

DERBY BOARD OF ALDERMEN MEETING

DERBY CITY HALL – NOVEMBER 29, 2007 - 7:00 P.M.

MINUTES

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

Roll Call

Present: Kenneth J. Hughes, Joseph M. Bomba, Anthony Szewczyk, James J. Benanto, Jr., Ron Sill, Scott M. Boulton, James Allaire

Absent: Beverly Moran, John Boanno

Also Present: The Honorable Mayor Anthony Staffieri
Sheila O'Malley, Economic Development Director (arrived at 7:20 p.m.)
David L. Kopjanski, Building/Zoning/Blight Official
Philip A. Hawks, Fire Marshal
Ron Culmo, Director, Derby Public Works
Detective Sergeant Justin Stanko, Derby Police Department
Martin Hubbard, President, Board of Education
Laura Wabno, Town & City Clerk

ADDITIONS/DELETIONS/CORRECTIONS TO THE AGENDA

Mr. Hughes said he would like to make the following additions to the agenda, noting that there are no deletions or corrections.

- New Item #13 – Appointment of Raul Sanchez as an Alternate to the Planning & Zoning commission.
- New Item #14 – Discussion regarding appointing a Charter Change Commission
- New Item #15 – Executive Session – Pending Litigation Discussion
- #16 – Adjournment

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

APPROVE MINUTES OF THE OCTOBER 25, 2007 REGULAR MEETING

A MOTION was made by Mr. Szewczyk with a second by Mr. Sill to approve the minutes of the October 25, 2007 regular meeting as presented. **Motion carried.**

PUBLIC PORTION

Arlene Yacobacci, 10 Lombardi Drive, Derby, CT – I just wanted to find out if there was any update on the former Porch & Patio building that's on the Blight Report. Has there been a hearing or is it scheduled – has there been any other correspondence with the developer?

Mayor Staffieri – I see the Building Inspector shaking his head.

Mr. Hughes – We'll bring it up in reports.

Mayor Staffieri – During your report.

Dan Waleski, 23 Elm Street, Derby, CT – May I acknowledge with deep appreciation the public service of you members of the Board of Aldermen. Your meetings have been brisk and without rancor. You have shown an independency in your voting on issues before you; something we concerned citizens have not seen for far too long a period. All of you in your own way have been contributors in your deliberations. My gratitude to your Honor for his chairmanship; he demonstrated impartiality and fairness and as of late he finds it unnecessary to bring along his gavel. He also has been generous in his judicious allocation of time to citizens in the Public Portion of the agenda. On this your last meeting of this two-year term may I thank you for your hard work, dedication and service to our citizens and the community. Thank you.

Mayor Staffieri – We thank you very much Mr. Waleski.

Mayor Staffieri asked three times if anyone else would like to address the board. Hearing no one else from the public wishing to address the board...

PUBLIC PORTION CLOSED

COMMITTEE REPORTS

- o *Community Relations Committee* – Mr. Hughes said they only had the Road & School Bond meeting and not the Community Relations Meeting. There is nothing to report.
- o *Operations & Procedures* – Mr. Bomba stated that they also did not meet.

Mr. Szewczyk said there will be a Community Relations Committee meeting on Wednesday, December 5th.

DEPARTMENT REPORTS

- o ***BOARD OF EDUCATION REPORT – OCTOBER 2007 (Martin Hubbard, Chair, Board of Education)***

Mr. Hubbard explained that Dr. Robinson is not feeling well this evening and she is unable to attend the meeting. He noted that everyone should have received the Board's report, which was passed out this evening, apologizing for submitting it late. Mr. Hubbard said the only significant piece of business was the hiring of an Interim Superintendent, Mr. Michael Abdalla, is a former Superintendent of Schools for the Town of Oxford. He stated that Mr. Abdalla will be in this position from January 1, 2008 through June 30, 2008 while the Board of Education goes through the process of hiring a new Superintendent. Mr. Abdalla is well versed in budgets, which will be of tremendous help in the upcoming budget season.

Mr. Hubbard noted that this evening is his last act as Chairman of the Board of Education. He would like to offer a couple of suggestions to the Board of Aldermen regarding the new Board of Education members. He asked the Board to have faith in

the Board of Education members, noting that six out of the nine members are new. Mr. Hubbard said it is a tremendous responsibility and he wishes them well. He said he would like to ask the Board if it would be possible to review the Charter Change that had taken place in the '05 Election Year. That Charter Change had taken the four-year Board of Education term and turned it into a two-year term. He said he feels that a four-year term is more apt to fit the nature of public education. The amount of information that they will be given can be overwhelming at times. He said if the length of terms can not be changed he suggested that the terms at least be staggered.

Mr. Hubbard wished the board members well in the next two years, complimenting them on the work that they have completed in the first two years. He said it was a privilege for him to work for the City of Derby in the volunteer position as a member of the Board of Education.

Mayor Staffieri thanked Mr. Hubbard for his comments and his years of service. He said that he also agrees with the changes to the Charter as it relates to the two-year terms. The Mayor asked the board members if anyone had any questions for Mr. Hubbard. Mr. Hughes said he would just like to add one thing, and asked Mr. Hughes to correct him if he was wrong, that the new Interim Superintendent is actually volunteering his time right now, because there has been some talk that we are paying him. Mr. Hubbard said that is correct and he would like to add if anyone has any questions that they should just immediately address them to the Board of Education for the correct information. Mr. Hughes said that was his intention when he asked that the Board of Education report be included in the monthly meetings of the Board of Aldermen – to dispel rumors, incorrect information, etc... Mr. Bomba asked if there is a reason by Dr. Boice has the title of Assistant Superintendent yet is unable to step up to the Superintendent's interim position? Mr. Hubbard said that title was changed due to the fact that the Curriculum Director in three years past was in a Union position. We felt that in order for that position to have that power to move up we needed to change it and we needed to have her in place as the Assistant Superintendent. He said her director job is Curriculum Director. Dr. Boice is in the process of obtaining her 092, which would give her the ability to sit in the Superintendent's chair. Mr. Hubbard said he's not quite sure if it's a 092 – it might be different – but it's an administrative certificate and she will be finished with that early in 2008, which would give her the ability to move right into that chair. It would have been possible to put her there and get her a temporary certificate even though she wasn't certified as a Superintendent but her task right now is to shore up our curriculum and she has done a phenomenal job. The Board felt that if we had pushed her into that chair that we would have lost out on all the work that she has been doing the past year. He said they can't stall what she's been doing or have a hiccup in the process. Mr. Bomba said he just thinks that a lot of people are a little bit fooled by the title and just assume that somebody can just step into a position like that. Mr. Hubbard said Dr. Boice has done nothing but tremendous work for the school system and it would be a hard loss if we lost her right now.

Mr. Szewczyk asked Mr. Hubbard not to take this comment the wrong way, he doesn't mean to be negative, but how come it it's very difficult to get a syllabus of all K-12 in Derby. Mr. Hubbard asked Mr. Szewczyk if he has asked Dr. Boice directly about this information. Mr. Szewczyk said he was at the office today and she wasn't there and he had also called a couple of weeks earlier and left a message regarding this information. He said he has never personally spoken to her; he has just left messages on voice mail. Mr. Szewczyk said he would like this information for background for the Middle School

Building Committee, of which he is a member. Mr. Hubbard said he is sure if Dr. Boice was available she would have provided the information. He said he will talk to Dr. Boice first thing tomorrow morning about this and he is sure she will be able to provide the information that is needed. Report placed on file.

○ **CULTURAL COMMISSION REPORT – OCTOBER 2007**

There was no one present from the Cultural Commission. Ms. Wabno noted that there was no report filed.

○ **PUBLIC WORKS DEPARTMENT REPORT – OCTOBER 2007 (Ron Culmo, Director)**

Mr. Hughes complimented Mr. Culmo on how nice the Green looks for the Holiday. Mr. Culmo noted that Kelly Dunne has done a great job. Mr. Sill asked about the street lights – he is noticing a lot of them are out. Mr. Culmo said the Police Department has agreed to have their night officers note any street lights that are out and write down the pole number so that Public Works can submit the information to UI for repair. He said the last time that they had a Public Works employee specifically come in to gather this information approximately 60 lights were out. Mr. Sill said there seems to be a lot of the same lights that are always out. Mayor Staffieri said he has spoken to both Mr. Culmo and Chief Mascolo about the lights. Mr. Hubbard asked Mr. Culmo if the dike was sprayed. Mr. Culmo said they weren't sprayed and he has spoken to Mr. Robinson about this and they probably won't be sprayed until after winter is over. He also informed the board members that he received a report, of approximately 20 pages, from the Army Corps of Engineers that Mr. Robinson has to fill out. He said it is a complete report of the entire flood system. Mr. Culmo said the system is working and everything is in place and operative. Mayor Staffieri said as he understands it if they were to spray those weeds now it won't do any good. Mr. Hughes said the weeds are dormant now. Mr. Bomba said if it was acted upon when it was first brought to this individual's attention there wouldn't even be an issue now. Mayor Staffieri said he totally agrees. Mr. Bomba said perhaps we need to look to someone else to do the job since he can't provide the duties when they are required. Mayor Staffieri asked Mr. Culmo if perhaps there's just too much work for Mr. Robinson to do and that is possibly why he can't handle the position. Mr. Culmo said not really because he's been doing it all. Mr. Hughes asked if this was an appointed position. Mr. Culmo said he was appointed many years back as permanent director of the Flood Control System. Mr. Hughes said he believes the budget for that position is \$6,000.00. Mr. Culmo suggested inviting Mr. Robinson to next month's meeting for an update. Mr. Hughes noted that he sent correspondence to Mr. Robinson a couple of months ago asking him if there were any problems or if he needed help. He said he never received a reply to his letter. Report placed on file.

Upgrade of Street Lighting – Griffin Hospital Cancer Center Area

Mr. Culmo informed the board members that UI contacted him a couple of weeks ago about the lighting that they are doing in the new Cancer Center. He said at entrance to the new Cancer Center on Division Street there is an older light – it is only 50 watts – and because of the increase in traffic they would like to upgrade it to 175 watts for safety purposes. There would be an increase in cost of \$160.00 per year for this change. Mayor Staffieri said he feels it is worth it because it is such a high volume area. Mr. Sill said he would be concerned about light pollution to houses in the area. Mr. Hughes said that would be an issue for UI to deal with.

A MOTION was made by Mr. Hughes with a second by Mr. Boulton to approve the upgrade to the light at the entrance to the Cancer Center on Division Street. **Motion carried.**

○ **BUILDING DEPARTMENT REPORT – OCTOBER 2007 (David L. Kopjanski, Building Official/Zoning Enforcement Officer)**

Mayor Staffieri asked Mr. Kopjanski to address the concern raised during the Public Portion regarding blight. Mr. Kopjanski said there has been a request from the developer and the developer's attorney to appeal the blight designation of the building across the street. Mr. Kopjanski informed the board that the Mayor has appointed a new Appeals Hearing Officer, Atty. Nicholas D'Agosta, and he have scheduled a date of December 18, 2007 at 3:00 p.m. in this building for the appeal hearing. He said usually the hearings are held in the Building Department's Conference Room on the first floor; however if there are going to be people in attendance the room could always be changed. He noted that with all Appeal meetings it is opened to the public. Mayor Staffieri said it is taking its normal course – there's been no stagnation, no hindrances. Mr. Kopjanski said there has been none. Mr. Benanto asked Mr. Kopjanski what are the grounds of the appeal. Mr. Kopjanski said it didn't state in their letter; it just stated that they are going to appeal the blight designation. He said it is going to be up to them to present whatever evidence that they have that they feel that the building isn't blighted.

Mr. Hughes asked Mr. Kopjanski about the damage to the window in his office. Mr. Kopjanski said that he came in the Monday before and the window was damaged – he said he isn't sure if it was a rock or a gun shot or a pellet gun. He said it had to have been done sometime after 5:30 p.m. the Friday before. He said it was reported to the Police and they found no evidence of a BB or a fragment in the glass. Mr. Kopjanski said he doesn't want to say that it was purposeful but more than likely it was. The chances of a truck or a car going by and kicking up a stone and having that happen is slim. Mayor Staffieri asked if our insurance would cover this. Mr. Kopjanski said we have two broken windows in City Hall, along with a broken door and John Rak, the City's Insurance Carrier has inspected the damage and we are currently awaiting a cost estimate for the damage. He noted one of the big obstacles of replacing these windows is due to the fact that they have the gold leaf on the glass. They can be replaced with the grey reflective glass and hopefully it won't be too noticeable.

Mr. Kopjanski updated everyone on the Lowe's project. He said they have selected a demolition contractor, Louis Gherlone Excavating, Inc., out of Orange. He said they are currently in the process of disconnecting some of the utilities in some of the buildings. They have also come up with a schedule for the demolition process, which will be done in three phases with the first phase being the former Kmart building. He said in the meantime asbestos abatement is on-going in the other buildings. The second phase will be the demolition of the former Marshall's building, which they would like to begin in mid-January. Mr. Kopjanski said the Dollar Tree Store expects to remain open until mid-January when their lease expires. As soon as they move out then demolition of that building will commence. Report placed on file.

○ **BLIGHT REPORT – OCTOBER 2007 (David L. Kopjanski, Building Official/Zoning Enforcement Officer)**

Mayor Staffieri stated that the two new Blight Enforcement Officers have been chosen and they will begin next week. The new officers are Andy Cota and Joe Moore. Mayor

Staffieri informed those present that he has received a lot of complaints from our Emergency Services (Police, Fire, Ambulance) regarding the lack of address numbers on homes. Mr. Kopjanski also noted that the two new officers will be of great assistance to Street Commissioner Culmo in the enforcement of some of the sidewalk ordinances. Report placed on file.

○ **FIRE MARSHAL REPORT – OCTOBER 2007 (Philip A. Haws, Fire Marshal)**

Mr. Hughes asked how the City Hall violations, both this one and the one on 5th street, are progressing. Mr. Haws said the main violations on this site are the handrails and the gate on the west stairway. Mayor Staffieri said he knows that a couple of contractors looked at the job; however it fell through. The Mayor also noted that they had the Shop Teacher at the High School look at the project. Mr. Kopjanski said that there's an architect that has come through his department a few times that says he has someone on his staff that knows about these railings and hopefully he will be able to help us out. He said the architect's name is Paul Fioretti and he will get in touch with him to have this person come out and look at these railings. Mr. Kopjanski also noted that Mr. Haws has seen the parts for the hand rails on the Internet. If we can't get the hand rails to the exact height at least we can get them raised up high enough and then hopefully apply for a modification from the State. Mr. Haws said at the old City Hall the hand rail outside the former Aldermanic Chambers were not only low but spaced too wide. He said they were looking into having a decorative piece installed to correct this problem.

Mr. Sill said looking at Mr. Haws' sheet and in particular 31 Anson Street it states that they are "still working on violation" and there has only been one notice issued. He asked Mr. Haws if this means that he's satisfied with the work to date. Mr. Haws said that is correct. He said they are in process right now of redoing the entire building and it means that they're in the process of taking care of the abatements that he cited. He also noted that in some instances he is waiting for feedback from the State. Report placed on file.

○ **FIRE DEPARTMENT REPORT – OCTOBER 2007**

There was no one present from the Fire Department. Mayor Staffieri noted that the Fire Department has not had their report in a few months and he will be in contact with Commission Curtis regarding this. Mr. Sill also noted the heat at the Hotchkiss Hose. Mayor Staffieri said he knows that the money has been approved; we just have to find out why it hasn't been done. Mr. Bomba said he just read in the paper an article about a grant that Senator Crisco received to rebuild a Fire Training School in the City of Derby and they are seeking 12 acres of land for the site. Mr. Sill said he spoke to Sen. Crisco yesterday and this is a little pre-mature. He noted that just because the Fire Training School was in Derby it is assumed that the next one would also be located in Derby, when actually they are looking at all Valley Towns to locate the Fire Training Center. Mr. Haws informed those present that he instructs for the Fire Training School and they had land in Oxford selected for the site; however that deal fell through for a number of reasons and they are basically back to square one looking for the amount of land to build on.

Mayor Staffieri said he was also inundated with phone calls when this first appear in the paper and he asked Sheila O'Malley to make some phone calls regarding the article. Ms. O'Malley said she is almost certain what this is what is called a "place-holder." It did mention Derby but there were no specific requests that the Fire Training Center be located in Derby. Every so often the State will periodically update all the Fire Training

Centers – repairs, additions, replacement facility – but it doesn't necessarily mean that it's going to be 12 acres in Derby. They know they have to replace that Fire Training Center.

Mr. Szewczyk question using the facility off of Ella Grasso Blvd. Mr. Hawks said that facility is closed down. Report placed on file.

○ **POLICE DEPARTMENT REPORT – OCTOBER 2007 (Det./Sgt. Justin Stanko)**

Mr. Hughes asked how are the new hires making out – the records clerk and secretary? Mr. Stanko said they are excellent – they have caught on very quickly. Mr. Hughes also questioned the new look to the police cruisers. Det./Sgt. Stanko said two new cars are in. He said all the cars are to be reoutfitted to look the same – currently we have about three different looks. The car will remain black and the blue stripe will be replaced with a red stripe and the City Seal will also be placed on all the cars. Report placed on file.

REFUND OF EXCESS TAXES PAID THROUGH 11/19/07 – (Cinda Buchter, Tax Collector)

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the refund of excess taxes paid through 11/19/07 in the amount of \$898.67 as per the request from Cinda Buchter, Tax Collector. **Motion carried.**

PAYMENT OF INVOICES – MIDDLE SCHOOL BUILDING COMMITTEE (Patty Finn, Project Secretary, Middle School Building Committee)

Ms. Finn explained there are two invoices being presented this evening. This first invoice is to be paid to CREC in the amount of \$25,400.54. This invoice is for the preparation of the Education Specifications, which was one of the first steps in the process for the new middle school. The second invoice is to Bianco Giolitto Weston Architects in the amount of \$74,211.25. This is for the design aspect of the new middle school to date. Ms. Finn noted that both these invoices were recommended to be paid by the Middle School Building Committee and a copy of their meeting minutes is attached to the invoices.

A MOTION was made by Mr. Hughes with a second by Mr. Benanto to approve payment of the CREC Invoice in the amount of \$25,400.54 and approve payment of the Bianco Giolitto Weston Architects Invoice in the amount of \$74,211.25. **Motion carried.**

AWARD CMAR (CONSTRUCTION MANAGER AT RISK) TO FIP CONSTRUCTION, INC. OF CHESHIRE, CT (Patty Finn, Project Secretary, Middle School Building Committee)

Ms. Finn stated that the Building Committee went out to bid for Request for Proposals for a Construction Manager at Risk position for the Middle School project. Five companies responded to the request and three firms were short-listed to interview for the position. After interviewing the three firms the Building Committee unanimously selected FIP Construction, Inc. as their choice for the CMAR position. Mr. Hughes said that he also attended the interviews and concurs with the selection of the Building Committee.

A MOTION was made by Mr. Szewczyk with a second by Mr. Bomba to award the contract for the Construction Manager at Risk position to FIP, Inc., of Cheshire, CT. **Motion carried.**

NAMING OF NEW ROAD OFF OF DERBY NECK ROAD – “E. BASSETT LANE” (Ken Hughes)

Mr. Hughes said he was approached by the developer, Tony Salerno, who is building a few homes in this area; he wanted to know the process of naming a new road. Mr. Hughes said he took him through the procedure that we did for “Frank Gates Lane” up on the Hilltop. He said that he informed Mr. Salerno that the Aldermen would like to come up with meaningful names

and he referred him to the list that the Aldermen still have from the Derby Historical Society and one of those names is Ebenezer D. Bassett. Mr. Hughes then read a brief biography of Mr. Bassett into the record:

Ebenezer D. Bassett was appointed as Ambassador to Haiti by President Ulysses S. Grant in 1869. He held this position until the year 1877. Mr. Bassett was born in Litchfield, CT on October 16, 1833 and was brought to Derby by his parents when he was an infant. He went to grammar and high school in Derby, and then went on to college in Massachusetts and also Yale.

During the Civil War, Ebenezer Bassett wrote many appeals to young black men to enlist in the Union Army. In 1869 he became the first native born black man to be appointed as Ambassador to a foreign country by a United States President.

A MOTION was made by Mr. Hughes with a second by Mr. Sill to name the new road off of Derby Neck Road "E. Bassett Lane." **Motion carried.**

APPOINTMENT OF RAUL SANCHEZ AS ALTERNATE TO PLANNING & ZONING COMMISSION (Ted Estwan, Jr., Chair – Planning & Zoning Commission)

Mayor Staffieri informed the Aldermen that Mr. Sanchez is currently serving on the School Building Committee. He is a healthy asset to the City – non-partisan. He is a P.E. and the Mayor said this goes along the line of placing qualified individuals to these committees. Mayor Staffieri said Mr. Estwan is very satisfied with the new addition of Mr. Sanchez.

A MOTION was made by Mr. Sill with a second by Mr. Benanto to approve the appointment of Raul Sanchez as an Alternate Member to the Planning & Zoning Commission. **Motion carried.**

DISCUSSION REGARDING APPOINTING A CHARTER CHANGE COMMISSION

Mayor Staffieri noted that this item has been discussed at various times over the past two years. There are some rules and laws that need to be changed and updated. Mr. Hughes said this has been discussed off and on for the past two years and it is something that really should have been taken care of. He said this needs to be done and there are a few major issues that need to be addressed such as the salary of the Mayor; Term Length for the Mayor; Terms of the Board of Education members; minority representation on the Board of Aldermen. He said we will need well qualified volunteers for this undertaking and the search has to begin for these volunteers. Mr. Hughes said any Charter Changes need to go before the Voters. Mr. Szewczyk asked how many volunteers would be needed. Mr. Hughes asked City Clerk Wabno if there is a stated number that is needed. Ms. Wabno said last time there were seven members. Ms. O'Malley asked if they would need to be a resident. Ms. Wabno said they would have to be a resident. This will be reviewed again at next month's meeting.

EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION

A MOTION was made by Mr. Bomba with a second by Mr. Hughes to go into Executive Session at 7:57 p.m., subject to adjournment, to discuss pending litigation. **Motion carried.**

Respectfully submitted,

Patricia Finn
Recording Secretary