

DERBY BOARD OF ALDERMEN SPECIAL MEETING

DERBY CITY HALL – MAY 22, 2008 - 7:00 P.M.

MINUTES

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

Roll Call

Present: Kenneth J. Hughes, Beverly Moran, Joseph M. Bomba, Ronald Sill, Scott M. Boulton, James Allaire, James J. Benanto, Anthony Szewczyk

Absent: David M. Lenart,

Also Present: The Honorable Mayor Anthony Staffieri
Philip Robertson, Chief Administrative Officer
Keith A. McLiverty, City Treasurer
Sheila O'Malley, Executive Director, Economic Development
David L. Kopjanski, Building Official/Zoning Enforcement Officer
Philip A. Hawks, Fire Marshal
Deputy Chief Gerald Narowski, Derby Police Department
Leo Moscato, Jr., Director, Parking Authority
Cinda Buchter, Tax Collector
Laura Wabno, City Clerk
Joseph T. Coppola, Corporation Counsel

ADDITIONS/DELETIONS/CORRECTION TO AGENDA

Mr. Hughes said he would like to make the following changes to the agenda:

New Items

- 6a. – Correspondence
- 18. – Approve Middle School Building Committee Invoices
- 14 a. – Small Cities Resolution
- 14 b. – Neighborhood Assistance Act Public Hearing
- 7.5 – 2008/2009 Capital Plan – Discussion & Possible Action
- 19. – Proposed Amendment to the Adult Use Ordinance – Discussion & Action
- 20. – Bid Waiver – Derby/Shelton Fireworks Display
- 21. Executive Session

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

PUBLIC PORTION

Mayor Staffieri asked if anyone would like to address the board.

Carl Yacobacci, 10 Lombardi Drive, Derby, CT – A couple of the additions to the agenda were a couple of questions that I was going to ask. Just looking (inaudible) Derby Middle School what's the schedule or do you have one for starting and then how much is it going to cost us. There's been all these things going around (inaudible) that some tax members were concerned about getting the school started, the money and the lack of funds and stuff like that. Just wanted to know if that could be addressed to make sure that the Middle School is still on track and if the costs have gone up how much Derby is responsible to pay for the school and how we're going to pay for it.

Mayor Staffieri – What you can do is Mr. McLiverty, the Chairman of the Building Committee, can tell you the next date of the Building Committee meeting and he can properly inform you.

Mr. Yacobacci – (Inaudible) I don't believe him that's why I ask questions. The other one is I've brought this up at the Redevelopment meeting because the mediation is going to be starting and the possibility of lawsuits and so on and so forth is what the town's liability is in case of any judgment against the town. If it is \$4.5 million, \$10 million -whatever are we covered under insurance? What is covered, what's not and what situation might (inaudible) for any monetary loses to the developer. I was told that I was going to get an email back within a couple of days after that meeting and I have not yet received one.

Mr. Bomba – My fault.

Mr. Yacobacci – And the last thing and its usually the biggest issue in Derby but I've walked the trail a couple of times and we've got this dog issue and stuff like is we purchased the bags at one point and I think there was 2,400 of them and there has been many times that they have not been out there – they've been empty. I just didn't know if the Greenway Committee or whatever is just replenishing them or who can do that. Because if there is a problem and I haven't seen one when I've walked it are we adding to our own problems by not giving people the proper resources to do the cleanup. That has been brought up to me by a couple of people that the bags have not been restocked and I was wondering if you could take a look at that because if we're creating our own problem then it's really not the people's fault.

Mayor Staffieri – We will instruct Mr. Culmo to check into that.

Dina Weissman, 26 Caldwell Drive, Derby, CT – I was looking though the past minutes to see when the board might have taken action on changing the four payment plan for taxes – it's been discontinued. I didn't see it anywhere reflected in the minutes of the meetings. I don't know if it was not included or not voted on. Is there somebody I can check with?

Mayor Staffieri – Yes you could check with Phil Robertson later on.

Ms. Weissman – Okay. I had a couple questions about items that are on the agenda. There's a reference to a Blight Resolution – discussion and action. I believe you just added this thing about an Adult Ordinance as well – discussion and action. Are there

any proposals that have come forth from it? There's nothing posted or available for the public to look at.

Mayor Staffieri – Being prepared...

Ms. Weissman – I'm sorry – there are resolutions that have been passed.

Mayor Staffieri – There's a resolution that was passed months ago, if not last year.

Ms. Weissman – Regarding what's on the agenda tonight.

Mayor Staffieri – Tonight would be just to add to it – amend it.

Ms. Weissman – Amend it in what way?

Mayor Staffieri – You'll find out later on.

Ms. Weissman – Okay – then will we be able to comment at that point when it comes up on the agenda? There's not anything for the public to review in order to give comment in the public portion.

Mayor Staffieri – Well during the specific item we'll let you ask ...

Ms. Weissman – Did that come out of committee? Is that when (inaudible.)

Mayor Staffieri – Yes. Discussion is happening tonight.

Ms. Weissman – Okay I'm just trying to find out where it came from so that – okay. There's an item under Executive Session – I believe 21 b. – pending litigation. What is that regarding?

Mayor Staffieri – It's in Executive Session.

Ms. Weissman – You can go in to Executive Session properly for pending litigation but for the purposes of the agenda (inaudible) the item is in the event that somebody has something relevant to offer on it.

Mayor Staffieri – Corporation Counsel to you have a comment in regards to that.

Atty. Coppola – The pending litigation is actually a. I don't know if we've doubled up but that's what pending litigation is – a.

Ms. Weissman – Okay. So it's not an addition then – it's just that one. Thank you for that.

Mayor Staffieri – So we'll be striking e. Does that make you happy?

Ms. Weissman – Yes, thank you. Item #13 is regarding the audit and appointing a new auditor. Does that mean that the audit for 2006-2007 is completed and on the files some place?

Atty. Coppola – Yes and yes according to the Treasurer.

Ms. Weissman – The Treasurer has it.

Mr. McLiverty - No Joan has it.

Ms. Weissman – Finally there's two items here about bid openings. Typically bids are done by the Finance Committee, not by the Board of Aldermen. Is there a reason why the Board of Aldermen is doing this?

Atty. Coppola – That's how it was ordered.

Ms. Weissman – Because they're the ones who requested the bids?

Atty. Coppola – No because it involves real estate and the Board of Aldermen is in charge of the real estate.

Ms. Weissman – Right. But it's a function that they typically delegate it over to the Finance Committee to open up the bids because...

Atty. Coppola – You could read the Ordinance. This is public portion; you should just make your public comment. I can't believe we're answering (inaudible.)

Mayor Staffieri – Exactly. I'm sure you understand how public portion is. You state your comments – it's not set up to go back and forth with your comments, correct.

Ms. Weissman – I'm seeking clarification on an agenda that didn't have this information on it. Like with the pending litigation it wasn't listed so (inaudible.) I'll make my comments then. The Sterling Opera House is under executive session as item b. is improper in that it violates the Freedom of Information Act. Executive Session is for negotiations, discussions, sale or lease of real estate provided there's a likelihood the price could increase because opening bids and discussing bids will not cause an increase in price – the bids were already (inaudible) submitted. So I just note that's improperly under the executive session. I would also note that the other item, the Water Street property, that is a piece of property that is subject to a reduced assessment by the City as well as a zoning change, which quite possibly reduce the value of the property. Maybe that should be taken into consideration when you're reviewing the bids and that you might of curtailed the price you could get when the City could have realized (inaudible.) Thank you.

Arlene Yacobacci, 10 Lombardi Drive, Derby, CT – I just want to address what you had just said about you can't believe that you know there's questions being asked. Well I've been up in front of this board before and said that the agendas are too vague and nobody knows what to comment on. So I think that she was justified in asking some

questions because we don't know what to ask until you actually bring it up in your session and the public then is not even allowed to ask you questions. So I'm just – I brought it up before and maybe something needs to be you know in the office downstairs prior to the meeting so that people can actually make informed comments. 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

APPROVE MINUTES OF THE APRIL 23, 2008 REGULAR MEETING

A MOTION was made by Mr. Sill with a second by Mr. Bomba to approve the minutes of the April 23, 2008 regular meeting as presented. **Motion carried.**

CORRESPONDENCE

Mr. Szewczyk read the following letter from Markanthony Izzo into the record:

Markanthony Izzo
328 Olivia Street
Derby, CT 06418

May 13, 2008

Dear Mayor Staffieri and Members of the Derby Board of Aldermen,

Sometimes a good intention is just that. Sometimes changing something creates even a bigger burden. Sometimes changing things to prevent legal action may open things up for other legal action. Sometimes it is not what we are doing that may need changing but the laws that are in place that may need updating. In other words, as is sometimes said, if it ain't broke, don't fix it.

I am writing regarding the change in the four payment system for the property tax. I must say it was a surprise to receive that letter on a Saturday. I first want to thank my 1st ward aldermen for taking my weekend calls and returning my calls to hear my concerns as well s reading this letter into the record. I also would like to thank the Mayor and the Tax Collector for receiving and hearing me out.

I was an alderman when one of the discussions to continue the program was brought up. Although awhile ago, 94-95 I believe the good intention was two fold. First, to make it a little easier for residents having a difficult time paying twice a year. Also it was to insure a high collection rate of taxes. One had to sign up for the program and guarantee that they would make the four payments due on the quarterly dates and if a payment was missed then the taxpayer was removed from the program.

The burden created by this new change is obvious because I believe if the people on the program had the money to pay in two installments that they would and for that

matter if one had the money to pay the whole bill off in one payment that they would do so for income tax purposes. Maybe to encourage others to pay in full in July is to offer them a 5% discount. I would have hoped that an alternative suggestion was in place before that letter had gone out or at least have the item posted on an agenda so people could have offered input like I and I am sure others are doing now. No one likes to admit that they live check to check but in reality it is what it is, so along with helping senior citizens make their payments it also helps those who fall in the above category.

With respect for legal action because some people are paying interest and some are not, I would like to mention that maybe those paying interest might be candidates for the four payment program. But since we are talking about being fair, what about those paying through their mortgage, are they also paying interest and if they are, at least they are able to deduct their interest they paid on their income tax filing.

In the past I have suggested to the tax collector that payments be accepted by credit card and when I received a copy of the statutes that describe the payment structure, there is a provision to do so. If what is holding up credit card payments is the fee charged to use them, then maybe "government" should negotiate with the credit card companies to waive the fees since they will be making money off the taxpayers in the form of interest anyway.

The role of government should be to make it easier for taxpayers to obtain life, liberty and the pursuit of happiness and whereas paying taxes is inevitable, burdens can be lessened by making paying taxes easier. Please consider leaving things the way they are or call in our state representatives to change the wording so that it is acceptable for multiple methods of paying without interest to help the taxpayer pay their taxes. Although I am not an attorney, when I read the statute it appeared to me that there was already a choice so the language may need cleaning up anyway. Thank you for your time and consideration. Respectfully, Markanthony Izzo

Mr. Hughes read the following letter from Glenn H. Stevens into the record:

May 22, 2008
Mayor Anthony Staffieri
Derby City Hall
Derby, CT 06418

RE: New Haven Register Article dated 5/21/08 regarding Planning & Zoning Enforcement

Dear Mayor Anthony Staffieri,

I wish to address the misstated quote in the New Haven Register Article dated Wednesday May 21, 2008 regarding the Planning & Zoning Meeting on May 20, 2008. Due to a personal commitment I will be unable to attend the Board of Aldermen meeting on Thursday and wish to clarify my concerns.

For the record I never stated that the Board of Aldermen failed in any way with regard to enforcement of zoning regulations. My comments were solely in response to the frustrations of many of the residents speaking at the public hearings regarding enforcement of our regulations. My statement was a request for a clarification as to how these regulations are enforced. As the Board of Aldermen is the governing body of the City of Derby I requested that the Alderman present at this meeting (Joe Bomba, Ken Hughes) go back into this Board and review the City of Derby's procedures for enforcement at their next meeting. I believe with a simple review of protocol and a clarification regarding chain of command many of the enforcement issues can be easily resolved. The Planning & zoning commission spends hours on every application to insure that each application is a good fit for the City of Derby and our citizens. I only wish to see these efforts enforced.

I have nothing but the utmost respect and understand the hard work and commitment required of this administration to make the sweeping improvements required for the City of Derby. It is a daily challenge that you all have accepted admirably. This current Board of Aldermen is a Board of action and resolve and I strongly felt by referring our residents to this Board there would be a rapid resolution to this issue.

Respectfully yours, Glenn H. Stevens, Commissioner
Derby Planning & Zoning

COMMITTEE REPORTS

- o ***Community Relations – No meeting was held.***
- o ***Operations/Procedures – No meeting was held.***

2008-2009 CAPITAL PLAN – DISCUSSION & POSSIBLE ACTION

Mr. McLiverty said everyone should have a draft of the Capital Plan for 2008-2009. He noted that every department head submitted their requests to the Capital Planning Commissioner where they were reviewed. He then reviewed the Capital requests:

FY 2008-09 Capital Plan

<u>DEPARTMENT</u>	<u>ITEM</u>	<u>FY 2008-09</u>
FIRE DEPARTMENT	Chief's Vehicle	\$10,000.00
	Truck 15	\$67,725.00
	Engine 14 (Hotchkiss Hose)	\$1.00
	New PPG	\$25,000.00
HIGHWAY	Roof Repairs (Picnic Grove)	\$20,000.00
	Transfer Facility Cover	\$50,000.00

PARKS & RECREATION	Minor League Fence	\$8,500.00
	Health Club Equipment	\$15,000.00
LIBRARY	Repair back of parapets	\$12,000.00
POLICE DEPARTMENT	Vehicles	\$66,000.00
	Grounding of Bldg.	\$3,500.00
	Police Vests	\$750.00
	Computer Server	\$4,400.00
	Digital Video Camera	\$4,800.00
	MDC Replacement	\$4,000.00
	UPS Batteries	\$4,500.00
	Roof Replacement	\$200,000.00
		LoCIP
BOARD OF EDUCATION	Renovate 8 Classrooms	\$40,000.00
	Fire Code Violations	\$7,500.00
	Upgrade Labs	\$40,000.00
	Replace Lockers	\$10,000.00
TECHNOLOGY		\$75,000.00

Mr. McLiverty stated there are some duplicates in the plan explaining that the Tax Board already has a line item for some of these items but they are still going to include them in the Capital Plan. One is the Technology Upgrade – it is already in the budget; the others are the Police Vehicles as well as Truck 15 and the Chief's Vehicle. The estimated total for the 2008-2009 Capital Plan minus the LoCIP funds would be \$468,676.00.

Mr. Szewczyk asked Mr. McLiverty if the roof at the Police Department would be an EPDM or a built up roof. Mr. McLiverty said bid specs were drawn up and reviewed by David Kopjanski and they are on file for anyone to review.

A MOTION was made by Mr. Hughes with a second by Mr. Sill to adopt the 2008-2009 Capital Plan for the City of Derby. **Motion carried.**

DEPARTMENT REPORTS

o **BOARD OF EDUCATION REPORT – APRIL 2008**

There was no one present. Report placed on file.

o **CULTURAL COMMISSION REPORT – APRIL 2008 (Rich DiCarlo, Director)**

Mr. DiCarlo informed the Board members that the Commission has two major events happening. Derby Day is scheduled for Saturday, June 21 from 10:00 a.m. to 5:00 p.m. and the Derby/Shelton Fireworks will be held July 2. Mr. DiCarlo also noted that the Summer Concert Schedule on Tuesday evenings has been set.

- *Request to close off Elizabeth Street between Thompson Place & Fifth Street from 5:30 a.m. – 6:00 p.m. for Derby Days on June 21, 2008.*
- *Request to close lower Elizabeth Street from Thompson Place to Main Street on July 2, 2008 (Police, Fire, and Parking Authority have been notified) from 6:30 p.m. to 10:30 p.m.*

A MOTION was made by Mr. Bomba with a second by Mr. Szewczyk to close off Elizabeth Street between Thompson Place & Fifth Street from 5:30 a.m. – 6:00 p.m. for Derby Days on June 21, 2008.

DISCUSSION ON MOTION

Mr. Hughes asked that the motion included "pending approval of the Traffic Authority."

FRIENDLY AMENDMENT TO MOTION

ADD PENDING APPROVAL OF THE TRAFFIC AUTHORITY.

MOTION CARRIED.

A MOTION was made by Mr. Szewczyk with a second by Mrs. Moran to close lower Elizabeth Street from Thompson Place to Main Street on July 2, 2008 from 6:30 p.m. to 10:30 p.m. pending approval of the Traffic Authority and the Police Department.
Motion carried.

- **PUBLIC WORKS DEPARTMENT REPORT – APRIL 2008 (Ron Culmo, Director)**

Mr. Culmo noted for the record that his department has been restocking the doggie bags on the Greenway Trail.

Mayor Staffieri read the first part of Mr. Culmo's monthly report for the record: *"Garbage run and policing the river walk three times a week. Please note that there has still been dog feces on the river walk. Some residents and users of the walk are using the bags; however they throw the bags into the rocks on the river side of the walkway. There are hundreds of these bags to be found between the rocks. Seems the garbage pails are too difficult to use."*

Mr. Hughes said he was at Witek Park the other day and a resident pulled out about 50 of the bags from his pocket and asked where did the City purchase these as he uses them all the time. He said he explained to the Gentleman that the bags were to be used on the Greenway, not for use around town.

Mr. Sill said he's been down at the Greenway several times and individuals have approached him also to let him know that it is a mess on the Greenway. He said the first time he went down to the Greenway it was pretty clean; the next time he saw about 6-7 piles of dog feces. He also noted that he saw dogs on the Greenway that were not on leashes. Mr. Bomba said he has seen some feces on the Trail and he stuck up for the dog owners the first time around; however he would support the ban 100%. He said he doesn't feel that the Public Works employees should have to be picking up dog feces. Mr. Sill said he would ask the aldermen to visit the trail and be ready to discuss the issue at the next meeting. Mr. Culmo said there has been vandalism at the Greenway – the electrical box was broken into. Soap suds were also put into the fountain. He said he hopes the cameras get installed soon.

Mr. Szewczyk asked when the Greenway Trail was developed did the engineers plan on each town taking care of their own portion or is there possibly a regional authority that can oversee the trail. Mr. Culmo said it's his understanding that each town is responsible for their own section. Report placed on file.

- **BUILDING DEPARTMENT REPORT – APRIL 2008 (David L. Kopjanski, Building Official/Zoning Enforcement Officer)**

Mayor Staffieri noted the increase in building permit revenue. He asked if Lowe's had taken out their building permit yet. Mr. Kopjanski said they have taken out their major building permit; there are still other permits that they need to obtain. Mrs. Moran asked about the status of Starbucks. Mayor Staffieri stated that their ribbon cutting ceremony is going to be scheduled for the middle of June. He informed the board members that he has received calls about Lowe's pulling out and he phoned Lowe's and the stated they would never have put "one shovel in the ground" if they had any doubts. He noted that there is now a sign that reads "Future home of Lowe's" at the site. Report placed on file.

- **FACILITIES INSPECTORS' REPORT –APRIL 2008**

Mr. Kopjanski said regarding the burned out vehicle at the former Emily's site the last day for them to remove the vehicle was yesterday. He said the Police will be contacted tomorrow to commence the process under the abandoned motor vehicle ordinance. Mr. Bomba asked if he could bring up the City's Zoning Enforcement stating that there have been articles in the newspaper recently that we're not enforcing our zoning laws. Mr. Kopjanski said usually the complaints are that we enforce them too strictly. He believes Mr. Bomba is referring to the property at 480 New Haven Avenue where it was stated at the recent Planning & Zoning Commission meeting that violations were occurring at that site and they were not being addressed. Mr. Kopjanski said the owner at that property was cited last May for the violations on the property and given ten days to remove the violations. He said they removed some of the violations, not all of them. He said the Zoning Enforcement Officer's authority ends at that point. He said if someone chooses to continue a violation after they have been properly noticed then the next step is to take that violator to court. Report placed on file.

- **FIRE MARSHAL REPORT – APRIL 2008 (Philip A. Hawks, Fire Marshal)**

There were no questions asked. Report placed on file.

- **POLICE DEPARTMENT REPORT – APRIL 2008 (Deputy Chief Gerald Narowski)**

Deputy Chief Narowski noted that the new school resource officer was deployed on April 21, 2008. The roof replacement project is well underway with bids closing tomorrow. All five new patrolmen have graduated from Field Training and they are now fully deployed unsupervised on patrol duty. Deputy Chief Narowski informed the board that the Derby Police Department received a \$21,000 grant from the U.S. Attorney's Office. The grant will be used to equip and train two new bike patrolmen and put 2 extra patrolmen per week on the streets for 21 weeks. He stated the patrols have already begun with the bike officers patrolling downtown and the Greenway. Two additional bike officers will be attending training this month and next. Deputy Chief Narowski noted that their records clerk is currently not covered under Collective Bargaining and they have budgeted in their current budget for a 3.5% raise. He said he believes he needs Board of Aldermen approval for this item.

A MOTION was made by Mr. Hughes with a second by Mr. Szewczyk to approve the 3.5% increase for the Records Clerk. **Mr. Boulton abstained. Motion carried.**

- **PARKING AUTHORITY REPORT (Leo Moscato, Jr., Director)**

Mr. Moscato distributed an editorial that was written last week regarding the meters in downtown Derby. He stated this has been a controversial issue. He noted the editorial read in part "that due to the increase in business downtown there has been 20 additional meters installed on Elizabeth Street. The meters have the support of local businesses that need a quick turnover in curbside parking for their customers." Mr. Moscato said hopefully this will end the meter debate. He said the garage is used almost to capacity on a daily basis. He said they are instituting new accounting measures. He said it is the goal of the Parking Authority to go out for a revenue bond to repair the garage in the future.

AGT PRODUCTIONS, LLC – REQUEST PERMISSION FOR USE OF THE DERBY GREENWAY

Mr. Hughes read the following letter into the record:

May 15, 2008

Derby Board of Aldermen
City of Derby
1 Elizabeth Street
Derby, CT 06418
203-736-1463(p)
VIA Email: lwabno@derbyct.gov

Let me begin by thanking you for considering our request to place lights on your property for the upcoming independent feature currently entitled "All Good Things." The film is being directed by Andrew Jarecki, and stars Ryan Gosling ("The Notebook"), and Kristen Dunst ("Spiderman").

"All Good Things" is a drama set in the 1980's, the story centers on the scion of a New York real estate dynasty (Ryan Gosling) who falls for a beautiful girl from the wrong side of the tracks (Kirsten Dunst). But the fairytale ends when the girl disappears. As a down-and-out detective stumbles on info that may lead to the truth, the political stakes get higher and people close to the case end up dead.

We are filming in Shelton on Canal Street and the Housatonic rail line on Friday, May 30, 2008 from approximately 8:00 p.m. – 8:00 a.m. Saturday morning. We are hoping to place 4 condors with lights on the Derby Greenway Path facing Shelton. We would like to access this path via Caroline Street. We would request that the gate be open off of Caroline Street in order to drive our condors (lifts) into place. We would also like to place a van generator in the lot just below the pathway again off Caroline Street.

We would like to be able to access this path on Thursday, May 29, 2008 at approximately 8:00 a.m. to start placing these lights and begin rigging them for the Friday night shoot. Rigging would entail laying cable from the lights onto the path, onto the generator. We would need to bring a few trucks over to that lot to off load the equipment. We would then either strike them on Saturday May 31 or Monday June 2. I would leave my security person at the lights overnight to make sure nothing happened.

We are fully insured and could make a donation to the town or the park for use of the path.

I believe that covers everything for now. Should you have any questions or concerns before then, I can be reached at 203-363-0595 (o) or 646-523-4592 (cell); please do not hesitate to call.

Thank you for your time. I look forward to hearing from you soon.

Sincerely, Gayle Vangrofsky, Location Manager

Mr. Hughes said he also has a copy of AGT Production's insurance naming the City of Derby as the holder. He said he believes we also need a signed release. Mr. Hughes asked Mr. Kopjanski if any permits would be needed. Mr. Kopjanski said there would be a \$15.00 permit fee. Mr. Hughes said it would be the board's decision whether or not to waive the permit fee. He also said the Trail will be kept open.

A MOTION was made by Mr. Sill with a second by Mr. Allaire to grant AGT Productions, LLC use the Greenway Trail on the dates and times listed in their letter pending the receipt of the insurance release and to waive the permit fee of \$15.00. **Motion carried.**

FEE WAIVER – PICNIC GROVE, NORTH STAR, JULY 12, 2008 – (Cathy Adamczyk)

Mayor Staffieri read the following letter into the record:

Mayor Tony Staffieri
c/o Ken Hughes
Derby City Hall
1 Elizabeth Street
Derby, CT 06418

Dear Mayor Staffieri:

North Star is a resource/support organization for families that have special needs children. We have been holding our meetings at the First Congregational Church in Derby for the past seven years. We had three families at our first meeting. We have served over 300 families since, most coming from the lower Naugatuck Valley and many from Derby.

Last year you were kind enough to allow us to use Coon Hollow Park for a family picnic, and waive the \$250 fee for the use of the park. Our families had a wonderful time, with about 160 family members in attendance. We would be very grateful if you could consider waiving the fee again this year.

We plan to have the event on July 12, 2008 from 4:00 p.m. – 7:00 p.m. We would need time beforehand for setting things up – probably starting at 2:00 p.m. or 2:30 p.m.

For many of our families, North Star family outings like this are the only events they are invited to attend. Families with children with disabilities are not readily included in community activities because their children are 'different' and/or may have challenging behaviors. If families are invited, they often don't go because they are afraid that they will be judged by those who have 'typical' children. At North Star events, we all have children with special needs; there is no judgment and everyone supports one another.

Families are still talking about the wonderful time we had at last year's picnic. We were very grateful to Ken Hughes for stopping by to wish us well. He was able to see the smiling faces and happiness of the family members in attendance.

On behalf of North Star I would like to thank you for considering our request to waive the park use and security fees totaling \$250.00.

Sincerely, Cathy Adamczyk, North Star

A MOTION was made by Mr. Bomba with a second by Mr. Szewczyk to waive the permit fee for the Picnic Grove on July 12, 2008 for North Star. **Motion carried.**

REQUEST FOR APPROVAL OF TRANSFER OF UNCOLLECTIBLE TAXES TO SUSPENSE LIST IN ACCORDANCE WITH C.G.S. §12-165 - \$35,377.77 (Cinda Buchter, Tax Collector)

Mrs. Buchter said any taxes that we are unable to collect goes into a separate account. She said they have exhausted every avenue that they have to collect these monies. These monies can still be collected up to fifteen years if they are able to find them. She noted that none of these taxes are for real estate.

A MOTION was made by Mrs. Moran with a second by Mr. Bomba to approve the request from Cinda Buchter, Tax Collector to transfer the uncollectible taxes to the Suspense List in accordance with C.G.S. §12-165 in the amount of \$35,377.77. **Motion carried.**

REFUND OF EXCESS TAXES REQUESTED THROUGH 5/14/08 – (Cinda Buchter, Tax Collector)

A MOTION was made by Mr. Bomba with a second by Mr. Boulton to approve the Refund of Excess Taxes paid through 5/14/08 in the amount of \$3,747.61 as per the request from Cinda Buchter, Tax Collector. **Motion carried.**

APPOINTMENT OF FRANCIS MICHAUD FOR THE 2007-2008 ANNUAL AUDIT PER STATE STATUTE

A MOTION was made by Mrs. Moran with a second by Mr. Bomba to approve the appointment of Francis Michaud for the 2007-2008 Annual Audit per State Statute. **Motion carried.**

BLIGHT RESOLUTION – DISCUSSION/ACTION

Ms. O'Malley said in order to accept bond allocation from the State of Connecticut in the amount of \$250,000 the legislative body of the City of Derby has to pass a resolution to accept the funds. The \$250,000 will be used for the demolition of blighted City-owned properties.

Department of Economic and Community Development
State of Connecticut
(An Equal Opportunity Employer)

CERTIFIED RESOLUTION OF THE LEGISLATIVE BODY

Certified a true copy of a resolution duly adopted by the City of Derby at a meeting of its Board of Aldermen on May 22, 2008 and which has not been rescinded or modified in any way whatsoever.

WHEREAS, pursuant to Urban Act 4-66c, the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the City of Derby Office of Economic & Community Development make an application to the State for \$250,000 in order to undertake the demolition of four City-owned buildings on 36 Lafayette Street, 44 Lafayette Street, 96-98 Olivia Street and 42 Fifth Street and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE City of Derby Board of Aldermen:

That it is cognizant of the conditions and prerequisites for the State Assistance imposed by Urban Act 4-66c

That the filing of an application for State financial assistance by the City of Derby Office of Economic and Community Development in an amount not to exceed \$250,000 is hereby approved and that Sheila O'Malley, Director of Economic and Community Development is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the City of Derby

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the Certified Resolution for the \$250,000 blight funds. **Motion carried.**

SMALL CITIES RESOLUTION

Ms. O'Malley said in order to apply for Small Cities funding, which is federal funding that is passed through the State, the State requires a resolution be made for the application of those funds. She said we will be applying for Small Cities funding, noting that this is the second time that it has been a competitive application.

CERTIFIED RESOLUTION OF APPLICANT

Certified a true copy of a resolution adopted by the City of Derby at a Meeting of its Board of Aldermen on May 22, 2008 and which has not been rescinded or modified in any way whatsoever.

Date

Laura Wabno, Town & City Clerk

(SEAL)

WHEREAS, Federal monies are available under the Connecticut Small Cities Community Development Block Grant Program, administered by the State of Connecticut, Department of Economic and Community Development, pursuant to Public Law 93-383, as amended, and,

WHEREAS, pursuant to Chapter 127 c, and part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Economic and Community Development is authorized to disburse such Federal monies to local municipalities; and,

WHEREAS, it is desirable and in the public interest that the City of Derby make application to the State not to exceed \$750,000 in order to undertake a Small Cities Community Development Program and to execute an Assistance Agreement therefore, should one be offered.

NOW, THEREFORE, BE IT RESOLVED BY THE DERBY BOARD OF ALDERMEN:

That it is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of the Connecticut General Statutes; and

That the filing of an application by the City of Derby in an amount not to exceed \$750,000 is hereby approved, and that the Mayor is hereby authorized and directed to file such application with the Commissioner of Economic and Community Development to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an Agreement is offered, to execute any amendments, recisions, and revisions thereto, and to act as the authorized representative of the City of Derby.

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the Small Cities Resolution. **Motion carried.**

NEIGHBORHOOD ASSISTANCE ACT DISCUSSION & PUBLIC HEARING

Ms. O'Malley informed the board that the State of Connecticut Department of Revenue Services offers one of many tax credit programs. She said this program allows municipalities and non-profits to submit to their legislative body and to the Dept. of Revenue Services a list of items that they don't ordinarily receive funding for. She said is sort of a "Wish List." Businesses donate and receive tax credits for their donations.

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to open the Public Hearing for the 2008 Neighborhood Assistance Act Program. **Motion carried.**

PUBLIC HEARING

Mr. Hughes read the following into the record:

The Connecticut Neighborhood Assistance Act Tax Credit Program provides a tax credit to business firms that make cash investments in qualifying community programs conducted by tax exempt or municipal agencies. The community programs must be

approved by both the municipality in which the programs are conducted and by the Connecticut Department of Revenue Services (D.R.S.). **There are no costs incurred by the City of Derby for this program.**

A Legal Notice announcing the Public Hearing for the program was run in the New Haven Register on April 8, 2008. One of the requirements of the program is to hold a public hearing and accept the applications that have been submitted for inclusion in the program. The cutoff date for submissions was today.

The following applications were received:

- **TEAM – \$5,000 – Valley Meals on Wheels Program**
- **Ansonia Community Action - \$25,000 – After School Program**
- **City of Derby – Economic Development Office - \$100,000 – for the Remediation & Renovation of the Historic Curtis House**
- **City of Derby Public Works Department - \$15,000 for a Bobcat for use on the Greenway Trail and \$25,000 for a generator at the Public Works Complex**
- **City of Derby Emergency Management - \$25,000 for an Interoperable Radio Communications System and \$5,000 for Cots and Blankets**

It is the Board of Aldermen's job this evening to accept the applications and ask for public comment on the applications. The board will need to approve or deny any or all applications at the June 26, 2008 meeting. Submissions must be made to the Department of Revenue Services by July 1, 2008.

It is the responsibility of submitting entities/municipal agencies to solicit contributions/donations for their project from area businesses/firms.

Leo Moscato – When you say the deadline was today was that tonight or today? I would like to submit for like 2,000 gallons of paint for the garage.

Ms. O'Malley – I'm not sure – we don't set the deadline; the Department of Revenue Services does.

Mr. Moscato – Well I would like to request that the Parking Authority submit for 2,000 gallons of commercial grade paint for the garage (inaudible) tomorrow I will.

Ms. O'Malley – Thank you. I'll submit it.

Mayor Staffieri asked three times if anyone else would like to comment.

Hearing no further comments...

PUBLIC HEARING CLOSED

A MOTION was made by Mr. Hughes with a second by Mr. Boulton to accept the applications for the 2008-2009 Neighborhood Assistance Act Program to include the application of the Parking Garage for their request of 2,000 gallons of commercial grade paint. **Motion carried.**

On a side note Ms. O'Malley commented on tax credits for the movie industry. She said as a result of Connecticut being a highly taxed State the Department of Revenue Services provides for a number of different tax abatement and tax credit programs. She said one of the very popular programs is the new Digital Tax Credit, which allows for the movie and film industry to come into Connecticut and receive significant tax credits for their productions. She said that New York has capped their credits. Ms. O'Malley said use of the Greenway Trail for these people is a huge benefit and the publicity of having the movie filmed here is great. She said perhaps there might be some way to receive some sort of monetary compensation for the use of the Greenway at some point.

SIGN REQUEST – CHRISTIAN COMMUNITY CHURCH – PASTOR WALT MAYHEW

Mr. Hughes said this was discussed at the last meeting and Pastor Mayhew wanted to speak at that meeting; however he was misinformed as to the date of the meeting. He is present this evening and would like to address the board.

Pastor Mayhew said everyone should have the letter he submitted with the locations that they would like.

Mr. Hughes said last month the board approved the original locations pending Traffic Authority approval. Further requests for signs will be reviewed on a case-by-case basis.

Mayor Staffieri asked if anyone had any questions for Pastor Mayhew. There were no questions raised. Mayor Staffieri noted that Pastor Mayhew's Church has been kind to the City sponsoring clean up jobs, planting flower beds – a very involved Church in the community.

Mr. Hughes asked Deputy Chief Narowski if he knew the status of the report from the Traffic Authority. Pastor Mayhew asked if they are going to receive approval for the four additional signs. Mr. Hughes said those are also being reviewed by the Traffic Authority.

LEUKEMIA RESOLUTION

Mayor Staffieri read the resolution into the record:

Resolution Recognizing September as Leukemia, Lymphoma & Myeloma Awareness Month

WHEREAS, blood cancers currently afflict more than 823,000 Americans with an estimated 135,520 new cases diagnosed each year, and

WHEREAS, leukemia, lymphoma and Myeloma will kill an estimated 52,310 people in the United States this year, and

WHEREAS, The Leukemia & Lymphoma Society, through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and the support for those that suffer from them, and

WHEREAS, The Leukemia & Lymphoma Society maintains offices in Fairfield County and Meriden, Connecticut to support patients with these diseases and their family members in the City of Derby, and

WHEREAS, the City of Derby is similarly committed to the eradication of these diseases and supports the treatment of its citizens that suffer from them, and

WHEREAS, the City of Derby encourages private efforts to enhance research funding and education programs that address these diseases,

NOW THEREFORE BE IT RESOLVED, that the City of Derby joins with The Leukemia & Lymphoma Society in designating the month of September 2008 as Leukemia, Lymphoma & Myeloma Awareness Month to enhance the understanding of blood related cancers and to encourage participation in voluntary activities to support education programs and the funding of research programs to find a cure for them.

A MOTION was made by Mr. Bomba with a second by Mrs. Moran to recognize September as Leukemia, Lymphoma and Myeloma Awareness Month. **Motion carried.**

NATIONAL JUNIOR HONOR SOCIETY – RIVERWALK SERVICE PROJECT – JUNE 7, 2008

Mr. Hughes read the following letter into the record:

Stephanie Dytko
President of National Junior Honor Society
Derby Middle School
8 Nutmeg Avenue
Derby, CT 06418

May 14, 2008

Mayor Tony Staffieri
Mayor of Derby
City Hall
1 Elizabeth Street
Derby, CT 06418

RE: Cleaning Riverwalk

Dear Mayor Staffieri:

I am writing this letter as a follow-up to our phone conversation on Friday May 9, 2009. As we discussed, the National Junior Honor Society of the Derby Middle School Chapter would like to clean up the Riverwalk as our service project. We feel this is the best service project for our chapter because we are helping the environment in our city. We

would like to clean on June 7, 2008 for two hours starting from 9:00 a.m. and ending at 11:00 a.m. We would like to begin cleaning near the underpass of the train trestle and continue working until our two hours are over.

Thank you in advance for allowing us to complete our service project. If you have any questions or concerns, you may call (203) 736-1426 and ask for Mrs. Pysz or you may email our advisor Mrs. Donna Pysz at dpysz@derbyps.org.

Sincerely yours, Stephanie Dytko – President

A MOTION was made by Mr. Bomba with a second by Mr. Boulton to grant permission to the National Junior Honor Society of the Derby Middle School Chapter to clean up the Riverwalk on June 7, 2008 from 9:00 a.m. to 11:00 a.m. pending the receipt of the insurance release.

DISCUSSION ON MOTION

Mr. Hughes said the letter states the underpass of the train trestle. He said we need to clarify the area that they will do so no one is going over the fence.

FRIENDLY AMENDMENT TO MOTION

Area to be cleaned will be designated by the Public Works Director.

MOTION CARRIED.

Mayor Staffieri said he will also have his assistant call the advisor to review the area to be cleaned and to make sure no one goes outside the fence.

MIDDLE SCHOOL BUILDING COMMITTEE INVOICES

Mr. Hughes said there are three invoices for approval this evening:

APPROVE BILLS – MIDDLE SCHOOL BUILDING COMMITTEE – BIANCO, GIOLITTO WESTON ARCHITECTS – INVOICE #6 \$5,493.41 AND FIP CONSTRUCTION, INC. INVOICE #08001.01 - \$30,000.00 AND INVOICE #08001.02 - \$12,500.00

A MOTION was made by Mr. Hughes with a second by Mr. Szewczyk to approve payment of the Bianco Giolitto Weston Architects Invoice #6 in the amount of \$5,493.41 and approve payment of the FIP Construction, Inc. Invoice #08001.01 in the amount of \$30,000.00 and Invoice #08001.02 in the amount of \$12,500.00. **Motion carried.**

PROPOSED AMENDMENT TO THE ADULT USE ORDINANCE – DISCUSSION & ACTION

Atty. Coppola said he was requested by President Hughes to research the amendment of the Adult Use Ordinance that we have and this evening he has a proposal to the amendment that he would like to read into the record:

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

Amendment to:

Chapter 53: Amusements

“ARTICLE VI – ADULT ORIENTED PRODUCTS AND ESTABLISHMENTS – LICENSING”

§53-43. Location – Restriction

In order to protect and preserve the health, safety and welfare of the City's citizens, and to maintain property values and ensure sanitary and safe public places, no application for an adult-oriented establishment shall be granted if the business is located within 250 feet of a residential zone nor if located within 1,500 feet of a public or private school.

Mayor Staffieri asked if there were any questions. Mr. Szewczyk asked why 250 feet? Atty. Coppola said that number was recently held up in a Connecticut Supreme Court case.

A MOTION was made by Mr. Bomba with a second by Mr. Szewczyk to adopt the amendment to Chapter 53: §53-43. Location – Restriction. **Motion carried unanimously.**

BID WAIVER FOR THE DERBY FIREWORKS

Mayor Staffieri said for the past three years we have been following Shelton – they go out to bid and solicit the purveyors and then we latch on to the same deal that they work out and it has worked out well. The price for this year is \$12,500.00.

A MOTION was made by Mr. Bomba with a second by Mr. Sill to approve the bid waiver for the Derby Fireworks in the amount of \$12,500.00. **Motion carried.**

EXECUTIVE SESSION

A MOTION was made by Mr. Sill with a second by Mr. Boulton to go into Executive Session inviting Steve Anderson, Joseph Coppola, Deputy Chief Gerald Narowski, Atty. Mark Ashault, Keith McLiverty, Alan Schlesinger, and Sheila O'Malley for the following matters:

- a) **DISCUSSION REGARDING DESCHEEN VS. DERBY POLICE DEPARTMENT, ET AL**
- b) **STERLING OPERA HOUSE BIDS**
- c) **WATER STREET PROPERTY SALE**
- d) **PERSONNEL MATTERS – CITY OF DERBY PUBLIC WORKS**
- e) **PENDING LITIGATION**

MOTION CARRIED.

BOARD OUT OF EXECUTIVE SESSION AT 10:09 P.M. AND BACK INTO REGULAR SESSION

POSSIBLE ACTION REGARDING – DESCHEEN VS. DERBY POLICE DEPARTMENT ET AL

NO ACTION TO BE TAKEN

BID OPENING – STERLING OPERA HOUSE. DISCUSSION & POSSIBLE ACTION

Mr. Hughes said there was one bid submitted for the Sterling Opera House, which he opened and read aloud:

May 22, 2008

Board of Aldermen for the City of Derby

Dear Chairman Hughes:

It is with great excitement and anticipation that I submit this proposal in regards to the property known as the Sterling Opera House, Elizabeth Street, Derby, CT and parking area that is to be determined. The Ellington Group proposes to enter into a 99 year lease for the annual consideration of \$1.00 with the City of Derby for said property. The Ellington Group will perform an estimated \$13,000,000 worth of interior and exterior renovations to return the Sterling Opera House to its historic prominence. The Opera House will then be used not only for theatrical events but also as a digital media center allowing both Derby and the Opera House the opportunity to offer a look into not only the history but also the future of the industry. Financial assurances for this endeavor will be met by incorporating this project with another project currently underway with Hollywood East/Area 51, LLC. I will be happy to review this project and how the two will be incorporated with yourself, your fellow Alderman or the Mayor at your convenience.

Sincerely, Yvette B. Cuccaro, Manager

Mr. Szewczyk asked when they would expect to have the renovations done. Atty. Coppola said that would all be called out in the lease.

A MOTION was made by Mr. Bomba with a second by Mr. Allaire to accept the bid of the Ellington Group, LLC. **Motion carried.**

**BID OPENING – SALE OF CITY OF DERBY OWNED PROPERTY ALONG WATER STREET.
DISCUSSION & POSSIBLE ACTION**

Mr. Hughes said one bid was received for the sale of the City of Derby owned property along Water Street, which he opened and read aloud:

City of Derby Board of Aldermen

RE: Invitation to Bid – dated 4/24/2008

For Proposal to Purchase Land on Water Street

Known as Lot 170 Map 8-5 on the Derby Assessor's Maps

Description of said property as contained in Volume 131 of Page 234 of the Derby Land Records containing .3 acres – approximately 13,068 ft.²

As per the above Invitation to Bid, I Peter Francini, Trustee for Derby Associates, the adjoining landowners offer the City of Derby \$12,500.00 for this property in as is condition with no contingencies and subject to all easements of record and rights of egress and ingress. We will pay the entire amount or a bid as soon as possible as accepted by the City of Derby. A deposit will be submitted as per the Invitation to Bid.

Bidder, Peter Francini, Trustee.

Atty. Coppola read the two appraisals into the record:

1. Buckley Appraisal Services – Dated January 24, 2008 - \$39,000.00
2. Real Estate Appraisers, LLC – Dated April 4, 2008 - \$10,000.00

Mayor Staffieri said this property is a strip of land that is not large enough to build anything on. He said he does not understand why there is such a difference between the appraisals.

A MOTION was made by Mr. Hughes with a second by Mr. Sill to accept the bid of \$12,500.00 from Peter Francini, Trustee for Derby Associates for the piece of property known as Lot 170, Map 8-5 on the City of Derby Assessor Map. **Motion carried.**

ADJOURNMENT

A MOTION was made by Mr. Bomba with a second by Mrs. Moran to adjourn the meeting at 10:18 p.m. **Motion carried.**

Respectfully submitted,

Patricia Finn
Recording Secretary

RECORDING SECRETARY NOT PRESENT AT MEETING. MINUTES DERIVED FROM TAPE RECORDING OF MEETING.

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