sill with a second by Mrs. Moran to adjourn the meeting at 7:19 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