

## **DERBY BOARD OF ALDERMEN MEETING**

**DERBY CITY HALL – DECEMBER 27, 2007 - 7:00 P.M.**

### **MINUTES**

The Honorable Mayor Anthony Staffieri called the regular meeting to order at 7:02p.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, David Lenart

Absent: Beverly Moran

Also Present: The Honorable Mayor Anthony Staffieri  
Philip Robertson, Chief Administrative Officer  
Sheila O'Malley, Economic Development Director  
David L. Kopjanski, Building/Zoning/Blight Official  
Philip A. Hawks, Fire Marshal  
Ron Culmo, Director, Derby Public Works  
Chief Eugene L. Mascolo, Derby Police Department  
Sheila Parizo, President, Board of Education  
Glenn Stevens, Vice Chair, Derby Redevelopment Agency  
Laura Wabno, Town & City Clerk  
Nicole Cignoli, Sterling Opera House Committee  
Joseph Coppola, Corporation Counsel

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

Mr. Hughes informed the board members that there are three additions and no deletions or corrections to the agenda. The additions are:

- #8a. – Resignation of Richard T. Dunne from the Derby Redevelopment Agency
- #27. – Appointment of Ken Hughes to the Derby Redevelopment Agency to fill the vacancy of Richard T. Dunne
- #28. – Approval and payment of two invoices as recommended by the Middle School Building Committee –Bianco Giolitto Weston Architects - \$115,346.25 and Nafis & Young - \$28,000.00

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

#### **PUBLIC PORTION**

Nicole Cignoli, 171 Derby Avenue, Derby, CT – I am the Chair of the Sterling Opera House Incorporators; First Vice President of Olde Birmingham Business Association; and Secretary for Save Our Sterling. I do have a statement for all of you to have for your record. I'm making a statement regarding the Agenda Item #23 – Sterling Opera House Lease, Discussion and Possible Action. Representing the Sterling Opera House Inc., Incorporators, Olde Birmingham Business Association and Save Our Sterling, we are eager and excited about the opportunity

presented by the developer. We know that the City of Derby will conduct due diligence in investigating and assessing the entire proposal to protect our jewel: the Sterling Opera House. As the \$1 million awarded to the City of Derby by the State of Connecticut in 1999 is still outstanding and not fully used, the Sterling Opera House Incorporators know that the City of Derby will follow State of Connecticut requirements in regards to the appropriation of these funds. We are anxious to hear the developer's proposals on design and on how they will incorporate restoration efforts to meet historic preservation goals that will be in agreement with the U.S. Department of the Interior Guidelines, as the Sterling Opera House is on the National Registry for Historic Places. We are also eager to hear the developer's end use intent for the Sterling Opera House and how they plan on making their vision a reality. In conclusion, we welcome the chance for such an opportunity and if it shows, through Public Hearings and public input that the agreement safeguards the Sterling Opera House and will be in the Lower Naugatuck Valley and surrounding areas interest we would be glad to endorse it and work together for its success.

Arlene Yacobacci, 10 Lombardi Drive, Derby, CT – I have a few items that I would like to address. Since I've seen no activity on the property owned by the developer, also known as the Porch & Patio Building, I would like to know from the Building Inspector if the developer was fined for blight at last week's meeting or is the City in agreement with the developer in the dispute over the blight designation. Also since the contract negotiations are being discussed in Executive Session is the PDA being amended yet again or is the City giving the boot to the developer. Since the City nor the developer have ever complied with the strict time deadlines specified in the PDA is the current PDA enforceable. Next I have another issue which I brought up numerous times which is the right-of-way that I have not had access to on First Street. The City had blocked off this access prior to the partial collapse of the City-owned building. Since the demolition has been completed on the City-owned buildings I am once again asking for the access to this right-of-way. Thank you.

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**

#### **CITY CHRISTMAS TREE (Gary and Diana Cirillo)**

Mayor Staffieri stated that Ron Culmo came up with a great idea of planting a tree on the Derby Green to serve as the City's Christmas tree and the Board of Aldermen encouraged him to pursue this avenue. The Mayor noted that every year approximately \$2,000 is spent to cut down a tree and transport it to the Green. This year Gary and Diana Cirillo donated their tree, which was planted on the Derby Green by the Public Works Department. Mayor Staffieri then read the proclamation into the record:

*Whereas: Diana and Gary Cirillo purchased a spruce tree from a Christmas Tree Farm in Shelton, Connecticut and*

*Whereas: Diana and Gary planted that tree in their front yard some 22 years ago, which is the time their son was born and*

*Whereas: Diana and Gary have donated cut Christmas trees to the City of Derby in the past to be displayed on the Derby Green during the Christmas holiday and*

Whereas: Diana and Gary again offered a Christmas tree for the Derby Green in 2007, but this time the City wished to uproot the tree and re-plant it on the Derby Green and

Whereas: The tree has been re-planted and will be a gift of continued beauty, a gift of life, and a gift of joy for many generations and

Whereas: The tree now has room to grow and seek the stars, the City now has a permanent tree for all to view, and the Cirillo's now have a beautiful memory

Now Therefore: I, Tony Staffieri, Mayor of the City of Derby, on behalf of all the citizens of Derby, wish to offer Diana and Gary Cirillo our heartfelt appreciation for their wonderful tree. All people of Derby present and the many generations to follow will receive great joy from their generosity.

#### **APPROVE MINUTES OF THE NOVEMBER 29, 2007 REGULAR MEETING**

**A MOTION** was made by Mr. Sill with a second by Mr. Bomba to approve the minutes of the November 29, 2007 regular meeting as presented. **Mr. Boulton abstained. Motion carried.**

#### **APPROVE MINUTES OF THE DECEMBER 1, 2007 SPECIAL MEETING**

**A MOTION** was made by Mr. Hughes with a second by Mr. Bomba to approve the minutes of the December 1, 2007 special meeting as presented. **Mr. Boulton abstained. Motion carried.**

#### **APPROVE MINUTES OF THE DECEMBER 11, 2007 JOINT MEETING BETWEEN THE BOARD OF ALDERMEN AND THE DERBY REDEVELOPMENT AGENCY**

**A MOTION** was made by Mr. Hughes with a second by Mr. Sill to approve the minutes of the December 11, 2007 Joint Meeting between the Board of Aldermen and the Derby Redevelopment Agency as presented. **Mr. Boulton abstained. Motion carried.**

#### **COMMITTEE REPORTS**

- o *Community Relations Committee* – Mr. Szewczyk said they had one meeting and the main topic of the meeting regarded the formation of a committee to establish a Sister City in Burmistrz Kolbuszowej Poland. He said they will submit nine names for the next Board of Aldermen meeting.
- o *Operations & Procedures* – Mr. Bomba informed the board members that the Operations & Procedures Committee did not meet.

#### **RESIGNATION OF RICHARD T. DUNNE FROM THE DERBY REDEVELOPMENT AGENCY**

Mayor Staffieri read Mr. Dunne's letter of resignation into the record:

The Honorable Mayor Anthony Staffieri  
City of Derby  
1 Elizabeth Street  
Derby, Connecticut 06418

Dear Mayor Staffieri,

It has been my pleasure to serve you and the City of Derby as a member of its Redevelopment Agency for the past year, so it is with regret that I find it necessary to resign from my position on the Agency.

My duties and responsibilities as the Executive Director of the Valley Council of Governments often prevent me from dedicating the full effort required to carry out this very important project and I feel that this conflict prevents me from giving the service that you and the citizens of Derby are entitled to expect from their Redevelopment Agency chairman.

Therefore I am hereby submitting my resignation from the Derby Redevelopment Agency. Of course you should feel free to call upon me at the Valley Council of Governments if my assistance will be helpful to the ongoing activities of the City of Derby.

Be assured that I have enjoyed my time with the City staff and my fellow members and look forward to the City's continued success with its redevelopment project.

Very truly yours,  
Rick Dunne

Mayor Staffieri stated that Mr. Dunne has been very invaluable to the City this past year noting that he has been involved with this project for close to nine years. He said he would like to give Rick his heartfelt thanks.

**A MOTION** was made by Mr. Sill with a second by Mr. Szewczyk to accept Mr. Dunne's resignation with regret and a vote of thanks. **Motion carried.**

## **DEPARTMENT REPORTS**

- **BOARD OF EDUCATION REPORT – NOVEMBER 2007 (Sheila Parizo, President, Board of Education)**

Mrs. Parizo informed the board that the Board of Education convened last week. She said Mike Abdalla, the City's Interim Superintendent, has been meeting with Dr. Robinson over the past two weeks for the transition noting that Dr. Robinson's last day is Monday. Mrs. Parizo said they have scheduled interviews with two companies who will conduct a search for a new Superintendent. The interviews will take place on January 8, 2008. The playground up at Bradley School will be repaired and opened by the time the students return to school next week. ConnectEd is up and running – the Connect Ed program is a mass telephone system, which will phones all homes in the school district should there be a closing or an emergency. Mrs. Parizo said ConnectEd can also be streamlined for specific groups i.e., soccer, chorus, etc... if there is a change in the meeting schedule a call will be placed to those individuals involved in those extracurricular activities. She added that there is an on-going investigation into the vandalism that occurred during the Invitational Wrestling Tournament and a plan is being formulated so this doesn't happen again. Mrs. Parizo informed the board that every school in the district had a holiday concert – both orchestral and choral. She informed the board that the Youth Officer and the SRO is in place with the SRO going for training. Mrs. Parizo said they are getting ready for the accreditation process that they will be facing in the next three years.

Mayor Staffieri thanked Mrs. Parizo for such a thorough report and asked her to keep the lines of communication open. He also asked that when the search for a new Superintendent is conducted that all the boards that need to be involved are informed and involved.

Mr. Sill wished Mrs. Parizo good luck. Mr. Szewczyk wished Mrs. Parizo well and asked if there is any way to keep the search for candidates locally. Mrs. Parizo said she believes the search companies look everywhere for a suitable candidate based on the criteria that the Board of Education supplies them with. Mr. Hughes thanked Mrs. Parizo for attending the meeting this evening. Report placed on file.

○ **CULTURAL COMMISSION REPORT – NOVEMBER 2007 (Rich DiCarlo)**

Mr. DiCarlo informed the board that the Commission did not meet officially in December; their last meeting was the 1<sup>st</sup> Wednesday in November. He stated that the Christmas Tree lighting on the Green went well noting that the Commission coordinated the tree lighting with the Derby Historical Society's Christmas Lantern Tour. At the tree lighting they went through approximately 35 gallons of hot chocolate and 1,200 cookies. The Derby High and Middle School music students and the Derby Senior Center's "Melodiers" performed holiday favorites at the tree lighting. He noted that the new sound system, after some minor tweaking sounded wonderful. Mr. DiCarlo said he would like to thank Ron Culmo and the Public Works Department for the outstanding job they did prepping the Green for the occasion. Derby Day is scheduled for Saturday June 21, 2008, which will coincide with the last week of school. He said that applications to vendors and for advertising will commence in January. There have already been several inquiries from vendors and entertainers. The next issue of the Cultural Commission Newsletter has been delayed and will go out in January.

Mr. DiCarlo then stated that the Cultural Commission wishes to retract all statements that appeared in their August 2007 minutes regarding the Derby Elks Lodge (4). He said after some discussion it was agreed upon that there was a misunderstanding that they would like to have the statements removed from the record.

Mayor Staffieri thanked Mr. DiCarlo and commended him and the Cultural Commission on a fine job. Report placed on file.

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

Mr. Hughes said he would like bring to everyone's attention paragraph 3 on the first page of Mr. Culmo's report. He stated that Mr. Culmo brought back three temporary workers to repair approximately 50 manholes around town. The cost to repair the manholes using the temporary workers was under \$2,000.00. If this work had to be contracted out the cost to the City would have been between \$13,500 and \$16,000 based on the cost estimates received. Mr. Hughes said this just reinforces the fact that if we can do some of this work in-house it will save the City a lot of money. Mayor Staffieri said he also knows that Public Works also built a temporary berm on the Onopiak Property, which saved the City approximately \$17,000.00. He then commended Mr. Culmo and the department on the good job that they have been doing with the weather conditions. Although there were some negative calls most people realized that not much could be done since it was ice, not snow, causing the problems. Mr. Szewczyk also commended Mr. Culmo and his department on a fine job with plowing and sanding noting that the street he lives on, Mt. Pleasant Street is particularly difficult. Report placed on file.

o **BLIGHT REPORT – NOVEMBER 2007 and BUILDING DEPARTMENT REPORT – NOVEMBER 2007(David L. Kopjanski, Building Official/Zoning Enforcement Officer)**

Mr. Kopjanski informed the aldermen that the developer has requested an extension on the Blight Hearing before December 18<sup>th</sup> when it was scheduled and the Hearing Officer granted the extension and set a new hearing date of February 5, 2008 at 3:00 p.m. at Derby City Hall. Mayor Staffieri said it is his understanding that they can only ask for one extension, correct? Atty. Coppola said they can ask for as many as they want – it all depends on whether or not they'll get granted. Mr. Kopjanski said the fine still accrues from the original date of the notice; the lien can not be placed on the property until the Blight Hearing is completed and a decision is reached. The fine is accruing at \$100.00 per day. Mr. Benanto asked what are the grounds for an extension. Atty. Coppola stated that usually the first extension is granted. Mr. Kopjanski said the Ordinance is silent as far as what grounds hearings could be approved or denied upon. So it is up to the Hearing Officer to decide whether to grant or deny and extension. He noted that they don't get any reprieve on the fine accrual because they have asked for an extension. He said in situations where property owners have completed the abatement of the blighted conditions on the property the board has stopped the fine from accruing. He cited the property at McLaughlin Terrace. The property is no longer blighted; however the property is not off the Blight List because the property owner(s) have not paid the fine or they haven't requested to come off of the Blight List. Mr. Kopjanski did note that the property owner at McLaughlin Terrace has paid the fine and it will come before the board at the next meeting. Mr. Hughes asked what happens with a case like 67 Minerva Street where a lien has been placed on the property in November 2006 and the property owner has been non-responsive. Mr. Kopjanski said the fine will continue to accrue until the property is sold. Mr. Hughes asked if anything could be done in the meantime to force the issue. Mr. Kopjanski said it's his understanding that a sale of that property is imminent and we would deal with the new property owner when he attempts to take Title to the property. He noted that this is pretty much the way the Board of Aldermen has dealt with it in the past. He went on to inform the board that one of the largest blight liens that we ever had was on the former Santangelo property on Pershing Drive – the lien was approximately \$300,000. When the new owner took over he negotiated with the Board of Aldermen and the fine was vastly reduced. Mr. Hughes asked if a property owner should come before the board prior to purchasing a property. Mr. Kopjanski said if he were asked he would inform them to appear before the Community Relations Sub-Committee and state their case first and then go before the full Board of Aldermen. Mr. Hughes said it seems as though the owners are allowed to let their properties get into a state of disrepair and then they sell the property and the lien gets reduced. He said he would like to take a stand and let these owners know that they're going to have to pay. Mr. Kopjanski said you could always start foreclosure proceedings. Blight Report placed on file.

Mr. Kopjanski updated the aldermen on the Orange/Derby Shopping Center. He informed them that Kmart is virtually down and it should be completed by the end of the year. The Marshall's building will be demolished the second week in January. The Dollar Store lease is up on January 16, 2008. He said they hope to be completely done with the demolition by the end of February. Mr. Kopjanski said that the Griffin Hospital project is ahead of schedule – there have been no mishaps or complaints.

Mayor Staffieri asked Mr. Kopjanski how the new Blight Officers are working out. Mr. Kopjanski said they are doing a wonderful job. They began two weeks ago and they have been averaging approximately 30 hours per week each because they are totally

dedicated to doing a great job. They have completed approximately 30 inspections so far. He said they have developed an introductory letter for property owners whose properties are in violation. He said it is a very nice letter – basically a “heads up” letter that their property may be in violation of the blight ordinance. Mr. Kopjanski said hopefully this will give the homeowners the incentive to correct any problems before it has to go to the next level. He said that the Blight Officers, Messrs. Cota and Moore have also been carrying out the functions of some other ordinances – one being sidewalks (maintenance, snow removal, etc...) He said they are both well versed in the City Ordinances and understand how they work and how to carry them out. Mr. Kopjanski stated that their appointment has been a very valuable addition to the City. Building Department Report placed on file.

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

Mr. Haws stated there was an article in the Connecticut Post on Monday that he would like to discuss. The article said that “money earmarked for refurbishing the heating, cooling and electric system at Derby High School may be drained for other unexpected problems according to school officials. Superintendent of Schools Janet Robinson met last week with City officials about unanticipated expenditures that could cost hundreds of thousands of dollars. These she said citing fire code violations recently discovered at the High School are eating into what is left of the bond money.” Mr. Haws said that this is an untrue statement. He said he has a modification that Dr. Robinson signed on January 18, 2005 for those specific codes that were cited way before then. He said if she can't remember he has his records. He said he isn't just finding things there and he doesn't appreciate being used as a scapegoat for these items. Mr. Haws said it was well known that the voice communication system is needed in the gym and the auditorium plus the fire rating in the stairwells all needed to be done for quite a long time. It's not something that just recently popped up.

Mr. Hughes said they did meet with the school officials because the initial number that they received for the work seemed astronomical. He said Mr. Szweczyk has reviewed the plans and has made some recommendations so hopefully the price will come down. Mr. Haws said he has also been reviewing the plans over his vacation and noted that there are some things that are on the plan that were not cited in the fire code that are included in the plan. He said including extra items does not make it a code violation; however these are also items that he did not cite as a code violation. Report placed on file.

○ **FIRE DEPARTMENT REPORT – NOVEMBER 2007**

There was no one present from the Fire Department.

○ **POLICE DEPARTMENT REPORT – NOVEMBER 2007 (Chief Eugene L. Mascolo)**

Chief Mascolo informed the aldermen that he had a great meeting with the outgoing and Interim Superintendent yesterday. He said they discussed how the Police Department can support the school district and also the appointment of a new Youth Services Bureau Director, John Saccu, who the Chief said is a great guy and perfect for the job. Chief Mascolo said this is a program where the Police Department and the School District share the City's portion of a grant to help divert kids from trouble after school. He also noted that the Youth Services Bureau Director will also be used for a number of other things – track down truancy; validate residency of students; and set up a Juvenile Review Board. This is a program where kids can be diverted from the federal justice system. The Youth Services Bureau Director can also benefit from the Parent/Child

Resource Center grant to prevent delinquencies. He said Dr. Robinson did a great job in putting this program together. Chief Cota said that Dr. Robinson also shared the job description for the new Security Monitor position at the High School. He said this person will also work with the new School Resource Officer. Chief Cota said the department just gave a Youth Officer's Exam for a permanent position for a Youth Officer and a member of the Detective Bureau scored number one overall. He said they used the same test to identify who the next permanent School Resource Officer would be and they have a candidate and they will be sent for training immediately. He said this person will not be employed in a permanent role until the five recruits graduate from the Academy. Report placed on file.

**APPOINTMENT OF DERBY POLICE COMMISSIONERS: Leone "Leo" DiSorbo, Ted Estwan, Jr., and Robert Hughes**

**A MOTION** was made by Mr. Sill with a second by Mr. Szewczyk to appoint Leone "Leo" DiSorbo, Ted Estwan, Jr., and Robert Hughes as Police Commissioners for the City of Derby. **Mr. Boulton abstained. Motion carried.**

**STATE OF CONNECTICUT COMPETITIVE GRANT APPLICATION – CERTIFIED RESOLUTION (Laura A. Wabno, City/Town Clerk)**

*I, Laura A. Wabno, City/Town Clerk of the City of Derby, do hereby certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the Board of Aldermen duly held and convened on Thursday, December 27, 2007, at which a constituted quorum of the Board of Aldermen was present and acting throughout.*

*RESOLVED, that Anthony Staffieri, Mayor, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Preservation Grant.*

*IN WITNESS THEREOF, the undersigned has affixed her signature and the City seal this 27<sup>th</sup> day of December 2007.*

*Laura A. Wabno, City Clerk*

**A MOTION** was made by Mr. Hughes with a second by Mr. Bomba to approve the Certified Resolution as presented. **Mr. Boulton abstained. Motion carried.**

**APPOINTMENT OF DERBY FIRE COMMISSIONER – Kelly Curtis**

**A MOTION** was made by Mr. Szewczyk with a second by Mr. Sill to appoint Kelly Curtis as Derby Fire Commissioner. **Mr. Boulton abstained. Motion carried.**

**APPOINTMENT OF BUILDING DEPARTMENT OFFICIAL – David L. Kopjanski**

**A MOTION** was made by Mr. Szewczyk with a second by Mr. Allaire to appoint David L. Kopjanski as Building Department Official for the City of Derby. **Mr. Boulton abstained. Motion carried.**

**APPOINTMENT OF DIRECTOR OF PUBLIC WORKS – Ron Culmo**

Mayor Staffieri said Mr. Culmo came out of retirement two years ago and not a day has passed when he has not been thankful for Mr. Culmo's willingness. He has a tough job and he handles it with success. Mayor Staffieri thanked Mr. Culmo for the past two years and he said he looks forward to the next two years.

**A MOTION** was made by Mr. Bomba with a second by Mr. Lenart to appoint Ron Culmo as the Director of Public Works for the City of Derby. **Mr. Boulton abstained. Motion carried.**

**APPOINTMENT OF CITY ENGINEER – Milone & MacBroom, Inc.**

**A MOTION** was made by Mr. Hughes with a second by Mr. Sill to appoint the firm of Milone & MacBroom, Inc. as the City Engineer for the City of Derby.

**DISCUSSION ON MOTION**

Mr. Szewczyk asked if we could get a better breakdown of the prices for services. Mayor Staffieri said he would have Mr. Robertson look into the matter.

**Mr. Boulton abstained. MOTION CARRIED.**

**APPOINTMENT OF TAX COLLECTOR – Cinda Buchter**

**A MOTION** was made by Mr. Sill with a second by Mr. Bomba to appoint Cinda Buchter as the Tax Collector for the City of Derby. **Mr. Boulton abstained. Motion carried.**

**APPOINTMENT TO ZONING BOARD OF APPEALS – David Manley (Alternate to Regular Member replacing Sam Rizzitelli, Jr., and Michael Dellinger, Alternate)**

Mayor Staffieri informed the board members that there is going to be an opening on the Zoning Board of Appeals with the term expiration of Sam Rizzitelli. He said he would recommend the appointment of David Manley, who currently serves as an alternate on the ZBA to replace Mr. Rizzitelli as a Regular Member and recommend Michael Dellinger to serve Mr. Manley's position as an alternate member.

**A MOTION** was made by Mr. Bomba with a second by Mr. Hughes to appoint David Manley as a Regular Member to the Zoning Board of Appeals for the City of Derby replacing Sam Rizzitelli whose term expired. **Mr. Boulton abstained. Motion carried.**

**A MOTION** was made by Mr. Bomba with a second by Mr. Hughes to appoint Michael Dellinger as an alternate member to the Zoning Board of Appeals for the City of Derby. **Mr. Boulton abstained. Motion carried.**

**APPOINTMENT OF CHARTER REVISION COMMISSION – Carolyn Duhaime, Walter Mayhew, Martin Martino, Chuck Stankye, III, Darryl Cotter, Robert Hughes, Bonnie Chevarella)**

Mayor Staffieri noted that there are some issues that need to be looked at in the Charter and he recommends the following individuals for the Charter Revision Commission: Carolyn Duhaime, Walter Mayhew, Martin Martino, Chuck Stankye, III, Darryl Cotter, Robert Hughes and Bonnie Chevarella.

**A MOTION** was made by Mr. Hughes with a second by Mr. Sill to appoint Carolyn Duhaime, Walter Mayhew, Martin Martino, Chuck Stankye, III, Darryl Cotter, Robert Hughes, and Bonnie Chevarella to the Charter Revision Commission. **Mr. Boulton abstained. Motion carried.**

**KNIGHTS OF COLUMBUS ROAD RACE – Use of Greenway Trail – Tentatively April 5 or April 12, 2008 (Ken Hughes)**

John Niski, Chancellor of the Knights of Columbus Bernardo Council #1350 passed out information to the aldermen regarding their upcoming Greenway 5k Charity Run, which is tentatively scheduled for either April 5 or April 12, 2008. They would propose an 8:30 a.m. start time and would probably finish at 11:00 a.m. Permission has already been granted by BJ's for

the use of their parking lot. The estimated turnout is 150 runners. Mr. Niski noted that the Knights are fully insured.

**A MOTION** was made by Mr. Szewczyk with a second by Mr. Sill to approve the use of the Greenway Trail by the Knights of Columbus for their Road Race tentatively scheduled for April 5 or April, 12, 2008.

**FRIENDLY AMENDMENT TO MOTION**

Approval will also be pending the submission of an Insurance Waiver.

**Mr. Boulton abstained. MOTION CARRIED.**

**SIDEWALK REIMBURSEMENT – SECTION 172-8 – DISCUSSION AND POSSIBLE ACTION**

Mr. Hughes noted that this has been discussed many times over the past few months and Corporation Counsel was directed to insert the new fees. Mayor Staffieri stated that this has been a long time coming. He said he has received a lot of complaints from homeowners who want to fix their sidewalks but didn't due to the low reimbursement figure. This should really move things along with homeowners fixing their sidewalks.

Be it ordained by the Board of Aldermen of the City of Derby:

§ 172-8. Reimbursement for sidewalk renovation.

The City of Derby shall reimburse 1/3 of the cost of materials to any owner of real property who has renovated or replaced an existing public sidewalk, for such renovation or replacement. No such reimbursement shall be authorized unless the property owner has filed a written application for reimbursement with the City Clerk; the Public Works Director approves the completed sidewalk as being in accordance with generally accepted construction standards; and the Board of Aldermen reviews the application at a regular monthly meeting.

The cost reimbursement for materials shall be based upon the following unit prices:

Materials	Unit Price (per square foot)
4" Portland cement concrete sidewalk	\$9.50
5" Portland cement concrete sidewalk	\$12.00
Portland cement concrete curbing	\$30.00
Asphalt 2" bituminous concrete sidewalk	\$5.00
Asphalt 3" bituminous concrete sidewalk	\$6.00
Asphalt bituminous concrete driveway	\$4.00
Gravel refill	\$35.00

The ordinance has been adopted on December 27, 2007 and shall be effective within fifteen days after publication.

**PREVIOUS PRICING**

Materials	Unit Price (per square foot)
4" Portland cement concrete sidewalk	\$4.60
5" Portland cement concrete sidewalk	\$5.10
Portland cement concrete curbing	\$13.37
Asphalt 2" bituminous concrete sidewalk	\$2.25
Asphalt 3" bituminous concrete sidewalk	\$2.75

Asphalt bituminous concrete driveway	\$4.00
Gravel refill	\$11.40

**A MOTION** was made by Mr. Bomba with a second by Mr. Lenart to approve the new fee structure for sidewalk reimbursement – Section 172-8.

**DISCUSSION ON MOTION**

Mr. Szewczyk asked if a third column could be placed that calls out the actual reimbursement to owner.

**A MOTION** was made by Mr. Bomba with a second by Mr. Lenart to approve the new fee structure for sidewalk reimbursement – Section 172-8 and to include a new column, which will call out the actual reimbursement to the owner. **Mr. Boulton abstained. Motion carried.**

**STUDENT LIAISON COMMITTEE – DISCUSSION**

Mayor Staffieri said he has discussed this in the past and he would like to establish a committee made up of students and members of the Board of Aldermen to discuss issues relevant to the schools. He said he wants to hear from the students' any problems and potential solutions to those problems. He said after the first of the year he will look to get this underway.

**RESIGNATION – JOHN ORAZIETTI – REDEVELOPMENT AGENCY – SECTION 7-105**

Mr. Hughes read a portion of § 7-105. Appointment, terms of office and vacancies pertaining to the Redevelopment Agency into the record:

“Any member who is absent from three consecutive duly called meetings of the agency or shall not have attended 75% of the meetings of the agency during the calendar year shall be considered to have resigned from such body, and the seat held by the member shall be deemed to be vacant.”

Mr. Hughes informed the aldermen that Mr. Orazietti missed the last four meetings of the Redevelopment Agency. The dates of those meetings were July 2007, September 2007, November 2007 and December 2007. For the 2007 calendar year Mr. Orazietti was in attendance at 37% of the meetings, not the required 75%, therefore it is considered a resignation.

**A MOTION** was made by Mr. Hughes with a second by Mr. Bomba to approve the resignation of John Orazietti from the Redevelopment Agency effective immediately.

**DISCUSSION ON MOTION**

Mayor Staffieri read the following into the record: I would like to offer my thanks to John Orazietti. He has served this community with distinction and he has given the people of Derby many, many hours of dedication. His community involvement should be a lesson to all. Our system of government requires outstanding individuals like John to step up and give of their time and knowledge and expertise. I thank you John.

**Mr. Boulton abstained. MOTION CARRIED.**

## **STERLING OPERA HOUSE LEASE – DISCUSSION AND POSSIBLE ACTION**

Mayor Staffieri noted that there would be no action taken on this issue this evening. Atty. Coppola informed the aldermen that for the past four weeks the attorney for the Ellington Group, himself, Mayor Staffieri and parties of the Ellington Group have been working on coming up with an outline of a lease for the Sterling Opera House. He said they have a couple of things that need to be worked out; one is updating the Feasibility Study that was prepared in 2002. The estimated costs to refurbish the Opera House need to be brought up to date with current prices. The other item that needs to be worked on is parking issues. Atty. Coppola said the Ellington Group has informed him that approximately 500 parking spaces would be required. He said he will discuss these issues further in Executive Session. He noted that once these items are worked out we will be the motion of preparing a working lease. He then read the fundamental part of the lease that hopefully will answer some of the questions that have been raised by the public. He went on to paraphrase the lease - "The tenant agrees at its sole expense to refurbish, reconstruct, and provide improvements to the Sterling Opera House. The reconstruction shall be completed in accordance with the State and Municipal Fire and Codes and pursuant to historical requirements in order to return the Sterling to an operational building. The "tenant" (Ellington Group) shall provide the landlord ("City of Derby") with architectural plans for the reconstruction for the City of Derby's approval. The tenant shall also provide final estimates for the completion of the entire reconstruction and provide the City of Derby with evidence that it shall have the financial capabilities in completing the project."

Atty. Coppola said that is the bare fundamentals that the City made sure to work out. Refurbishment will be at their cost and no cost to the City; architectural and historical preservation and finally proof that they will have the money to complete the project. These are the fundamental bases that the City has drafted the lease on. Atty. Coppola said the only thing that he needs is direction to incur the costs to complete a new Feasibility Study.

Mr. Sill asked about the length of the lease. Atty. Coppola said once we get an estimate for the cost of the refurbishment we will then take the building as an operating building and determine what the yearly rental will be, divide it into the amount of money that they are going to put into the building and that should give us a term. Mayor Staffieri noted that the Ellington Group has said they would have the project completed in two years. He also stated that two other points were put into the lease – both the High School Drama Club and the Save Our Sterling Organization would each get a week to use the Opera House for one week a year at no cost. Atty. Coppola said any Valley Community Group can approach them.

**A MOTION** was made by Mr. Bomba with a second by Mr. Szewczyk to authorize Corporation Counsel to have the Feasibility Study for the Sterling Opera House updated to reflect current market prices for refurbishment with the cost not to exceed \$5,000.00 for the Study.

## **DISCUSSION ON MOTION**

Mr. Szewczyk said he would just like to make sure that groups such as "Save Our Sterling" and the Parking Authority be kept informed of any decisions, discussions, etc... regarding the Sterling Opera House. Mayor Staffieri noted that they would definitely be kept informed.

**Mr. Boulton abstained. MOTION CARRIED.**

## **SUPERVISOR OF FLOOD CONTROL – ORDINANCE – DISCUSSION AND POSSIBLE ACTION**

Mayor Staffieri said this situation regarding the banks on the dikes not being taken care of has been discussed during the past Board of Aldermen meetings. He said Mr. Hughes and Atty. Coppola have been doing research regarding this situation. Mr. Hughes said this has been discussed since May/June and he noted that not much information has been found regarding the Flood Control Supervisor position. He said he originally wanted to put the direction of Flood Control Supervisor under the direction of Public Works and he directed Atty. Coppola to put additional language into the already existing Ordinance. Mr. Hughes read into the record the additional language:

“The Mayor may appoint a Flood Control Supervisor for a two (2) year term, and whose duties shall be to inspect the flood retention walls and to perform such other inspection duties and weed control as may be directed by the Army Corp of Engineers. The appointment is subject to the approval of the Board of Aldermen. The Street Commissioner shall prescribe the hours of employment and assign specific duties and directions to the Flood Control Supervisor. The Flood Control Supervisor shall be paid such compensation as approved by the Board of Aldermen. “

Mr. Hughes said right now there is a line item for a \$550,000 stipend for the Flood Control Supervisor's position, a \$200,000 line item for equipment and supplies and a \$6,000,000 line item for maintenance of the dikes. He said the way that the Ordinance is now written we can appoint anyone to the position and he would recommend that Ron Culmo be appointed since he is already doing the work.

Mayor Staffieri said we first have to pass the Ordinance and then we can act on it at next month's meeting.

**A MOTION** was made by Mr. Bomba with a second by Mr. Lenart to approve the change to Article XXIII Facilities Inspectors – Flood Control Supervisor - § 32-81. Appointment; duties; compensation. Mr. Boulton abstained. **Motion carried.**

## **REFUND OF EXCESS TAXES PAID THROUGH 12/18/07 IN THE AMOUNT OF \$439.12 (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 12/18/07 in the amount of \$439.12 as per the request from Cinda Buchter, Tax Collector. **Mr. Boulton abstained. Motion carried.**

## **VALLEY COUNCIL OF GOVERNMENTS “VCOG” – RESOLUTION OF ENDORSEMENT**

The Legislative Body of the City of Derby met on December 27, 2007 and adopted a resolution by the vote of 7 to 0 with one abstention, which endorsed the Regional Performance Incentive Program proposal referenced in Section 8 of Public Act 07-239 (An Act Concerning Responsible Growth.) Such proposal is attached to and made a part of this record.

## **CERTIFICATION**

I, Anthony Staffieri, Mayor, of the City of Derby do hereby certify that pursuant to Section 8 of Public Act 02-239 (An Act Concerning Responsible Growth) that there are no legal obstacles to the provision of service in the manner specified in the attached proposal submitted in response to the Regional Performance Incentive Program.

Wherefore, the undersigned has executed this certificate this 27<sup>th</sup> day of December 2007.

Anthony Staffieri  
Mayor, City of Derby

**A MOTION** was made by Mr. Hughes with a second by Mr. Sill to approve the Valley Council of Governments Resolution of Endorsement. Mr. Boulton abstained. **Motion carried.**

**APPOINTMENT – KEN HUGHES – REDEVELOPMENT AGENCY**

**A MOTION** was made by Mr. Bomba with a second by Mr. Sill to appoint Ken Hughes to the Redevelopment Agency to fill the vacancy left by Rick Dunne's resignation. **Mr. Hughes and Mr. Boulton abstained. Motion carried.**

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

**A MOTION** was made by Mr. Szewczyk with a second by Mr. Allaire to approve payment of the Bianco Giolitto Weston Architects Invoice #2 in the amount of \$115,346.25 and approve payment of the Nafis & Young Invoice in the amount of \$28,000.00. **Mr. Boulton abstained. Motion carried.**

**EXECUTIVE SESSION – Discussion of Litigation – Derby Police Department – Possible Action and Downtown Redevelopment, Contract Negotiations – Possible Action**

**A MOTION** was made by Mr. Hughes with a second by Mr. Sill to go into Executive Session at 8:20 p.m. inviting Atty. Coppola, Atty. Mike Conroy and Chief Eugene L. Mascolo to discuss pending litigation regarding the Derby Police Department. Following the conclusion of the first Executive Session the next Executive Session will commence and in addition to the Aldermen and Mayor Staffieri the following individuals will be invited – Alan Schlessinger, Sheila O'Malley, Glenn Stevens, Philip Robertson and Atty. Coppola to discuss Downtown Redevelopment Contract Negotiations. **Mr. Boulton abstained. Motion carried.**

The meeting returned to regular session at 9:43 p.m.

Mr. Hughes read the following statement into the record:

*Throughout the last few months, we had the opportunity to speak directly to the voters while we were canvassing the City for our bid at re-election. As many of you have heard, the biggest topic on the minds of the people was their disappointment in the lack of progress with downtown redevelopment. Over the course of the last few years, we have heard many things about this project. Statements like, "this is a complicated project", or "there are many moving parts", seemed to come forth repeatedly during public meetings. Frankly, the citizens of Derby and this Board are tired of excuses. For the last two years, we have worked in good faith with the Preferred Developer and the agreement we INHERITED in 2005. In the past two years we have not seen enough progress from their team, either visible, or behind the scenes to give us a level of comfort to move forward with these developers. All we have seen are pictures.*

*It is time we take a stand, as the Derby Board of Aldermen, in representing the citizens of Derby, and expressing our disappointment and lack of faith in this project.*

*We have run out of time and patience with our Preferred Developer, and we will not accept further delays. We do not have confidence in his "conceptual" plan and we lack confidence in his ability to move this project forward. We deserve a beautiful downtown and we deserve to*

have a developer that is less concerned about public assistance and more concerned about seeing this project come to fruition. We are a City uniquely positioned at the confluence of two rivers, with a greenway, special taxing district and direct access to Routes 34 and 8. We are and will continue to be extremely marketable. We are confident that this site is unique and full of potential. We are tired of being stymied by this project and its complicated, renegotiated Preferred Redeveloper Agreement, and we are tired of seeing an area of our small community being tied up because the developer is waiting for an unrealistic amount of public assistance. We are just plain tired and we deserve better.

No one would like to see our South side of Main Street redeveloped more than this Board of Aldermen. We understand the importance of this project, not only for the City of Derby, but for the entire region. Therefore, in response to the will of the voters, I would like to motion that we, the legislative body of the City of Derby, due to the lack of progress in the Downtown Redevelopment project, request that this administration expeditiously terminate its relationship with the Preferred Developer and extricate the City from the Preferred Redeveloper Agreement with all due legal process.

**A MOTION** was made by Mr. Hughes with a second by Mr. Bomba that the Legislative Body of the City of Derby, due to the lack of progress in the Downtown Redevelopment project, request that this administration expeditiously terminate its relationship with the Preferred Developer and extricate the City from the Preferred Redeveloper Agreement with all due legal process. **Mr. Boulton abstained. Motion carried.**

#### **ADJOURNMENT**

**A MOTION** was made by Mr. Sill with a second by Mr. Bomba to adjourn the meeting at 9:45 p.m. **Mr. Boulton abstained. Motion carried.**

**NOTE: As Scott Boulton is also employed by Derby Police Department a waiver is required to allow him to serve on the Board of Aldermen. This waiver must be approved by the entire Board of Aldermen. Due to the absence of Mrs. Moran from this evening's meeting the waiver could not be entertained and Mr. Boulton was required to abstain from voting.**

Respectfully submitted,

Patricia Finn  
Recording Secretary

**\*These minutes are subject to the Board of Aldermen approval at their next scheduled meeting.**