

**Board of Aldermen
Minutes
November 30, 2006**

Meeting Called to Order at 7:02 PM.

Pledge of Allegiance.

Roll Call: Ken Hughes, Ron Sill, Tony Szczyck, Matthew DeBarbieri, James Benanto, Jr., Joseph Bomba, Bev Moran, Scott Boulton and Dennis Devonshuk.

Approval of Minutes – October 26, 2006

Motion by Ken Hughes. Second by Ron Sill. All in Favor. Motion Passes.

Difficulty with tape recorder. Replacement had to be made, first few minutes inaudible.

Additions, Deletions or Corrections to the Agenda as Presented.

- **Ken Hughes without objection to add:**
 - #19. Authorize Resolution of Connecticut Department of Energy.**
 - #19a. Management and Homeland Security.**
 - #17a. Discussion from DeCarlo & Doll.**
 - #12a. Disposal of Three (3) Vehicles from the Department of Public Works.**
 - #15a. Refund of Re-subdivision Application Fee – “Edgebrook Estates”.**
 - #14a. Greenway – Jack Walsh.**
 - #14b. O’Sullivan Island – Presentation by Rich Manack.**
 - #20. Payment to Schultz Company – Work at Reservoir Property- \$16,168.62.**
- **Motion to add the above mention to the Agenda as presented. Motion by Tony Szczyck. Second by Bev Moran. All in Favor. Motion Passes.**

Public Portion:

R. Lane – 12 Oak-Lafayette Street, Derby. Ms. Lane spoke regarding the trash left before and after trash pickup by the neighboring households. At this time Ron Culmo, Director of Public Works spoke up and stated that his department has been doing its best to keep up with the problem. However it seems that as soon as they do so the problem reappears and no one knows or sees anyone doing this. With all the preparations for the holidays and just regular daily duties his crew may not be able to get there as soon as the complaint comes in but they make every attempt to address the problem as soon as possible.

Arlen Yacobacci – Lombardi Drive, Derby. Addressed the issue of downtown development. She raised several questions regarding timeframes and the current status.

Ron Culmo – Director of Public Works, City of Derby. Mr. Culmo at this time read a letter that was sent to Mayor Lauretti of Shelton, thanking him for the use of their city’s bucket truck for the installation of Christmas lighting throughout the downtown area.

Carl Yacobacci – Lombardi Drive, Derby. Asked the board for an update regarding the Bradley School playground. Mr. Yacobacci also questioned the pending decision regarding “No Dogs Allowed” on the Greenway. Mr. Yacobacci stated that his company would be willing to donate four (4) containers if the City would allow and have them installed along the walkways of the Greenway.

Mayor Staffieri read the following into the record regarding the recent placement of the Sterling Piano in the City Hall lobby.

Edward M. Tackach found the piano in early 2003 when visiting family in Kalamazzo, Michigan. He is not a tag sale advocate but it seems his wife is so he accompanied her on a Sunday. As his wife was looking at different items Ed saw an old piano sitting in the garage. He went to look at it and opened the keyboard. He thought he saw Sterling Piano of Derby so he put on his glasses.

He asked the owner what he knew about the piano and was told that it was owned by his great grandmother. Ed told him he was born in the same city the piano was manufactured and the owner sold it to Ed for \$150.

Ed had a contractor friend from the valley who was about to leave for Connecticut to visit family in Ohio. Ed asked him if he would pick up the piano and bring it back to Derby. He Did.

Ed is not absolutely certain but believes the piano is 135 years old and is seeking a book to confirm the date.

The Sterling factory was on Water Street behind the present police department.

Public Portion Closed.

- **Motion to Accept the Minutes of October 26, 2006.**

Motion by Ron Sill. Second by Scott Boulton. All in Favor. Motion Passes.

**Public Works Department monthly report submitted and placed on file.
No questions at this time.**

- Motion for disposal of three (3) vehicles located at PW Garage.

Motion by Matt DeBarbieri. Second by Tony Szewczyk. All in favor. Motion Passes.

Building Department Report on file with these minutes. No questions.

Fire Marshal Report on file with these minutes. No questions.

Police Department Report on file with these minutes. Chief Mascolo was asked if there could be included with the monthly report a breakdown to date of activities. The Chief explained that a lot of the information is repetitive and if the board would review the new format that he has presented with his first report their questions would be answered. The Chief made note that in his next report he will make some changes and if the board would still prefer the old format he will address them.

Ken Hughes read into the record the BOA Downtown Sub-Committee recommendation for the street development off of David Humphrey's Road.

Frank Gates was the last in a long line in the Gates family, who became quite wealthy. What was interesting about them is they became wealthy through business ventures in old Derby – as in what is now East Derby. They never really invested in Birmingham. There was a Gates Hall in East Derby that was pretty much the central gathering place for people in the mid 19th century in old Derby.

Frank was the Sheriff of New Haven County at one point. The family lived in the same site, at the corner of Derby Avenue and Bank Street for over 170 years. It evolved into Derby's most beautiful mansion. Frank and his brother Ross never married, and when Frank died he left in his will that he wanted no one outside the family living in the house. Since he was the last Gates family member, this meant the house was torn down shortly after his death a little over 50 years ago. He left most of his family's assets to the many organizations he was involved with in the Valley, with the lion's share going to the New Haven Foundation, in order to benefit charitable organizations in the Valley area.

It is interesting that his family's monument at the Oak Cliff Cemetery, which could have been huge, is actually modest compared to others, though it contains several pillars in it, which I think is highly symbolic as the family really was pillars of the community for many generations. His charity was legendary, and a lot of organizations, from the Humphrey's House Association (who maintained the building before the Derby Historical Society took over in 1961) to Highland Golf Course, to attracting the Yale rowing team to Derby, to helping the Military Order of the Purple Heart get on their feet, he was pretty much involved in everything.

Submitted by Rob Novak, Derby Historical Society as read by Ken Hughes.

- **Motion to accept the naming of the new street as “Frank Gates Lane”.**

Motion by Joseph Bomba. Second by Ron Sill. All in Favor. Motion Passes.

Motion to accept the Promissory Note as presented to the Board of Aldermen for O’Sullivan Island between the City of Derby and the Valley Council of Governments (VCOG). The note stipulates that no payments shall be required until the maturity date, at which time all unpaid principal and accrued interest shall be paid in full.

The proceeds from this note of \$40,000.00 shall be used solely for the demolition of the structures currently located at O’Sullivan’s Island, in Derby, Connecticut and the assessment of soils on O’Sullivan Island subsequent to the removal of said structures. Any other use of the proceeds of this Note is prohibited unless Borrower has obtained prior written authorization from VCOG.

A full explanatory text of said note will be filed with the minutes of this meeting of the Board of Aldermen dated November 30, 2006.

- **Motion to Accept Promissory Note as Presented. Motion by Ken Hughes. Second by Matthew DeBarbieri. All in Favor. Motion Passes.**

Presentation by Rich Manack – O’Sullivan Island.

Mr. Manack discussed with the Board the New Netherland Nautical’s proposal to bring his non-profit organization into this area. New Netherland Nautical, Inc. is devoted to educate on cultural heritage. They focus mainly on early Dutch exploration and trading among the local Native Indian tribes during the seventeenth century in Connecticut. Research reveals the Housatonic River had many such settlements on its banks. He and his organization would like to bring those spirits to life by building a replica of a Dutch trading fort and doing re-enactments of daily life in the 1600’s. Through his hands-on style of interaction, learning becomes a fun experience especially for the young.

Mr. Manack gave a packet of information (which will be placed on file with the minutes from this meeting) to all board members to review. It included pictures of their Dutch Sailing Barge from Amsterdam, Netherlands which would be part of the proposed compound. A short film that they produced was also included that showed some historical notes that may be of interest to members of the board and the citizens of Derby.

Mr. Manack was asked about bringing a ship a that size into O’Sullivan Island and he stated that due to the way the ship is built and having the water and just the right time he would foresee no problem.

No action at this time this was just a informational presentation to the Board members.

Jack Walsh Chairman of the Greenway Committee made the following presentation to the Board.

First he informed the Board members of the Brick Sale underway. The bricks will be placed around the courtyard of the fountain. Bricks will cost \$50.00 to \$100.00 each brick will have space available for information regarding the bricks donor. The forms will be available in the Mayor's office as well as the libraries and the Derby web site.

No action on behalf of the Board was necessary.

The Board was asked to endorse the sponsorship of the benches (8) currently on order for the Greenway. The cost would be \$500.00 per bench. This does not cover the cost of the bench this would be to have a name of a person, company, organization, etc. placed on a plaque to be located on the bench.

- **Motion to allow the Greenway Committee to advertise for sponsorship of the benches to be placed on the Greenway Trail.**

Motion by Ken Hughes. **Second** by Matt Debarbieri. **All in Favor.** Motion passes.

The discussion then turned to the problem with dogs on the Greenway and some owners failure to clean up after them. Jack stated that the ordinance that is currently in place is being ignored. The fines have no effect on some of the people that use the Greenway. He further stated that though he and the other committee members have tried the only other suggestion they could offer would be to ban dogs from the Greenway. At this point Police Chief Gene Mascolo stated that the manpower to patrol this area is just not available and when they do send an officer out there the problem persist however the individual and the dog have long gone. He also stated that it was unfortunate that the citizens who obey the rules and enjoy the walkway have to pay for the neglect of other dog owners but he has no other recommendation.

Further discussion continued with Aldermen Bomba asking if the committee and Chief are certain that there is no other solution. Mr. Bomba was assured by both, and at this time Mayor Staffieri echoed in that he himself walks the Greenway daily and although he sees the end result he has yet to find the parties (owner & dog) to confront them. So yes this is a big problem and unfortunately we must take action.

- **Motion to place a six (6) month trail into effect barring dogs from the Greenway.**

Motion by Bev Moran. **Second** by Matt DeBarbieri. **Discussion on the Motion.**

Corporation Counsel was asked if an *Ordinance* would need to be passed to make this effective. The answer was yes. Bev Moran also asked what would be done if a owner and dog were seen on the walkway. The owner would be asked to remove the dog immediately. Mrs. Moran asked who would be responsible for enforcing the rule and when would it would take effect. The answer was the Police Department and 30 days once the ordinance is passed.

Motion was made by Ken Hughes. Second by Matt DeBarbieri. Joseph Bomba votes No. Motion Passes.

- Motion to place signage as to the new ordinance and the date it takes effect and to also have a notice placed on the City of Derby web page.

Motion by Ken Hughes. Second by Ron Sill. Joseph Bomba votes No. Motion Passes.

The issue will be revisited in six months.

- Motion to Refund Excess Taxes Paid through 11/21/0 as presented by Cinda Butcher, Tax Collector,

Motion by Ken Hughes. Second by Scott Boulton. All in Favor. Motion Passes.

Refund of Re-subdivision Application Fee – “Edgebrook Estates”.

The following was read into the record by Attorney Dominick Thomas representing Terra Development LLC for “Edgebrook Estates”.

The Memo was to Phil Robertson, from Dave Kopjanski – Building Department and Zoning Officer for the City of Derby, dated November 20, 2006.

Although the minutes of the November 21, 2006 P&Z meeting have not been submitted, my conversation with Chairman Estwan confirms that the Commission passed a motion to request that the Board of Aldermen approve the refund of the Application fee for the above captioned project. Based upon the P&Z Commission’s fee table dated 4/7/01, the application fee for subdivisions is \$150.00 per lot plus \$250.00. Therefore, the application fee for the “Edgebrook Estates Re-subdivision” of 10 lots is \$1,750.00. Please note that review fees and/or Public Hearing Costs associated with the total fee submitted by the applicant are not part of the refund approved by the Commission.

Conversations continued among Atty. Thomas, Mayor Staffieri, CC Joseph Coppola and Board Members.

The City Clerk, Laura Wabno was asked how the minutes were given to Atty. Thomas if they had not been approved by said commission. Ms. Wabno stated that the minutes are on file as a rule within two weeks of the meeting but they are not approved by the various boards or commissions within the City until the next meeting. Anyone can come in and ask for a copy of said minutes. They are generally informed that they have as of the date requested not been approved and there may be a possibility of changes and the next scheduled meeting.

Mayor Staffieri asked if this is general practice. Ms. Wabno stated yes. She did offer a suggestion to have the minutes stamped that they have yet to be approved if in deed they have not. Mayor Staffieri asked Ms. Wabno to look into it.

- Motion to refund \$1,7500 to Edgebrook Estates Re-subdivision.

Motion by Ken Hughes. Second by Matt DeBarbieri. All in Favor. Motion Passes.

The Board of Aldermen was then presented with several choices for a City of Derby flag. Conversations continued with various suggestions at which Mayor Staffieri stated that he will take the suggestions back to the artist and incorporate their suggestions and come back to the full board for a vote of approval.

Referendum Question for Derby School Expansion.

The Aldermen listened to presentations from DeCarlo & Doll, Dr. Janet Robinson, Sup. of Schools City of Derby and Keith McLiverty, Treasurer City of Derby. A full context of all reports are on file with the recording of these minutes. All Aldermen were given complete information from the presentors.

Once the presentations were complete the BOA continued the conversation with regards to the up coming referendum and the questions as to be presented for the vote.

Dennis Deveonshuk asked regarding the explanatory text with the proposed questions. He was informed that this is required under the law. Joseph Bomba questioned how to get the voters out to vote. He was informed that neither the Board of Aldermen or members of the Tax Board can advocate or advertise one proposal or another. All the boards can do is put it up to the voters and let them decide. No city funds can be spent to persuade the voters, it would be up to individual organizations not elected officials to promote either question. It was stated that the voters need to be informed and all the facts put out for them to make a vote.

Conversations continued among the Aldermen and the Mayor as to which proposal would best suit the needs of the students but yet not burden the average taxpayer in order to get the voters out. The proposal before the board members was a grade 7 & 8 stand alone with an addition at Bradley School. Or grades 6-7-8 stand alone.

Treasurer Keith McLiverty will get together with CC Joseph Coppola and Bond Council to put together two scenarios for the Board of Aldermen and the Board of Apportionment & Taxation to vote on. Mr. McLiverty was instructed to redefine the questions for the pending referendum. The date for the referendum was left open pending approval of both boards.

No action was taken at this time pending the presentation of the questions and approval.

- Motion of Permit fee waiver for the installation of bleachers at Lou DeFillippo Field.

Motion by Matt Debarbieri. Second by Bev Moran. All in Favor. Motion Passes.

- Authorization Resolution of the City of Derby:

The following Certification was read into the record for approval by Ken Hughes, President of the Board of Aldermen,

I Anthony Staffieri, the Mayor of Derby, do hereby certify that the following is a true and correct copy of a resolution adopted by the City of Derby at it's duly Board of Aldermen and held meeting on November 30, 2006 at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect:

Resolved, that the Board of Aldermen may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and FURTHER RESOLVED, that Anthony Staffieri as Mayor of the City of Derby is authorized and directed to execute and deliver any and all documents on behalf of the Board of Aldermen and to do and perform all acts and things which he/she deems necessary or appropriate to carry out the terms of such documents, including, but no limited to, executing and delivering all agreements and documents contemplated by such documents.

The undersigned further certifies that Anthony Staffieri now holds the office of Mayor and that he/she has held that office since December 3, 2005.

IN WITNESS WHEREOF: The undersigned has executed this certificate this 30th day of November 2006.

Laura A. Wabno
City Clerk

- **Motion to accept the Resolution as read.**

Motion by Joseph Bomba. **Second** by Matt DeBarbieri. **All in Favor.** Motion Passes.

- **Motion for payment to the Schultz Company for work done on the Water Co. Property in the amount of \$16,168.62.**

Motion by Matt DeBarbieri. **Second** by Joseph Bomba. **All in Favor.** Motion Passes.

- **Motion to go into Executive Session 10:10 PM inviting Corporation Council Joseph Coppola.**

Motion by Bev Moran. **Second** by Matt DeBarbieri. **All in Favor.** Motion Passes.

Respectfully submitted,

Laura A. Wabno
Recording Secretary
December 17, 2006