

DERBY BOARD OF ALDERMEN MEETING

DERBY CITY HALL – JANUARY 24, 2008 - 7:00 P.M.

MINUTES

The Honorable Mayor for the Day Amelia Carloni 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, Beverly Moran, James J. Benanto, Jr., Ron Sill, Scott M. Boulton, James Allaire, David Lenart

Also Present: The Honorable Mayor for the Day Amelia Carloni
The Honorable Mayor Anthony Staffieri
Philip Robertson, Chief Administrative Officer
Keith A. McLiverty, City Treasurer, Chair - Middle School Building Committee
David L. Kopjanski, Building/Zoning Official
Philip A. Hawks, Fire Marshal
Ron Culmo, Director, Derby Public Works
Deputy Chief Jerry Narowski, Derby Police Department
Sheila Parizo, President, Board of Education
Kelly Curtis, Fire Commissioner, Derby Fire Department
Charles Sampson, Chief, Derby Fire Department
George Kurtyka, Board of Apportionment & Taxation
Carolyn Duhaime, Chair, Board of Apportionment & Taxation (arrived at 7:40 p.m.)
Leo Moscato, Director, Derby Parking Authority
Robert Hughes, Police Commissioner (arrived at 7:25 p.m.)
Paul Varsanick, Jr., Board of Apportionment & Taxation
Beth Collette, Sterling Opera House Committee
Laura Wabno, Town & City Clerk
Joseph Coppola, Corporation Counsel
Christopher & Donna Carloni, Parents of Mayor for the Day Amelia Carloni

ADDITIONS/DELETIONS/CORRECTIONS TO THE AGENDA

Mr. Hughes said he would like to add the following items to the agenda:

- New Item #26. Discussion and Possible Action on new ZBA (Zoning Board of Appeals) Application Fees
- New Item #27. Appoint Paul Varsanick, Jr., to the Capital Planning Commission
- Add to Item #25 (Executive Session) Discussion of Kryka vs. Lajeunesse

Corrections to agenda:

- Item #6. – The minutes are December 27, 2007
- Item #11. – Should be “Joseph Szewczyk” not “Joeph”

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

PUBLIC PORTION

Mayor for the Day Amelia Carloni asked if anyone would like to address the board.

Carl Yacobacci, 10 Lombardi Drive, Derby, CT – I just got a question on the article in the paper today where the City's Tax Board agreed for a \$50,000 price tag for hiring an attorney to handle the case for the downtown development. Is that \$50,000 just for the mediation portion and if so what are the estimates if this goes to litigation on the costs to the taxpayers in the town on that. Thank you.

Beth Colette, 157 Minerva Street, Derby, CT (Sterling Opera House Incorporator) – Good evening everyone. I am speaking on behalf of the Sterling Opera House as an Incorporator and this regards a prepared statement that I would like to read into the record:

The Sterling Opera House Incorporators request that the Board of Alderman consider the following recommendations during the RFP process.

- 1) The money earmarked for a feasibility study be utilized instead for a parking study to benefit the entire downtown area.*
- 2) Provide tenant prospects with the existing Fletcher Thomas (sic) feasibility study and require them to incur any additional expense for studies that alter the building structure to achieve their objectives.*
- 3) A thorough search is made for qualified tenant candidates.*
- 4) Prospective tenants are to present a detailed business plan as to the use of the building and how they plan to achieve their fiscal and managerial goals for the property.*
- 5) Secure a financial firm to verify the qualifications of prospective tenants.*
- 6) Consider field trips to past project of prospective tenants and/or interview the clients of these projects to find the right fit.*

The Sterling Opera House Incorporators strongly recommends that once the town has devised a lease that they feel reflects a mutually acceptable agreement, that a firm that specializes in such leases be retained to maximize the cities interest. Some points that we would like to see addressed in the lease are:

- 1) Conformity to Historical Standards*
- 2) Approval by the City of major interior changes*
- 3) Assignment of maintenance responsibility*
- 4) Inclusion of an Escalation Clause that ties lease cost, to civic availability of the building. We would like to see ample time available for local cultural events. If the tenant requires full use of the building for their own profitable use we wish the payment of the lease to reflect this, and monies obtained through the lease of the building used to support other regional cultural venues.*

We hope that the City is in contact with the two theaters that have been approached to obtain their input towards the prospective tenant, and that careful consideration is given to all sources of dialogue.

Ms. Colette then passed out a copy of the Sterling Opera House Incorporators By-Laws to the Aldermen.

Dan Waleski – 21 Elm Street, Derby, CT – I'm here as a concerned citizen. As a long advocate and having strong opposition to the downtown developer and his preference (inaudible) of development I must compliment this administration for finally taking official action to relieve the City of this burden. With Shelton's expansion in their downtown planning operations and their aims of development and Ansonia's ambitious plans a rethinking of Derby's downtown plan it seems to me at this point to require a thorough restudy and a new plan to do justice to the full and proper potential possibilities of our community. And to some of us who follow these developments rather closely I'm presently reviewing "Planning Cities" by Frederick Bair and I'm hoping that the City and some of these authorities will be pretty much hand-in-hand and that will ensure I'm sure the best possible solutions to our problems. I would like to add too that – to add a little bit to Beth Colette's remarks I might add that the present Sterling Opera House interest that you have shown must also be carefully scrutinized and in the process please share the process and the developments with the residents so that this extraordinary asset becomes the prize so beneficial to our community.

Mayor for the Day Amelia Carloni 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

Mayor for the Day Amelia Carloni had to leave the meeting at this point. The Mayor and Aldermen all thanked her for a job well done running the City for the day.

APPROVE MINUTES OF THE DECEMBER 27, 2007 REGULAR MEETING

A MOTION was made by Mr. Szewczyk with a second by Mr. Hughes to approve the minutes of the December 27, 2007 regular meeting as presented. **Mr. Boulton abstained. Motion carried.**

DEPARTMENT REPORTS

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

Mrs. Parizo reported that the Board of Education met on January 17th. She said they have secured C.A.B.E. (Connecticut Association of Boards of Education) to do their Superintendent search. They are moving forward with the search and are meeting with Eliza Holcomb from C.A.B.E. on February 4th to determine their strategies, focus groups, number of candidates to be interviewed, etc. Mrs. Parizo said she would keep everyone posted on this item. She said they did vote to approve a CIAC Audit and noted that the impact on personnel is minimal and the result of the audit will highlight the strengths of their athletic programs, present weaknesses in the system and make recommendations. She noted this is neither a punitive process nor a desire to make anyone or anything look bad; it is a process designed to help the athletic program and the best part is there is no cost to the City. Mrs. Parizo said the CIAC is offering this audit to 169 municipalities throughout the State and Connecticut is the only State taking advantage of this offer. With regard to the Wrestling Tournament damage, Mrs. Parizo said Dr. Abdalla informed

the Board of Education that the findings of damage were much less than originally reported; however there was some minor damage. Protocols are being developed for pre and post inspections and making people accountable. Mrs. Parizo informed the aldermen that the Board of Education is going to be moving their monthly meetings to the various school buildings. She hopes that this will allow more people to attend the meetings that live in the neighborhoods. All meeting notices will be posted on line, at City Hall and at all school buildings. Mrs. Parizo said that Bradley School received a grant from the Matthies Foundation and they are utilizing it to have four in-house science programs. Irving School also received a grant from the Matthies Foundation, which is being used to introduce a Shakespearian Company into the curriculum. It was noted that the Middle School will hold a Variety Show on March 28th. Mrs. Parizo stated that it was recently reported in the newspaper that 15 students from Irving School are going to be published. Mrs. Parizo said she would like to ask, and noted that she and the Mayor have already spoken about this, to appoint a member of the Board of Education to the Middle School Building Committee to fill the spot of Leo DiSorbo who was the Board of Education's representative to the Middle School Building Committee and is no longer a member of the Board of Education.

Mayor Staffieri asked Mrs. Parizo if anything has been done with regard to picking a search committee. Mrs. Parizo said they have not done anything yet. The Mayor then asked Mrs. Parizo for her assistance with the Youth Service Bureau position noting that there are some language discrepancies. He asked her to contact Phil Robertson.

○ **CULTURAL COMMISSION REPORT – DECEMBER 2007**

There was no one present from the Cultural Commission.

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

Mr. Hughes asked Mr. Culmo if the employee currently out on Workmen's Comp would be able to work at the dump. Mr. Culmo said he cannot come back at all, even for light duty; his doctor said that he cannot do anything. Mr. Sill asked how long has this been going on. Mr. Culmo noted that it is now almost 23 months. He said he has been in constant contact with the Insurance Company to no avail. Mr. Bomba commended Mr. Culmo on the fine work during the storms. Mayor Staffieri said good job all around town. Report placed on file.

➤ **Sidewalk Application – Nick Balidemaj, 23 Crescent Street**

Mr. Culmo noted that the sidewalk has been installed, inspected and found to be up to code. He said he has submitted the application to reimburse the property owner one-third of the cost under the new guidelines in the Charter.

Mr. Hughes noted that the total reimbursement is \$546.48 for 276 ft.² of 3" asphalt at \$6.00 per ft.²

A MOTION was made by Mr. Hughes with a second by Mr. Szewczyk to approve the sidewalk reimbursement application for 23 Crescent Street in the amount of \$546.48.

DISCUSSION ON MOTION

Mr. Sill asked if there is anything in the Charter that states if there was presently a certain type of material already in place that the sidewalk must be replaced with the same material. Mr. Culmo said it must be replaced with whatever material was there to begin

with unless the other sidewalks in the area were changed and it would not blend in with the area.

Mr. Boulton abstained. MOTION CARRIED.

➤ **Public Works – Staffing, December 2007 & January 2008**

Mr. Hughes stated that he requested that Mr. Culmo provide in his monthly report a schedule of absenteeism at Public Works.

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

Mayor Staffieri noted that we must be receiving some additional monies in regards to the demolition of the Kmart Shopping Center. Mr. Kopjanski said that we have. Mrs. Moran questioned why there is no fee associated under new homes as it states that there was one new home constructed. Mr. Kopjanski explained that the amount is included in the total amount of fees received. Mr. Szewczyk said he knows that the City has copies of construction drawings on file; however there are no copies of written specs. Mr. Kopjanski explained for some buildings we do, especially City-owned buildings. He said he would not typically keep specifications for other buildings because references to the specifications are made right on the plans. He further noted that you would be able to obtain a copy of the specifications if you were to request them from the designer. Report placed on file.

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

Mayor Staffieri informed the board members that he has been receiving a lot of phone calls and people stopping by his office regarding the positive progress being made by the City's new Blight Officers, especially their approach to homeowners on how to go about taking care of the blighted conditions. Mr. Kopjanski asked the Mayor if he received a copy of the Facilities Inspectors' report dated January 22, 2008. The Mayor and Board members stated that they did not receive a copy of the report. Mr. Kopjanski informed the board members that Messrs. Moore & Cota have made an extremely detailed report of their activities over the past two months listing a number of cases that they have been following. The report contains the name and addresses of the properties, a brief description of the complaint, and what stage that they are in during their investigation. He said he feels this report will be handed in monthly and he would like to include it as part of the Blight Report that is submitted to the Board of Aldermen.

Mr. Hughes asked if he is correct in assuming that the properties that are listed on the Blight Report as being maintained that the homeowners need to come in and request that the property be removed from the list. Mr. Kopjanski said that is correct. Mr. Hughes asked if the Blight Officers could possibly write the homeowners a reminder letter that this needs to be done. Mr. Kopjanski said they could do that. He did note that one of the reasons why some of the properties are left on the Blight List is because these are properties that have a tendency to go back into a blighted condition. He said if a property is taken off of the Blight List the whole process has to start all over again. Mr. Kopjanski stated properties such as the McLaughlin Terrace property where the homeowner has made a concerted effort to improve the property and pay whatever fines that were assessed against it even that took a long time to take off the Blight List. He said that we can certainly send out letters to the property owners who are maintaining the property and ask them if they would like to make a request to the Board

of Aldermen to have their property removed from the Blight List, since it is a formal process to have it removed. Mr. Bomba asked if it is safe to say that since the outreach of the two new Blight Officers that there have been no new properties added to the Blight List. Mr. Kopjanski said not as of yet, they are in the process of informing property owners that their property will be considered in violation of the ordinance and giving them an additional thirty days to correct the violations. He noted that there is a good possibility that next month there may be some additional properties added to the list. Report placed on file.

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

There were no questions asked. Report placed on file.

○ **FIRE DEPARTMENT REPORT – DECEMBER 2007(Kelly Curtis, Fire Commissioner)**

Mr. Curtis stated that he handed out his report this evening. He then outlined the report for the board members. He explained the Capital Improvements to the Fire Department Buildings. Report placed on file.

Roof & Roof Related Issues

- Fire Alarm Towner has had a new roof installed
- Storm Engine Co. has had repairs made to areas of concerns (seams)
- Hotchkiss Hose Co. has had the cupola repaired due to ventilation issues

HVAC Replacement & Gas Line Installation

- Gas line installed to the Hotchkiss Hose and connected to the furnace; it has not been connected to the stove, generator, or hose dryer at this time. These units are still working on propane
- Furnaces and water heater installed & working. Vendor tending to some wiring issues.
- Remaining work in progress

Window & Door Replacement

- Mr. Curtis met with contractor on 1/19/08. Measurements taken and windows ordered.
- New windows installed at the Fire Alarm Towner

Façade Replacement

- Only one bid received for façade replacement at Paugassett's. Will be re-bid in spring.

Masonry Work

- Work to be done in the spring at Storm Engine Co.

Siding & Gutter Replacement

- Contractor will be contacted as soon as the Window and Door replacement is completed.

Painting

- Paugassett's meeting room & apparatus room painted. Mildew is starting to come through wall in rear of apparatus floor again. Ventilation fan is being replaced to combat this problem.

Overhead Door Replacement

- Doors, motors & hardware replaced at Storms & Hotchkiss

Other Major Issues

- New computers purchased for the Chief's office and the 4 firehouses along with a main server to connect them to the Fire Marshal.
- D.F.D. website has been established (DerbyFire.com)
- Forcible entry training device purchased with financial help from Wal-Mart.
- Engine 14 at Hotchkiss Hose is 21 years old and is next to be replaced. A truck committee has put together a spec and should go out to bid shortly.
- Truck 15 at Paugasset's is in the 5th year of the lease purchase program.
- Chief's car paid off last year through a lease purchase program. It is the Chief's and Mr. Curtis' intention to trade this vehicle in and enter into another lease purchase program. The plan is to use the \$10,000 that is given to the Fire Department per the City Charter.
- Department officers in the process of meeting with C-Med Dispatching to address issues regarding the price increase.
- Department officers met with representatives from the Regional Water Authority to discuss day-to-day operations between the two agencies.
- Department awarded a grant from Homeland Security for 28 new SCBA.
- It is time to start replacing Personal Protective Equipment. First round of gear purchased in 1996.

Mr. Curtis apologized for his lack of attendance at the Board of Aldermen meetings. He will make certain to be more available in the future. He then handed out a list of Derby Fire Department Contact numbers. Mr. Curtis then submitted a list of Fire Police members for the Board's approval this evening.

AS THIS WAS NOT ADDED TO THE AGENDA AT THE BEGINNING OF THE MEETING THE FOLLOWING ACTIONS TOOK PLACE:

A MOTION was made by Mr. Hughes with a second by Mr. Sill to add the approval of the Fire Police members to the agenda for Board approval. **Mr. Boulton abstained. Motion carried.**

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

PUBLIC PORTION

Mayor Staffieri asked if anyone wished to address the board.

Kelly Curtis, 22 Grandview Boulevard, Derby, CT – As a taxpayer I would like to come before one of the subcommittees not as a fire commissioner but as myself to discuss disaster planning for the City of Derby. It's a very strong pet peeve of mine and I'm very concerned with it and I would like to know what sub-committee to come before.

Mayor Staffieri said you would go before the Operation Sub-Committee, which is made up of Jay Benanto, Scott Boulton, Joe Bomba and James Allaire.

A MOTION was made by Mr. Szewczyk with a second by Mr. Bomba to close Public Portion. **Mr. Boulton abstained. Motion carried.**

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the following Fire Police members per the City Charter:

- 1) James McGuire – Co. #1
- 2) Ted Hawks, Jr., - Co. #1
- 3) Ray Allen – Co. #1
- 4) Mike McKnight – Co. #4
- 5) Robert Guluzzy – Co. #4
- 6) Peter DiDonato – Co. #4

Mr. Boulton abstained. MOTION CARRIED.

○ **POLICE DEPARTMENT REPORT – DECEMBER 2007 (Deputy Chief Jerry Narowski)**

Deputy Chief Narowski reviewed the Police Department Report for December 2007. He noted the pressing item this evening is the list of excess surplus property that the Police Department has. He reminded everyone that the department entered into a contract with PropertyRoom.com to get Fair Market Value for the surplus property. He would like the Board of Aldermen to peruse the list of items to see if it would be of use to any City department and then they would then have the items placed on Propertyroom.com and they would then report back to the board with any surpluses.

A MOTION was made by Mr. Hughes with a second by Mr. Szewczyk to approve the January 2008 Disposal List to be placed on PropertyRoom.com. **Mr. Boulton abstained. Motion carried.**

Deputy Chief Narowski informed the board members that the Administrative Division Commander Lt. Frosceno is working with the City's Building Inspector David Kopjanski and Alderman Szewczyk to prepare a RFQ (Request for Qualifications) for the roof at the Police Department. He noted at the Board of Apportionment & Taxation meeting this week the board appropriated LoCIP funding for this purpose. The RFQ will be reviewed by the City's Capital Planning Commission before it is placed out to bid.

Deputy Chief Narowski asked if there were any questions regarding the Police Report. There were no questions asked.

Deputy Chief Narowski then reported that he has a Wanted Poster that he needs to present to the board. He informed the board that Chief Mascolo has an outstanding warrant for his arrest in connection with the fundraising efforts for the Muscular Dystrophy Association. Bond money must be raised by February 7 or he will be incarcerated at Fratelli's Restaurant. Deputy Chief Narowski then proceeded to pass out the bond information. He noted that the last holding

facility before this one was at the old Police Department, which was rated worst in the country by a traveling prisoner that they had. Report placed on file.

APPOINTMENT OF FLOOD CONTROL SUPERVISOR

A MOTION was made by Mr. Bomba with a second by Mr. Szewczyk to appoint Ron Culmo to the position of Flood Control Supervisor.

DISCUSSION ON MOTION

Mr. Hughes added as a point of information that the Board of Apportionment & Taxation did authorize Mr. Culmo to use the money in the Flood Control Line item. Mr. Hughes noted that Mr. Culmo has been doing the work all along anyway. Mayor Staffieri said that is the reason why it was taken away from the other person and put under the Public Works jurisdiction.

Mr. Boulton abstained. MOTION CARRIED.

APPOINTMENT TO REDEVELOPMENT AGENCY

A MOTION was made by Mr. Szewczyk with a second by Mrs. Moran to approve the appointment of Joseph Bomba to the Redevelopment Agency. **Mr. Boulton abstained. Motion carried.**

Mr. Bomba said he looks forward to taking on the responsibility. Mr. Szewczyk said he read in one of the local newspapers a Letter to the Editor complaining about how the old buildings were ripped down. Mr. Szewczyk said he was sad to see those buildings go also, but he would like to see people do a little bit of research before they write these things. Mayor Staffieri said it's nice to just open up your mouth and not have any facts. He said approximately 20 years ago when he was a member of the OBBA they fought to keep those buildings standing but it was at a critical stage of either do something or they were falling down and nothing was done. A few administrations went by and nothing was done and the roofs and floors within those buildings collapsed and it got to the point where you couldn't even enter them and they couldn't be saved.

SUB-COMMITTEE APPOINTMENTS

- Community Relations Committee - Tony Szewczyk, Ron Sill, Ken Hughes & Dave Lenart
- Operations & Procedures – Joe Bomba, Scott Boulton, Jay Benanto, & James Allaire*
*Alternate – Beverly Moran

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the appointments to the Community Relations Committee and the Operations & Procedures Committee. **Mr. Boulton abstained. Motion carried.**

WAIVERS PER CITY CHARTER, SECTION 14 – Scott Boulton, George Kurtyka, and Joseph Szewczyk

A MOTION was made by Mr. Szewczyk with a second by Mrs. Moran to approve the Waiver per City Charter, Section 14 for Scott Boulton to serve as an Alderman while employed as a Police Office by the Derby Police Department. **Mr. Boulton abstained. Motion carried.**

A MOTION was made by Mr. Hughes with a second by Mr. Sill to approve the Waiver per City Charter, Section 14 for George Kurtyka to serve as a member of the Board of Apportionment & Taxation while employed as a Police Office by the Derby Police Department. **Motion carried.**

Mr. Hughes read the following letter from Joseph Szewczyk into the record:

Aldermen of Derby I request a waiver from City Charter provision such that I may continue to function as a member of the Finance Committee while being a member of the Board of Education. Thank you Joseph Szewczyk

Mayor Staffieri posed the question of having Anthony Szewczyk vote since this is a member of his family. He noted that the vote must be unanimous in order for it to pass. It was decided that Mr. Szewczyk could vote present.

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the Waiver per City Charter, Section 14 for Joseph Szewczyk to serve as a member of the Finance Committee while being a member of the Board of Education. **Mr. Szewczyk voted present. Motion carried.**

MAYOR'S EXPENSE ACCOUNT – DISCUSSION

Mr. Hughes noted that the board members have been discussing different ordinances and increasing fees that have not been addressed for years and one of those items is the Mayor's Expense Account, which has not been updated since 1996. He said he would like the board to direct Phil Robertson to gather some information.

A MOTION was made by Mr. Hughes with a second by Mr. Lenart to direct Phil Robertson to research the Mayor's Expense Account and report back to the full Board of Aldermen with his findings and recommendations. **Motion carried.**

APPROVE BILLS – MIDDLE SCHOOL BUILDING COMMITTEE – BIANCO, GIOLITTO WESTON ARCHITECTS – Keith McLiverty, Chair, Middle School Building Committee

Mr. McLiverty said everyone should have received a copy of the third invoice from Bianco Giolitto Weston Architects. He noted that they have completed the design of schematic phase and are now in the design phase of the project. The Middle School Building Committee expects to have the completed drawings by March 17th and then the committee will go to the State on March 24th for State approval. Mr. McLiverty informed the board members that the architects are now working with FIP, who are the construction managers, and the Middle School Building Committee expects to have initial Cost Estimates and Construction Schedules at our February 7th meeting. He told the board members that there are drawings available for the individual buildings and they will try to get them posted on the web site. He said there are also drawings for the property and drawings of the schematics available this evening should anyone wish to view them. Mr. McLiverty said the committee project is moving along very nicely and thanked all the City Officials, the Fire and Police Departments and various Board of Education officials who have worked together on every phase of this project from the security to tree planting, to lighting, to the access for the Fire Department and fire trucks. Everything is moving along very well.

A MOTION was made by Mr. Hughes with a second by Mr. Szewczyk to approve payment of the Bianco Giolitto Weston Architects Invoice #3 in the amount of \$205,767.50. **Motion carried.**

APPOINTMENT TO PARKS & RECREATION COMMISSION

Mayor Staffieri informed the board members that Mrs. Moran previously served on the Parks & Recreation Commission and there is now an opening and she has offered to serve once again.

A MOTION was made by Mr. Allaire with a second by Mr. Lenart to appoint Beverly Moran to the Parks & Recreation Commission. **Motion carried.**

APPROVAL OF PIEREZ ASSOCIATES CONTRACT – MIDDLE SCHOOL BUILDING COMMITTEE

Mr. McLiverty explained that the Middle School Building Committee is asking for approval to enter into a contract with Pieréz Associates to authorize them to proceed with a plan review of the Middle School contracts. He said they would take the design that has been developed by Bianco Giolitto Weston Architects and reviewed by the Construction Manager and they do a plan review of the State Building and Fire Codes, HVAC System, Fire Safety, revisions to the site and architectural review. Mr. McLiverty said Pieréz Associates will work with the City's Building Official and Fire Marshal to conduct the review. He informed the board members that Pieréz Associates are licensed to stamp off on the drawings to meet the plan review for the State of Connecticut. Mr. Hughes added that Corporation Counsel reviewed the contract and found it to be acceptable.

A MOTION was made by Mr. Sill with a second by Mr. Bomba to approve the Pieréz Associates Contract for Code Compliance Plan Review Services in the amount of \$15,600.00 and authorize the Mayor to execute the contract. **Motion carried.**

APPROVAL OF FUSS & O'NEILL CONTRACT – MIDDLE SCHOOL BUILDING COMMITTEE

Mr. McLiverty said Corporation Counsel has reviewed this contract and he noted that under the Terms and Conditions this is really a contract between the Bianco Giolitto Weston Architects and Fuss & O'Neill to conduct a Phase I Environmental Site Survey. He stated that all bidding requirements were met when selecting this firm.

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the Fuss & O'Neill Contract for the Phase I Environmental Site Assessment in the amount of \$2,500.00. **Motion carried.**

RESOLUTION TO APPOINT EXISTING MIDDLE SCHOOL BUILDING COMMITTEE TO OVERSEE/EXECUTE THE REMAINING FUNDS FOR CODE COMPLIANCE AND HVAC WORK AT DERBY HIGH SCHOOL

Mr. Hughes stated there are a few reasons why we are discussing doing this. As everyone knows we have received some bids for the fire work that needs to be completed at the High School and those bids came in a little higher than expected. That project sort of ties into what the Building Committee is doing with the Middle School in terms of shedding electricity with the High School and that money is going to be used hand-in-hand with that project. Mr. Hughes said it was discussed that it would be a good idea to have the Middle School Building Committee basically take charge of doing the fire code upgrades noting that it is a stellar committee with several building professionals on the committee. Mayor Staffieri agreed with Mr. Hughes and added that the Town of Easton's Building Inspector is on the committee along with contractors, architects, engineers. He said he has heard nothing but kudos about the Middle School Building Committee. Mr. McLiverty explained that the plan is to use natural gas to feed the heating and cooling system at the Middle School and the system that will be installed will actually shed electricity. The electricity will have no where to go and would become wasted – considering that the High School operates solely on electricity and the Board of Education is paying a fortune for the electricity and it is only going to up we want to take that electricity from the Middle School and direct it over to the High School, that would be during peak use. During the summer months and we're generating electricity because we have air conditioning running we can actually sell that electricity back to the grid and profit from this. There is \$1.2 million left in the bond proceeds and we will need approximately \$1 million to do the micro

turbine feeding into the High School and doing the conversion system at the High School. If the doors, etc. for the fire code improvements at the High School is really \$300,000, although they don't feel that is an accurate number, it is going to effect the shedding of the microturbine. Mr. McLiverty said the Middle School Building Committee feels that if they work hard to get a better price on the doors – and not compromise code or the requirements of the Fire Marshal – then we can save that \$1 million and achieve success at the High School by getting the electricity over there and the Board of Education can reduce their electrical bill dramatically.

Mayor Staffieri stated this is the kind of professionalism that has been going on with the Middle School Building Committee. He said they are really unbelievable what they are getting accomplished in such a professional manner.

Mr. Hughes then read the Resolution into the record:

Be It Resolved that the Board of Aldermen has authorized the Middle School Building Committee to oversee and execute the remaining Referendum funds solely for code compliance and HVAC work at the Derby High School. The committee shall report the expenditures of such funds to the Board of Aldermen.

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

Mr. Bomba noted that it great to see that someone is using their head finally. Mayor Staffieri stated this is a huge accomplishment and out City Taxpayers will reap the benefits someday.

ABANDONMENT OF A PORTION OF NUTMEG AVENUE FROM CHATFIELD STREET TO A POINT TO BE DETERMINED – 8-24 REFERRAL

Atty. Coppola presented the copy of the map that he handed out this evening. He said that the Middle School Building Committee has approached him and the administration to take the necessary steps to abandon a portion of Nutmeg Avenue. The portion would be from the entrance at Chatfield Street along the front of the High School to a point that is to be determined by the engineers. The Board of Aldermen is being asked to abandon that portion of the road and follow the Charter rules and request from the Planning & Zoning Commission an 8-24 Referral Report. After the Referral Report is returned from Planning & Zoning Atty. Coppola said he will have a description of the actual area that will be abandoned. At the end of the abandoned road the City will then absorb it as a Right-of-Way and the remaining portion will be Nutmeg Avenue as we then know it. The map that Atty. Coppola is presenting this evening has the actual drawing of the dimensions of what Nutmeg Avenue will look like after the road is abandoned. He stated that there will be a fire gate at the end of the Right-of-Way in front of the High School – there will be a turn around and the fire gate will stop traffic from flowing from Hawthorne Avenue through Nutmeg as it does currently. When the road is abandoned the High School and the Middle School will then meet their setback requirements. Mr. McLiverty also noted that from a security perspective it prevents flow as a city road and we can contain entrance in and out of the property. He also noted that the abandonment of the road was agreed upon at a meeting attended by the Police Department, the Traffic Enforcement Officer, Inland/Wetlands, Planning & Zoning, Fire Department, Board of Education, and Corporation Counsel. He said everyone was in agreement as to where to put the cul-de-sac and where to abandon it from a security perspective. Mrs. Moran questioned the access to the Little League field and other athletic arenas. Mr. McLiverty said the cul-de-sac is going to be on the baseball and the Coon Hollow side of the gate so when you come up from Hawthorne Avenue you will come up to the cul-de-sac and then the gate. When the gate will be open is

still being discussed. It will definitely be closed during school hours. It may be opened on weekends for the Little League and Coon Hollow; however that decision has not yet been finalized. Mr. McLiverty informed the board members that all emergency vehicles would be equipped with an opener that would automatically unlock the gate. He also said that it could be overridden by computer if a case should arise that requires vehicles to constantly access the site. Mayor Staffieri asked if all the practice times, etc. that occurs at the Little League Field has been taken into account. Mr. McLiverty said once security has been finalized the Middle School Building Committee is going to meet with Jack Walsh and all the other people who use the fields and work collaboratively to come up with a resolution. Mayor Staffieri said he is only mentioning this because everyone has been included in the meetings for their input and it's not just a few people making decisions for everyone.

A MOTION was made by Mr. Sill with a second by Mr. Benanto to send this information to Planning & Zoning for an 8-24 Referral. **Motion carried.**

Mrs. Moran asked that Parks & Recreation be kept informed of meeting dates for the Middle School Building Committee. Mr. Hughes said they are always properly posted.

TRANSFER OF PROPERTY ALONG CHATFIELD STREET – 8-24 REFERRAL

Atty. Coppola held up the portion of the map that refers to the area of Chatfield Street that is being discussed this evening. He said after the A-2 Survey was finalized it was determined that there is a jog that follows a wall. Both parcels are owned by the City of Derby and the Middle School Building Committee is asking the Board of Aldermen to considering Quit Claiming the property that is in the jog officially to the City so the boundary property will run flush. Atty. Coppola said for the City to do this the Board of Aldermen would have to request an 8-24 Referral from the Planning & Zoning Commission as to whether there are any comments or effect on the overall planning of the area. Mr. McLiverty informed the board that by correcting the jog on the map this will help with the setback on the back of the building.

A MOTION was made by Mr. Szewczyk with a second by Mr. Lenart to request the 8-24 Referral regarding the jog on Chatfield Street to the Planning & Zoning Commission. **Motion carried.**

ACCEPTANCE OF FRANK GATES LANE – 8-24 REFERRAL

Atty. Coppola said in October or November 2007 the previous Board of Aldermen discussed the need to accept Frank Gates Lane as a City road. At that time there was a request to Planning & Zoning for an 8-24 Referral.

Atty. Coppola then read the following letter into the record:

November 27, 2007

RE: 8-24 Referral – Frank Gates Lane
Derby, CT

Dear Mayor Staffieri:

At the November 20, 2007 meeting of the Derby Planning & Zoning commission, the following referral from the Derby Board of Aldermen in accordance with Connecticut General Statutes Section 8-24 was received and discussed:

- Acceptance of Frank Gates Lane as a City of Derby public street.

As indicated in our correspondence to the board dated October 24, 2007, the Planning & Zoning Commission has approved a bond reduction for the construction of this road. Given the documentation submitted in support of this request and the work that has been completed to date, the commission takes no exception to the acceptance of this road as a city street. The record subdivision map for this development has already been filed on the Derby Land Records. In approving this acceptance, the Board of Aldermen should indicate that all regulatory permit approval conditions shall still apply.

Should you have any questions, please do not hesitate to contact our office.

Very truly yours, Michael J. Joyce, P.E. Milone & MacBroom

A MOTION was made by Mr. Hughes with a second by Mr. Sill to accept Frank Gates Lane as a City road. **Motion carried.**

ACCEPTANCE OF SIDEWALK PROPERTY ALONG WATER STREET FROM HOME DEPOT

Atty. Coppola said at the previous meeting it was discussed and a map was provided of a small portion of property along Water Street that is currently owned by Home Depot. When the project was completed this portion of the sidewalk was to be turned over to the City. 99% of the sidewalk was turned over to the City; however after an A-2 Survey was performed there was a small part of the property that was accidentally excluded. Home Depot has offered to Quit Claim this portion of the property and the Board of Aldermen requested an 8-24 Referral from the Planning & Zoning Commission.

Atty. Coppola then read the following letter into the record:

November 27, 2007

RE: 8-24 Referral – Water Street – Home Depot Property
Derby, CT

Dear Mayor Staffieri:

At the November 20, 2007 meeting of the Derby Planning & Zoning commission, the following referral from the Derby Board of Aldermen in accordance with Connecticut General Statutes Section 8-24 was received and discussed:

- Acceptance of property to be deeded to the City of Derby from Home Depot

The commission has been informed that the purpose of this referral is for the acceptance of property that was required to be deeded to the City of Derby when Home Depot was constructed and the Water Street improvements were performed. Based upon the documentation received, the commission takes no exception to the acceptance of this property by the City. If not already on file in the Derby Land Records, an A-2 survey map depicting the limits of land to be accepted by the City of Derby along with the appropriate legal documentation approved by Derby Corporation Counsel shall be filed on the Derby land records.

Should you have any questions, please do not hesitate to contact our office.

Very truly yours, Michael J. Joyce, P.E., Milone & MacBroom, Inc.

A MOTION was made by Mr. Bomba with a second by Mrs. Moran to accept the small portion of the sidewalk to be turned over from Home Depot. **Motion carried.**

SALE OF PROPERTY ALONG WATER STREET

Atty. Coppola informed the board at a previous meeting he handed out a map that depicted a parcel of land along Water Street that the City currently owns. He said the owner that borders this property would like the City to consider selling the property to him. Atty. Coppola said in order to do this a number of steps first need to be taken:

- Receive an 8-24 Referral
- Receive a Fair Market Value Appraisal
- Place out to Bid
- Accept Bid
- Transfer Title

Atty. Coppola said he has a copy of the 8-24 Referral Letter from Planning & Zoning and a copy of the Field Card. He has also discussed with an appraiser the Fair Market Value of the property.

Atty. Coppola then read the following letter into the record:

November 27, 2007

RE: 8-24 Referrals
Derby, CT

Dear Mayor Staffieri:

At the November 20, 2007 meeting of the Derby Planning & Zoning commission, the following referral from the Derby Board of Aldermen in accordance with Connecticut General Statutes Section 8-24 was received and discussed:

- Possible Sale of City of Derby property on Water Street (Assessor Map 8-5, Lot 170)

Given the topographic restrictions and narrow shape of this parcel, the Commission takes no exception to the possible sale of this City owned property. As part of this acceptance an A-2 survey depicting the limits of land to be sold should be prepared along with a metes and bounds legal description, which will require the review and approval of the City Engineer and Corporation Counsel.

Should you have any questions, please do not hesitate to contact our office.

Very truly yours, Michael J. Joyce, P.E. Milone & MacBroom

Atty. Coppola said the appraiser has verbally informed him that a written appraisal for the Fair Market Value for this parcel of land, which contains approximately .3 acre to be \$39,000. If the board is going to consider selling this parcel we will need to vote to put it out to bid and then accept the bid.

A MOTION was made by Mr. Sill with a second by Mr. Boulton to put the property out to bid.
Motion carried.

REFUND OF EXCESS TAXES THROUGH 1/17/08 - \$5,935.90 – Cinda Buchter, Tax Collector

A MOTION was made by Mr. Bomba with a second by Mrs. Moran to approve the Refund of Excess Taxes paid through 1/17/08 in the amount of \$5,935.90 as per the request from Cinda Buchter, Tax Collector. **Motion carried.**

DISCUSSION AND POSSIBLE ACTION – YOUTH SERVICES BUREAU COORDINATOR

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to **TABLE** this item. **Motion carried.**

A MOTION WAS MADE BY MR. LENART WITH A SECOND BY MRS. MORAN TO MOVE THE EXECUTIVE SESSION TO THE END OF THE AGENDA. MOTION CARRIED.

DISCUSSION AND POSSIBLE ACTION ON NEW ZBA (ZONING BOARD OF APPEALS) APPLICATION

FEES

Mr. Hughes said at a recent meeting of the ZBA dated November 15, 2007 a motion was made to recommend to the Board of Aldermen to change the fee schedule. He then read the fee schedule into the record:

The secretary noted that the legal notice for this meeting to advertise this notice of the meeting twice cost more than \$250.00 The Board will also incur the expense of advertising the action taken by this Board as well as the cost of the secretarial duties. This month there were three applications so the notice was much longer but it is conceivable that each application costs the City in the range of \$150.00 or more. The current fee is \$100.00 for single and two family dwellings and \$150.00 for all other applications. The fee is the same whether there is one or multiple variances on the application. It was noted that an increase would be consistent with fees being charged by other towns. Mr. Nizgorsky noted the fees in North Branford.

Motion was made by Richard Bartholomew and second by David Manley. Move to recommend to the full Board of Aldermen to change the fee schedule for the Zoning Board of Appeals applications to cover the expenses incurred by the Board. The charges recommended are as follows:

- One and two family dwellings - \$175.00 Single Variance
 - All other applications - \$250.00 Single Variance
 - Multiple Variances – an additional \$50.00 per variance being sought by the application.
- Motion carried unanimously.

Mayor Staffieri said this item is long overdue. It has been costing us more money than the fees that were being collected. Mrs. Moran stated as a former member of the ZBA this action is long overdue.

A MOTION was made by Mrs. Moran with a second by Mr. Bomba to approve the new fee schedule for the Zoning Board of Appeals. **Motion carried.**

APPOINT PAUL VARSANICK, JR. TO THE CAPITAL PLANNING COMMISSION

A MOTION was made by Mr. Sill with a second by Mr. Benanto to appoint Paul Varsanick, Jr. to the Capital Planning Commission. **Motion carried.**

EXECUTIVE SESSION)

A MOTION was made by Mr. Hughes with a second by Mr. Lenart to go into Executive Session at 8:35 p.m. subject to adjournment inviting Corporation Counsel to discuss pending litigation.
Motion carried.

Respectfully submitted,

Patricia Finn
Recording Secretary

**THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ALDERMEN AT THEIR NEXT
REGULARLY SCHEDULED MEETING**