

DERBY BOARD OF ALDERMEN REGULAR MEETING

DERBY CITY HALL – DECEMBER 18, 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: Anthony Szewczyk, James Allaire, Beverly Moran, James J. Benanto, Jr., David M. Lenart, Ronald Sill, Joseph Bomba

Absent: Kenneth J. Hughes, Scott M. Boulton

Also Present: Philip Robertson, Chief Administrative Officer
Keith A. McLiverty, City Treasurer
David L. Kopjanski, Building Official/Zoning Enforcement Officer
Ron Culmo, Director, Public Works Department
Chief Eugene L. Mascolo, Derby Police Department
Carolyn Duhaime, Chair, Board of Apportionment & Taxation
Laura Wabno, Town & City Clerk
Joseph T. Coppola, Corporation Counsel

ADDITIONS/DELETIONS/CORRECTION TO AGENDA

There were no additions/deletions or corrections to the agenda.

PUBLIC PORTION

Mayor Staffieri stated that anyone wishing to speak to please keep their comments to two minutes.

Tom Lionetti, 79 Sunset Drive, Derby, CT – I would like to speak first of all on #26 – the reappointment of William Clynch. I hope that the board acts on it – Red does a great job and I hope that you keep him for another three years. I would like to speak on #28 – the Transfer Station – it doesn't tell me what I can speak about but I would like to talk about – I guess they fired a couple of guys from there and I kind of think the timing is terrible – it's the holidays in my opinion and I think you could have waited until after the new year before making such a harsh decision. I saw in the paper that the City is putting the jobs up – posted to fill the vacancy. My question to the board is if you hire two people and this arbitration goes through and these two get reinstated does the City have enough funds to hold four people or are you going to get rid of the two that you're going to hire? Does anybody know about that – what we're going to do in that situation? Do we have enough of funds to support four employees?

Mayor Staffieri – Time will tell.

Mr. Lionetti – Time will tell...okay. Then I suggest that you don't hire anybody until the arbitration is completely over with. I personally think that they're going to get their jobs back and if anybody that you interview for that job I think that it's in your best interests to have to tell them that they may get laid off. I mean if I'm going to lose a job to come to the City and then you lay me off because they come back I don't think is fair to anybody.

Mayor Staffieri – Okay, thank you Tom. Anyone else from the public.

Renee Luneau, 102 Hawthorne Avenue, Derby, CT – I'm here to talk about the terminations at the Transfer Station but first I would like to give you a little background on the attempt to have my dad arrested. I believe there is a correlation and I would like to give my thoughts on the matter. Threatening in the second degree by physical threat – the act intentionally places or attempts to place another person in fear of imminent, which means about to happen, serious physical injury or the actor threatens to commit any crime of violence with the intent to terrorize another person. Did rushing that investigation make sense? The only thing that was imminent that night was calling in a Lt./Det. on overtime and having patrol officer on overtime to sit in Hughes' driveway. Although I'm not supposed to know, especially because Derby P.D. refuses to release the police report even though one was printed out, I know that Hughes didn't show up at Derby P.D. for at least two hours after the incident. Was that imminent? Was he terrorized over band-aids? I also know that Hughes' father was standing next to my dad when this happened. Did he lie on the police report? I believe if any threat was made a parent would speak up and try to clarify what was said and question its meaning; but again, no police report. This only resulted in an FOI complaint against Derby P.D. I guess Hughes talked so much that he forgot his comment that was made in the Connecticut Post three days before. So here we are the taxpayers of Derby having to pay for this overtime, which was probably somewhere in the range of \$700.00 to \$1,000.00 for band-aids. In my eighteen years as a police officer of which five have been as the rank of Detective with the New Haven police I have never seen a Detective, let alone a Lt./Detective, respond to a possible late report of a threatening. I'm glad the prosecutor was smart enough to laugh the breach of peace warrant out of the courthouse. This incident shows Derby P.D.'s sheer lack of being able to interpret a Statute correctly. This happened with this incident and also with the issue of handicap parking was brought up last year and this year. The politicians and civil servants think that they can twist the law any which way they want. The taxpayers will be the ones paying dearly for wrongful termination lawsuits and discrimination lawsuits by disabled people. Refusing to answer any of these questions also shows an attitude of entitlement and a complete lack of respect for those who pay their salaries. And Hughes doesn't think it was a conflict to be a part of a subcommittee that was connected to my father's firing? 864 hours between the time he tried having him arrested and the termination. And the police officer who works on the same P.D. who thought he actually had the power to subpoena sitting on the same committee. No that's not a conflict either – especially since he and the terminated both belong to AFSCME. Another thing – where's the police investigation regarding missing money at the Transfer Station? You called in the troops over band-aids yet no one has been questioned over the motherload of cash – laughable. How about the documentation from the State of Connecticut? All those violations in a subcommittee

report that doesn't mean a thing – look who wrote it up. So where is all the proof? Where o where is this documentation? Maybe it's with the police report and the computer aided dispatch documentation. Residents of Derby wake up. Do you want to be paying towards lawsuits for another's vendetta? I certainly don't. Today it's my family tomorrow it could easily be yours. Remember this is retribution and costly antics during the next election. And remember if you don't stand for something you'll fall for anything. That is precisely what is happening here. Thank you to those who came out to support Ron and Al – they will prevail.

Mayor Staffieri – Thank you very much. Anyone else?

Carolyn Duhaime, 25 Elm Street, Derby, CT (Member of the Board of Apportionment & Taxation) – I just have a couple of questions that I am hoping you can answer concerning #14. If you can just answer them when #14 comes around. Just wondering what the effective date of that contract would be and if that is going to be for senior citizens. Thank you.

Mr. Uleano, 105 Bradley, Derby, CT – Since when do the taxpayers bring their garbage to the dump and being charged for it? House garbage.

Mayor Staffieri – Not supposed to be.

Mr. Uleano - Yah well today my son brought two bags of leaves on my truck to the dump and they charged him \$3.00. I got a stack of slips like this home this thick. I could see if it comes from the business that I do – I don't mind paying for that – but why am I paying for house garbage?

Mayor Staffieri – We'll straighten that out. But did he go with a company truck and then he got confused it was a company truck?

Mr. Uleano - So what? If I go in my car they don't charge me. If I go with the company – it's garbage. It's in green plastic bags.

Mayor Staffieri – See you just answered your own question Ray. It says if you go with your car they don't charge you but if you go with your company truck...

Mr. Uleano - Why are they charging me for leaves? The leaves come from my house.

Mayor Staffieri – It's just a confusion – that's all it is.

Mr. Uleano - It is?

Mayor Staffieri – We'll look...

Mr. Uleano - It is – then I'm going to show you all the slips at your office then.

Mayor Staffieri – Please – and I would love to straighten it out. Anyone else from the public who would like to speak? Remember two minutes.

UNKNOWN VOICES SPEAKING OUT

Marc Garofalo, 95 Academy Hill Road, Derby, CT – I want to start – the first issue I want is the Public Works report. I have the agenda that was on line so it has only twenty-eight items so I don't know if the numbers are right but it's the Public Works report. I want to echo the sentiments of Mr. Uleano and to re-echo my comments from last month with respect to the fact that this whole issue of awarding outsourcing the dump should go out to bid. I think you're in dangerous territory by giving away no-bid contracts. This is a very serious issue. I don't think you understand the magnitude of it. Because I was charged for my leaves that were taken out of my yard \$100.00 more. So to say that the rules have changed for all the taxpayers in the City of Derby – never had to pay to bring our leaves before to the dump and there are a whole number of other people who have been charged to have their leaves brought to the dump and I think that that is a significant change in the way that you're doing business – it's not in the contract – it's not very clear what's going on. So is it only certain people are only getting charged or what is the story. I think that is totally inappropriate. We pay our taxes and that makes completely no sense. Respectfully if Mr. Uleano can get his money back I think everybody should be refunded their money back. Because it saves the City money in time and resources if they were put out in front of my yard and the City had to come it would cost more money to have the Public Works folks come and pick those up. So I think that lacks common sense and I ask you to readdress that issue. I'll just go down the line the next item is the Parking Authority report – on Tuesday night I attended a Planning & Zoning Commission meeting and I just want to be clear just because I didn't get as many votes as you did four years ago in the election doesn't mean that I'm not entitled to my opinion as a taxpayer and a resident and a voter of this City. I sat in that seat right where Mr. Uleano is sitting and behind me was Mr. Hughes, Mr. Sill, Jean Falbo from the New Haven Register, and Dave Lenart and I stood up and I spoke my peace with respect to the zone change that you're trying to force through and I was verbally harassed by a City employee. Mr. Moscato was sitting where that young lady is sitting there and he was harassing and heckling me in the crowd. I'm a big boy – I can take it – I didn't call the police, I don't need a band-aid – it makes no difference to me. However, I am a citizen and he is an employee of the City and he cursed at me – and not that I'm opposed to the use of the vernacular; however, he was harassing me. So me as a former mayor and a person who served in public office in this town for twenty years to be harassed like that by somebody who is one of your political appointees I think it's totally inappropriate because the average citizen then would have no chance. So I think that should be addressed. It's not fair to people – I don't care – I know we disagree on a number of issues but I'm most respectful to you in person and publicly and privately when we see each other and I think that's totally inappropriate for a City employee to be doing that to people in the general public. So I ask that that be addressed. We can disagree on issues but everybody if you're a City employee working for this administration you should not be in the audience harassing people. And there were people there who heard it and nobody said anything. You have another two items – Public Hearing for a Vehicle & Traffic Ordinance and West Fourth Street Parking Ordinance. Will we have a chance to speak on those issues during the Public Hearing part?

Mayor Staffieri – Yes.

Mr. Garofalo – Okay, good. The next issue is the Derby Transfer Station issue. Again, I just want to reiterate the point that that whole thing should go out to bid – it's totally not fair. If we did that every time it's costing the taxpayers more money and we don't know if we could have gotten a better deal on that. The other issue is with respect to the legal findings for the Supernumerary decision. Is that or was that available before the meeting to review or is that going to be a (inaudible.) A written proposal because...

Joseph T. Coppola, Corporation Counsel – It's here tonight.

Laura Wabno, Town & City Clerk – It was in my office Monday.

Mr. Garofalo – It was in Monday – okay.

Ms. Wabno – Nobody came in and asked for it but it was available.

Mr. Garofalo – Okay. The other issue is I've asked for information from this board – this board had a discussion on its June 26th meeting regarding the PILOT for the Hitchcock Property and as of this date the Town Clerk doesn't have any information on that issue. A whole presentation was made – press release was promulgated on the Derby website – it was reported in the New Haven Register on July 28th – June 28th excuse me – and there's a whole bunch of information about this matter and it was put in the paper to be represented one way and the (inaudible) was just allowed the Mayor and the Corporation Counsel to negotiate this issue. So it was represented by the developers to the people in Woodbridge that this whole thing was signed, sealed and delivered. So I think that before we do any zone changes or subdivisions or anything like that we should know what it's going to cost the City and what are the implications to the City of Derby. Now the last issue that I would like to speak to is regarding this Transfer Station Subcommittee presentation. I find it completely ironic and almost comical to think that this is going to be brought up tonight to the full board when the people have already been fired. It seems kind of like a moot point or a kangaroo court that this was done in this manner. I can't speak to whatever happened – what was done or not done – I cannot speak to that. But I feel that there is a process in place and I think that the City has violated the due process and the Collective Bargaining Agreement. The Board of Aldermen, respectfully, has no jurisdiction in this matter. The Board has no jurisdiction in this matter. It is a personnel matter – I think the Mayor abdicated his responsibility in this matter – there is a process for discipline. It's the Department Head, the Supervisor – I mean excuse me the Steward – I'm sorry the Foreman, the Street Commissioner and then to the Mayor. There's a complete process in place and to have this whole thing for the Mayor to pass it off to the Board of Aldermen is totally, totally irresponsible. Echo Mr. Lionetti's comments with respect to the hiring – what you're going to do in these economic times – if you're going to add more people to the payroll there's certainly an impact...

Mayor Staffieri – I ask you to end it because it's been seven minutes. Enough is enough of this grandstanding.

Mr. Garofalo – Thank you and one final point – if you’re going to hire this – if you do go forward with hiring we did put in place a civil service process for hiring at Public Works and screening them. I hope that you would adhere to a fair and legitimate process for the hiring and not make it a political appointment. Because we made appointments on the job that we did because there was a test and they were screened properly. Thank you for your indulgence.

Mayor Staffieri – Someone else who hasn’t spoken from the public yet. Yes, sir.

Leo Moscato, Jr., 34 Lewis Street, Derby, CT – I hear that I did hear some comments from Mr. Garofalo about anything that I have said is on the record, anything that I have said is true. If anyone would like to review the record, please review the record. My name is Leo Moscato and I’m one of the highest taxpayers here in Derby, I’m a resident. I am not speaking as anyone from the Parking Authority I am speaking as Leo Moscato when I speak at public portions of meetings unless otherwise noted. Thank you very much – I have to go back to work now.

Mayor Staffieri – Anyone else from the public like to speak? Yes sir...

Ron Luneau – Former City of Derby Public Works Employee – I want to thank my family and friends for coming to this meeting and supporting me. That’s all I have to say.

Mayor Staffieri – Anyone else from the public like to speak?

Jim Castelot – Union Representative on behalf of these two employees and I represent the Bargaining Unit – A couple of things that are very disturbing. Number one Marc spoke to with regard to the Transfer Station and the charges I’m hearing from residents about being charged for leaves and whatever and I read in the newspaper how the money is tripled. No one knows the numbers. The Union doesn’t know the numbers. There’s an allegation in the newspaper and in documents that these two individuals must have taken some of the money. I requested information from the City with regard to all of those issues – I got an email dated on the 16th telling me that the discipline of the employees is not subject to FOI rules. Before releasing information we would need a notarized release from the employees who wish to use this information. I’m their representative representing them in a discharge case. This is what’s being told to me. Never been done in the history of the City of Derby. Copies of all paperwork and documents that the subcommittee used to initiate conduct and determine discipline includes a great deal of information including text books used in the certification processes. All the information can be made available to you but I wish for you to realize that there’s a charge of \$.50 per page. If you need the information certified there is a \$2.00 per document charge. Minutes of the specific meetings are on line and you may download them for free of charge. Never happened in our history. Now the Union needs the information to properly represent its members and your employees and we have to go through this and it’s never happened before. We will comply and we will do whatever is necessary. With regard to the issue in the termination of Ron Luneau and Alan Jeanetti for those of you who don’t know there was a Labor Board hearing just the day before with regard to the agreed upon settlement with the Union that if the Annex Associates was to be extended beyond the ninety days they must get approval

of the Union – very important language. The Board of Selectmen and the City turned around and they extended a one year extension and never notified the Union per its obligation. The Labor Board on that Monday heard the evidence and is now putting this to trial because the City refuses to comply with the settlement agreement. The very next morning they fired Ron Luneau, the President of the local Union, and Alan Jeanetti. If this isn't retaliation then nothing is. That's all I got to say.

Mayor Staffieri – Thank you very much. Anyone else from the public like to speak?

Dan Waleski, 21 Elm Street, Derby, CT (Concerned Citizen) – On a more enlightened and less political side may I call your attention to item #26 on your agenda in reference to Mr. Clynch being nominated for a three-year term on the Parks & Recreation Department. Mr. Clynch has been a long term resident – he's been a successful player and coach and is very knowledgeable about the City and its needs. And I look forward to your nominating Mr. Clynch for a three-year term on a very fine and successful Parks & Recreation Commission. Thank you Mr. Chairman.

Mayor Staffieri – Thank you. Anyone else from the public like to speak?

Steve Iacuone, 181 Mt. Pleasant Street, Derby, CT – I'd like to reserve comment on one of the subcommittees – I'm not sure which one handled it – but my property on Gilbert Street. Either the Public Works or the Road Bond Commission.

Mayor Staffieri – Is this on your house on Gilbert Street?

Mr. Iacuone – Yes. It's on the subcommittee – one of the subcommittees is going to give a report.

Mayor Staffieri – Sure.

Mr. Iacuone – And I have a question about the Public Works issue. Since nobody was told why the two employees were terminated and since we have, we're supposed to have an Ethics Committee, which is supposed to act on ethical conduct of the employees or the City officials, wouldn't it be appropriate to have them investigate rather than a subcommittee?

Mayor Staffieri – Thank you very much.

Mr. Iacuone – Merry Christmas.

Mayor Staffieri – Anyone else from the public like to speak? Yes sir.

Unidentified Person – I just have a question. When it's a public portion and a citizen asks a question how come we never get an answer? Why don't we just...

Atty. Coppola – Because we can't...

Mayor Staffieri – It's not a question and answer period.

Unidentified Person – What is the sense...

Atty. Coppola – It's not a question and answer. You just ask a question and then we'll put it on the agenda if they want. It's not a question and answer.

Unidentified Person – This isn't Russia.

Mayor Staffieri – Hey Tom this is nothing new – ask the former mayor there.

NUMEROUS VOICES – COULD NOT DISTINGUISH.

Mayor Staffieri – It's not just Derby it's all over. Sit down – it's how it works.

Unidentified Person – It makes no sense Joe.

Atty. Coppola – If anybody has a question on the Transfer Station just look at the Code – it's all in there.

Unidentified Person – It doesn't make sense.

Mayor Staffieri – Enough. Yes sir...

Mr. McFarland, 290 Selma Avenue, Derby, CT – This is in regard to the Transfer Station and bringing public refuse to it such as wood and so forth. Anybody who has been a resident here for twenty years or more knows how the dump operated previously. Now being charged for miscellaneous items we're not sure what the charge is going to be when we arrive whether it is by the items, the weight. I was previously charged – the amount is insignificant - \$3.00 but they said for 100 pounds worth of miscellaneous items. And I'm not sure or any of the residents of Derby know what the guidelines are for being charged or whether we're supposed to be charged in the first place and what the weight limit is and so forth. Despite the altercations that are going on we would like to know what's allowable and what is not and what's to be charged for. That's it – thank you.

Mayor Staffieri – Thank you. We'll bring that up to the subcommittee. Anyone else from the public.

Barbara DeGennaro, 51 Paugasset Road, Derby, CT – I would like to reserve comment with regard to Atty. Coppola's ruling with regard to the Supernumeraries and also I would like to make a comment – I don't know which agenda item it would be appropriate under – perhaps Old Business. As having a law practice in this town for almost seventeen years and have been practicing for twenty years two days before Thanksgiving I called the Town Clerk's Office to find out if they were going to be open on the Wednesday before Thanksgiving because I had a closing. I was told regular business hours. The closing was delayed – it was Wednesday and I called twice – I called 12:30 p.m. and I was told we're open until 5:00 p.m. I called at 2:55 p.m. when my closing concluded and I was told hurry and get down to City Hall we are closing at 3:00 p.m. Well I want to commend Laura Wabno who let me in a locked building so

that I could transact my business for my clients and she stayed. I was there until almost 3:45 p.m. and there were other people in the vault. I have no problem – you want to take a day off – you want to cut your business hours – you have to let business people know – there was no notice. Something told me to call at 2:55 p.m. If I had waited and I just went down I would have been back up to my office not having been able to record until Monday, which would have created a serious problem with the Lender. So I would just like to address that. Let you know Mayor and commend Laura for staying and taking care of the business people of this town.

Mayor Staffieri – Thank you Laura.

Ms. Wabno – Thank you Barbara.

Mayor Staffieri – And I think our oldest Alderman here could sort of explain what is past practice.

Alderman Sill – Past practice on closings?

Mayor Staffieri – Yes.

Alderman Sill – Well it's been the discretion of the Mayor and it's probably has happened many times especially either snow storms or before holidays and I think the employees of City Hall probably look forward to it. I don't know the circumstances exactly that day but its past practice just to let out but I don't know about the notification.

Atty. DeGennaro – There was no notice – that's what I'm saying. You go to any other Town Clerk's Office or any other Town Hall, City Hall they put up a notice. If you're going to close I don't have a problem; but you can't do it ½ hour before you're going to close when you have people that – I'm here – I only had to walk up the street. But I know there was a gentleman in the vault and I don't know where he was from but he came a distance. That's all – notification would be appropriate.

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 NOVEMBER 20, 2008 REGULAR MEETING

Mayor Staffieri informed the board that this item needs to be **TABLED** since there are missing items.

A MOTION was made by Mr. Szewczyk with a second by Mr. Bomba to **TABLE** the minutes of the November 20, 2008 regular meeting. **Motion carried.**

Mrs. Moran also noted that a correction needs to be made to the November 20, 2008 minutes – it states that she made the motion to adjourn and she was not present at the

meeting. Mayor Staffieri said he will make the notation and inform the recording secretary.

NOMINATION AND ELECTION OF CHAIRPERSON FOR 2009

Mayor Staffieri opened up nominations for the Chairperson for 2009. Mr. Bomba said he would like to nominate Ken Hughes. He said he has done a great job over the past three years and the board has moved in a great direction over the past three years. Mr. Bomba said the City has healed wounds and that we are ready to move forward. He said he proudly serves under Ken Hughes and he is proud to nominate him again. Mr. Szewczyk said he would second the nomination.

No other names were put forth.

A MOTION was made by Mr. Bomba with a second by Mr. Szewczyk to nominate Ken Hughes for the position of Chairperson for 2009. **Motion carried.**

ADOPTION OF MEETING SCHEDULE FOR JANUARY 2009 THROUGH JANUARY 2010

The following is the January 2009 through January 2010 Meeting Schedule for the Board of Aldermen. The Derby Board of Aldermen will meet the 4th Thursday of each month unless otherwise indicated (*). All meetings are scheduled for 7:00 p.m. in the Aldermanic Chambers in Derby City Hall, 1 Elizabeth Street (2nd floor), Derby, CT.

January 22, 2009
February 26, 2009
March 26, 2009
April 28, 2009
May 28, 2009
June 25, 2009
July 23, 2009
August 27, 2009
September 24, 2009
October 22, 2009
November 19, 2009*
December 17, 2009*
January 28, 2010

A MOTION was made by Mr. Sill with a second by Mr. Bomba to adopt the January 2009 through January 2010 meeting schedule as presented. **Motion carried.**

CORRESPONDENCE

Mayor Staffieri asked the representatives from Storms Engine Co. approach the table so that he could present them with a resolution and plaque:

STORMS AMBULANCE & RESCUE CORPS RESOLUTION

Whereas: Storms Ambulance & Rescue Corps is a non-profit emergency medical service, technical rescue, hazardous materials, and water rescue provider to the City of Derby and;

Whereas: Storms Ambulance was formed by Assistant Fire Chief Edward Cotter, Jr., and Richard Kieley and;

Whereas: Storms Ambulance raised the initial \$7,000 to purchase a Buick Superior Ambulance and;

Whereas: Storms Ambulance, on the day the purchase of their first vehicle was delivered, began operation on December 12, 1948 and;

Whereas: Storms has been an innovator in many advances such as the first to use two-way radios with Griffin, first in the Valley to have EMT's, first to use HARE traction splints for fractured legs, first to use defibrillators, first using Military Anti-Shock Trousers, first to utilize air bags for lifting objects trapping people, and first in New England using the Hurst Jaws of Life and;

Whereas: The history of Storms is filled with awards, recognitions and praise that a book could be written, but the greatest of praise is from those Storms serves, the lives they have saved, and those they have recused.

Now Therefore: I, Tony Staffieri, Mayor of Derby, have the absolute honor in giving praise to all who have served our community in the past and present. Their service goes far beyond what should be expected, beyond what others receive and what other communities dream. We have been blessed with each and every volunteer from 1948 to today and I humbly wish to thank each and every one of you personally and on behalf of all citizens of Derby.

THIS IS ISSUED UNDER MY HAND AND THE SEAL OF THE CITY OF DERBY.

Anthony Staffieri
Mayor
December 10, 2008

COMMITTEE REPORTS

Mr. Szewczyk informed the board members that the School Road Bond Committee approved invoices presented by Ron Culmo and everyone should have a copy of those invoices. He said the Community Relations Committee reviewed the Vendor Permit applications, which everyone should also have a copy of, and he said they would ask that the board vote in favor of these Vendor Permits. The Vendor Permits are from: Nichols Dog House, Floral Services Corporation, and Jim's Ice Cream. Mr. Szewczyk informed the board members that each of these vendors has served the community in the past and all of their paperwork is in order and correct.

A MOTION was made by Mr. Szewczyk with a second by Mr. Sill to approve the Vendor Permits Applications for Nichols Dog House; Floral Services Corporation; and Jim's Ice Cream. ***Motion carried.***

Mr. Szewczyk said the Community Relations Committee also reviewed some blighted properties, which were brought to their attention by David Kopjanski. He said they

originally had three properties – 94 Pershing Drive; 49-53 Hawkins Street; and 155 New Haven Avenue. Mr. Szewczyk noted that the circumstances regarding 155 New Haven Avenue have changed and they would not be recommending that property to the Blight List this evening. The committee recommends adding the other two properties to the Blight List.

A MOTION was made by Mr. Szewczyk with a second by Mr. Sill to add 94 Pershing Drive and 49-53 Hawkins Street to the Blight List. **Motion carried.**

Mr. Steve Iacuone, who had asked to reserve time during the Public Portion, said the only thing that he would like to bring out in the open is there are supposedly conversations and meetings involving his property on Gilbert Street, which he has not been involved in. Mr. Iacuone said there is a report in their minutes that states that he is trying to sell half of his yard to the City – none of this is true. He said he has been speaking to Joseph Coppola and Mike Joyce (the City's Engineer) about this. Mr. Iacuone said it was his understanding that the Mayor indicated that he couldn't get in touch with him and he said that everyone knows how to get in touch with him. He would only ask that if there are going to be meetings or discussions that he be included. Atty. Coppola indicated that he wasn't aware of what was stated in the minutes about the selling of half of the property. Mr. Iacuone said he just wants it on the record that he is available to the City to discuss the situation. Mr. Szewczyk informed Mr. Iacuone that the committee holds a regularly scheduled meeting every Tuesday. Mayor Staffieri asked Mr. Szewczyk to get in contact with Mr. Iacuone, as well as Corporation Counsel with the meeting dates and times. Ms. Wabno suggested also contacting Atty. Barbara DeGennaro.

Atty. Barbara DeGennaro said that she has been involved with this problem for approximately ten years; Mr. Iacuone has been involved with this problem practically all of his life. She said they have been waiting for Mike Joyce since September 2008 to get back in touch with them as to a plan for the situation. Atty. DeGennaro noted that there have been three events since April at 42 Gilbert Street with water coming down. She said to read minutes and to find out that there have been discussions going on is false – there are no discussions going on – they are still waiting on a reply to try to resolve this problem. Atty. Coppola told Atty. DeGennaro that he spoke to Mike Joyce on Monday and that he would talk to her after the meeting to relay the information that he received.

DEPARTMENT REPORTS

o BOARD OF EDUCATION REPORT

There was no one present from the Board of Education. Report placed on file.

o CULTURAL COMMISSION REPORT

Ms. Wabno noted that they had no meeting or minutes.

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

Mr. Culmo said he would like to bring up one item regarding Gilbert Street. He said during the meeting the other night there was a discussion as to what could be done to alleviate the problem on Gilbert Street. Mr. Culmo said at the meeting he noted that they have been engineering the project for 15 to 20 years and that it was time to start doing something to remedy the situation. He said he did say something about if we couldn't get an easement through Mr. Iacuone's property then we should look into buying the property – however the problem with that is there isn't enough money in the line item to purchase the property and fix the pipe. Mr. Culmo said he believes they have come up with a solution to the problem; however it would first have to be discussed with the Inland/Wetlands Commission for approval. In the meantime they can look into possibly lowering the water in each reservoir so that it can take the excess water during the storms. Mayor Staffieri said he knows that Public Works hired an independent contractor this past summer who cleaned out the culverts and unclogged the pipe. Mr. Culmo noted that the water was lowered two feet prior to the last storm; however the rain came down so fast it was quickly filled again. He said after they spent all the money cleaning the pipes out he wanted to then install some type of screening but it was not done because they were held up on the project and now the pipes are clogged up with rocks again. Mayor Staffieri stated that this has been a problem for years. Mr. Bomba asked if there is anything in place to obstruct items from getting into the pipe. Mr. Culmo said there used to be some Rebar in front of the pipes but it is no longer there. He said he would like to put some kind of cement retainment in place but the on-going conversations about easements, etc... has delayed this installment.

The issue of the two employees still out on Workers' Comp was discussed. Mr. Culmo said he had a meeting the other day with the Workers' Comp carrier – one employee had an operation on December 6th and the other employee is going for reconstructive surgery on his shoulder. He said his hands are tied until the doctors give a release to come back to work. Mr. Sill asked if we have hired temporary help to replace these individuals. Mr. Culmo said we can't since we have to pay them – the City is self-insured and we have to pay them their salaries therefore we cannot use that money to hire temporary people. Report placed on file.

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

Mr. Kopjanski informed the board members that the new Lowe's is slated to open next week with the official opening December 26th. A soft opening for employees and their families will be held December 23rd. Report placed on file.

- o **FACILITIES INSPECTORS' REPORT**

Mr. Kopjanski said there are several properties that are in the timeline now to have liens placed. He said he is not sure what progress has been made by the Hearing Officer in terms of putting those liens on. Mayor Staffieri said a Hearing Officer has been appointed. Report placed on file.

- o **FIRE MARSHAL REPORT**

Mayor Staffieri stated that Phil Hawks is on vacation. Report placed on file.

- **FIRE DEPARTMENT REPORT**

There was no one present from the Fire Department.

- **POLICE DEPARTMENT – (Chief Eugene L. Mascolo)**

Chief Mascolo highlighted a few items in his monthly report. The department commenced winter parking enforcement on December 1st. Chief Mascolo noted that there was a daytime burglary on Emmett Avenue and one of the department's new patrolmen, Tim Conlon, apprehended one of the burglars – unfortunately the other burglar got away but they have good idea who it is and they are about to make the second arrest. The Click It or Ticket It Enforcement Program was recently wrapped up and the department issued 188 citations. Two new officers graduated from the Academy a couple of weeks ago and they are currently in the Field Training Program. Three more officers will begin the Academy on Monday. Chief Mascolo informed the board members that the department will be up to full strength when the three officers graduate.

Mayor Staffieri said he knows that there has been some confusion with people thinking that we were hiring new officers. He said these officers are replacements, correct? Chief Mascolo said it has been awhile since they have been up to their full compliment of 31 officers. He then reviewed the vacancies that these replacements will fill. When George Kurtyka retired it required them to promote a detective, which came from the patrolman ranks. Kim DeMayo left for the West Haven Police Department and Jim Garofalo left the department and moved to Tennessee.

Mr. Benanto said speaking with several of the business owners in the area some of their patrons are being fined for winter parking if they're here late at night servicing those establishments and asked Chief Mascolo if he could look into that situation. Chief Mascolo said he would.

Chief Mascolo said he would like to comment on the things that Ms. Luneau said about the investigation into Alderman Hughes' complaint. He stated that the Derby Police Department received a complaint from the President of the Board of Aldermen and he was very concerned. Chief Mascolo said he takes this very seriously and it requires an investigation. There's a lot of comparisons between Derby and New Haven – New Haven is a much bigger place than Derby. Derby is different; we have a different division of labor. We don't have a permanent detective on evenings and on midnights and investigation of that nature required a detective. Lt. Stanko is a functioning detective – he's not a Lieutenant like the New Haven Lieutenants are – he actually investigates cases. Chief Mascolo said New Haven, he believes, does it a little different although he can't comment too much on how New Haven does things because he's not a New Haven cop. Chief Mascolo said it was a complaint of a serious nature and to get to the bottom of it it takes an investigation. A detective in Derby does that kind of investigation and there are no detectives on evenings so we call out a detective and that is why the detective was paid overtime. He informed the board that he heard some talk about the threatening statute – there's a lot of other charges that related to Ken's complaint other than threatening. Threatening was just one complaint that they looked at. He said when they did the investigation they reduced their findings to facts. The Derby Police Department does not unilaterally decide whether or not there was

probable cause in that complaint. What we do is we reduce it to writing in an arrest warrant and we send it to the court. The Prosecutor and/or the Judge after the Prosecutor determines whether or not there's probable cause for that. Chief Mascolo said he was not going to get into the business of unilaterally deciding whether there was probable cause for that complaint or not – the Prosecutor did that. Chief Mascolo said as far as he's concerned the system worked. We did our job and we investigated the case and we sent it up to the court and the court decided there was no probable cause.

Mayor Staffieri said he would like to thank the Chief for acting in a professional manner.

Chief Mascolo told the Mayor that he appreciates that comment and he understands that it is an emotional issue because it's a family member; however there's no way to determine the nature of that issue without an investigation. That is why they conducted an investigation. He said there have been comments about a report being printed out – there is a report. He stated that the issue where he as Chief of Police makes the initial determination sits it is not discloseable under FOI. It's not that there's no report or that the Derby Police Department is being secretive – where he sits as Chief of Police it is not discloseable under FOI. If someone wants to contest that to the FOI Commission they can and if they wish to do that and the FOI Commission rules in their favor then they can get that report. Chief Mascolo said until he got to the bottom of the nature of the incident he put a police car on Ken Hughes' house and he would do it again tomorrow. He said he feels it is important for the board and the public to know what they did in that case.

Chief Mascolo asked if anyone had any questions. No questions were raised. Report placed on file.

o **PARKING AUTHORITY REPORT**

There was no one present. Report placed on file.

NEW DERBY MIDDLE SCHOOL INVOICES – DISCUSSION & ACTION (Keith A. McLiverty, Chair)

Mr. McLiverty informed the board members that the steel work has commenced at the site. The following invoices were presented for action:

- FIP Construction, Inc. – Invoice #08001.09 - \$1,245,030.00
- Bianco Giolitto Weston Architects – Invoice #13 - \$52,702.50
- Test-Con – Invoice #5202 - \$8,518.00
- GNCB – Invoice #16986 - \$2,397.33

A MOTION was made by Mr. Bomba with a second by Mr. Benanto to approve payment of the FIP Construction, Inc. Invoice #08001.09 in the amount of \$1,245,030.00. **Motion carried.**

A MOTION was made by Mr. Szewczyk with a second by Mr. Benanto to approve payment of the Bianco Giolitto Weston Architects Invoice #13 in the amount of \$52,702.50. **Motion carried.**

A MOTION was made by Mr. Sill with a second by Mr. Bomba to approve payment of the Test-Con Invoice #5202 in the amount of \$8,518.00. **Motion carried.**

A MOTION was made by Mr. Szewczyk with a second by Mrs. Moran to approve payment of the GNCB Invoice #16986 in the amount of \$2,397.33. **Motion carried.**

Mr. McLiverty said on a side note there is still \$89,000.00 remaining in the Water Company purchase referendum for work on the dam. Mayor Staffieri said the money is for the dam – could it be used for work lower down. Mr. McLiverty said it is to address the problems that are a result of that dam and reservoir. Mayor Staffieri told Mr. McLiverty that he should be included in the discussions. Mr. McLiverty said he mentioned it a few months ago.

REFUND OF EXCESS TAXES REQUESTED THROUGH 12/12/08

A MOTION was made by Mr. Sill with a second by Mr. Bomba to approve the Refund of Excess Taxes paid through 12/12/08 in the amount of \$1,663.32 as per the request from Cinda Buchter, Tax Collector. **Motion carried.**

RESOLUTION TO AUTHORIZE THE MAYOR TO APPROVE A CONTRACT WITH THE STATE OF CONNECTICUT DEPARTMENT OF SOCIAL SERVICES FOR \$5,000.00 FOR COMPUTER EQUIPMENT AND CLASSES AT THE DERBY SENIOR CENTER – DISCUSSION & ACTION

Mr. Robertson said this is a grant that is offered every year by the Department of Social Services. He said the application needs approval from the board and then the Mayor needs to sign the application. Mayor Staffieri noted that Ms. Duhaime had questioned this resolution at the beginning of the meeting. Ms. Duhaime said she didn't realize that it was a grant – it wasn't specified on the agenda. Ms. Wabno asked if there is an actual resolution that needs to be made a part of the minutes.

Mayor Staffieri read the following into the minutes:

“RESOLVED that Anthony Staffieri, Mayor, City of Derby, is hereby authorized to make, execute and approve on behalf of this corporation, any and all contracts and amendments and to execute and approve on behalf of this company, other instruments, a part of or incident to such contracts and amendments effective until otherwise ordered by the governing body.”

A MOTION was made by Mrs. Moran with a second by Mr. Szewczyk to authorize the Mayor to approve a contract with the State of Connecticut Department of Social Services for \$5,000.00 for computer equipment and classes at the Derby Senior Center. **Motion carried.**

RESOLUTION: DERBY TOWN CLERK, HISTORIC DOCUMENT PRESERVATION - \$7,000.00 GRANT – FISCAL YEAR 2009

Mayor Staffieri read the following into the record:

Be it resolved that Anthony Staffieri, Mayor of the City of Derby, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Documents Preservation.

A MOTION was made by Mrs. Moran with a second by Mr. Sill to empower Mayor Anthony Staffieri to execute and deliver in the name and on behalf of the City of Derby a contract with the Connecticut State Library for a Historic Documents Preservation Grant. *Motion carried.*

REAPPOINTMENT ZONING BOARD OF APPEALS – ANGELO DIRIENZO – 5 YEAR TERM – DISCUSSION & ACTION

Mayor Staffieri informed those present that Dr. DiRienzo has served on the Zoning Board of Appeals for quite a few years, has served the City as Superintendent of School and has also served in many other voluntary positions. The Mayor stated that Dr. DiRienzo is a very knowledgeable person and he strongly recommends this reappointment.

A MOTION was made by Mr. Sill with a second by Mr. Bomba to approve the reappointment of Angelo DiRienzo to the Derby Zoning Board of Appeals for a five year term. *Motion carried.*

KNIGHTS OF COLUMBUS – DERBY GREENWAY ROAD RACE – APRIL 25, 2009 – DISCUSSION & ACTION

12/2/2008

Dear Mr. Hughes,

I hope that you had a restful Thanksgiving holiday. I am writing to request the use of the Derby Greenway for our Knights of Columbus Road Race this upcoming spring.

Last April, you and your committee were gracious enough to allow our organization the opportunity to use the Greenway as a showcase for our fundraiser road race. I am requesting the use again this spring under the same guidelines as last year.

To refresh your memory, we organized the race on an early Saturday morning in April and we did not close the Greenway to the public. This year we are looking at a date of either April 4th, 11th or 25th. Last year, we limited the registration to only 200 runners, which left plenty of room for the regular Greenway users. We began the race in the municipal parking lot across from Calvert's and did not impact parking or shopping in the area. The entire event was completed by 11:00 a.m. and it was deemed very successful by all of the attendees. We raised about \$1,200.00, which was donated to various local charities in the Valley.

Please consider this our formal request unless you would like me to make the proposal in person before the Board. I would be happy to address any concerns you may have in any format you desire.

I look forward to your positive response.

Sincerely, John Niski – Chancellor, Bernardo Council #1250 – Knights of Columbus, Shelton, CT

A MOTION was made by Mr. Bomba with a second by Mr. Sill to approve the request from the Knights of Columbus to use the Derby Greenway on April 25, 2009, or any of the other stated dates in case of inclement weather, for their annual road race pending the receipt of the executed insurance release. **Motion carried.**

PERMIT FEE WAIVER – DERBY HOUSING AUTHORITY – DIGIORGI ROOFING – DISCUSSION & ACTION

TO: Ken Hughes/Derby Alderman
FROM: Christina Morgan – DiGiorgi Roofing & Siding, Inc.
DATE: 12/3/08
SUBJECT: Requesting waiver of permit cost

Dear Ken:

DiGiorgi Roofing & Siding, Inc. is requesting waiver for the permit cost on the following:
Property Manager: Derby Housing Authority, 45 Minerva Street, Derby, CT
Work to be performed at: Lakeview Apartments – Guardiano Place, Derby, CT
Strip roof: Remove existing roofing on all roofs and extensions. Apply new roofing shingles, Certainteed Landmark 30 Architectural Shingles.
Estimated Start: Week of December 14, 2008
Thank you for your consideration. Christina Morgan

A MOTION was made by Mr. Szewczyk with a second by Mr. Bomba to approve the permit fee waiver for the roof replacement work at the Lakeview Apartments Complex on Guardiano Place. **Motion carried.**

PERMIT FEE WAIVER – DERBY PARKS & RECREATION – COON HOLLOW PICNIC GROVE – (DENNIS O’CONNELL) – DISCUSSION & ACTION

December 5, 2008

City of Derby
Board of Aldermen

Dear Aldermanic Members,

Please accept this written notice as a request to begin a Lighting Construction project at the Coon Hollow Picnic Grove. Derby Pop Warner has hoped for some time that a lighting system could be installed at that complex. Derby Pop Warner has (5) light poles on the upper field (Uluski Field) and they were installed by volunteers. They have secured volunteers to complete the trench digging and electrical pipe placement for this project. This trench will run from the bathroom storage facility across the front of the picnic facility to the first of two (2) telephone poles already in place (approx. 170 feet.) A building permit will be applied for. Could the fee for this permit please be waived? If there are any further questions concerning this project the undersigned and Pop Warner President Ronald Slowik will be available for discussion.

Respectfully, Dennis O’Connell – City of Derby Parks & Recreation Director

A MOTION was made by Mr. Bomba with a second by Mrs. Moran to waive the permit fee for the Lighting Construction Project at the Coon Hollow Picnic Grove. **Motion carried.**

PUBLIC HEARING – VEHICLES & TRAFFIC ORDINANCE

Atty. Coppola said this is in regard to Section 186-11.1. At the end of September this Ordinance was passed. The Ordinance states: Delinquencies may be prosecuted subject to civil penalties. The owners of a vehicle with more than \$250.00 in unpaid parking tickets is subject to have their vehicles immobilized with a wheel boot and/or impounded at the owner's expense.

Atty. Coppola stated at last month's meeting Leo Moscato, Jr., Director of the Derby Municipal Parking Authority, requested that the board consider reducing the \$250.00 down to \$100.00. Atty. Coppola said we need to have public input tonight and then if the board so wishes whether to pass the Ordinance with the change of \$250.00 to \$100.00.

A MOTION was made by Mr. Bomba with a second by Mrs. Moran to open the Public Hearing regarding the Vehicles & Traffic Ordinance Sec. 186-11.1. **Motion carried.**

PUBLIC HEARING

Unidentified Voice – What is the proposal?

Atty. Coppola – The proposal would be to reduce the amount of \$250.00 fines in unpaid parking tickets – the Parking Authority would the right to either boot a car or impound a car at the owner's expense if they had delinquencies up to \$250.00. The request is to make it \$100.00 instead of \$250.00.

Unidentified Voice – The booting was already approved? (Inaudible) permission to boot?

Mayor Staffieri – Booting can be done at \$250.00 and he's requesting that it be dropped down to \$100.00.

Unidentified Voice – So what's before he has to reduce it down to \$100.00. Was the booting always there?

Atty. Coppola – The booting was passed – I don't know when it was passed – September. A short time ago it was authorized.

Anita Coscia – Business Owner in Downtown – I'm very aware of the parking violations and so forth. I went before the board and explained that the meters do make traffic travel but I was (inaudible) worried and afraid that \$10.00 was too much. \$10.00 for a ticket and then it goes up from there – I've never gone to that point. The booting I've never heard of that it was actually passed. Is that only passed through the Parking Authority or through the whole board – the Board of Aldermen? Or is it just through the Police Commissioners – I don't get where it got passed. Because does that involve

expenses – is it taxpayers expenses. You can have the car towed at owner's expense and not taxpayers – I don't understand how it all works.

Chief Mascolo – We revised our – I'll give you the background – it came time to order new tickets and we revised the ticket and we wanted to make sure the Ordinance authority behind our new revised ticket was appropriate. We reviewed the Ordinances and saw that some of the fines needed to be updated –many of them were very, very old - \$5.00 for a parking ticket is really very low. The Derby Police Department presented proposed revisions to Corp. Counsel and Corp. Counsel reviewed and brought them before the Board of Aldermen and the Board of Aldermen voted on the revisions to the Ordinances, which included a provision to allow booting of cars who had fines over \$250.00 – and I have to check but I'm pretty sure it's fines only and not fees but I do have to check.

Dr. Coscia – Fines could be just one ticket just ignored.

Chief Mascolo – Yeah – I think the only ticket that would be that expensive would be the handicap parking ticket. It would take a few tickets to reach the \$250.00 level other than handicap parking.

Dr. Coscia – Its \$25.00...

Chief Mascolo – The fine schedule was changed to get more in line with...

Dr. Coscia – So it's not a Parking Authority regulation – it's the Police Department.

Chief Mascolo – The Parking Authority directed that we take a look at it and voted that we take a look at it. My Traffic Officer worked with my Deputy to develop the proposal that the Traffic Authority approved and was reviewed by the Corp. Counsel and submitted to the board for consideration and the board approved the revised Ordinances as we submitted them. This thing that is before us tonight...

Dr. Coscia – Is to reduce the amount of money. The booting equipment is already purchased?

Chief Mascolo – I don't have a boot yet.

Dr. Coscia – That's an extra expense.

Chief Mascolo – Well that's the cost of doing business is buying equipment sometimes and it's not an unreasonable cost in regard to some of the outstanding fines that we have. The collection of fines – there's a methodology to collect fines.

Dr. Coscia – (Inaudible) I think the \$100.00 is excessive – I think \$10.00 per ticket is excessive for the downtown. To get the traffic moving at \$5.00. It was never enforced prior and that's why it didn't work before now its enforced it doesn't have to be \$10.00.

Mayor Staffieri – What happened (inaudible) our fees and penalties were antiquated with the amount of money that other cities charge. Where people are going to court those are the majority of the people who are getting ticketed they basically laugh at our tickets and this is what generated to update our ticket prices, values to match other cities around us. Not that we went with the New Haven prices per se, we went with the Shelton, Ansonia, Seymour – we went with the surrounding communities. We've been upgrading a lot of fees for that purpose. And there's a number of these people, especially those who go to court, and they simply take the fine and then there's no consequences where a boot would have a consequence.

Dr. Coscia – If they come to court again.

Mayor Staffieri – Well if you catch them there...

Chief Mascolo – It's a very reasonable tool, it's a commonly used tool and isn't as easy to get tow carriers to take these cars at their expense and keep them on their lot. It's a tool and its one that is commonly used for parking enforcement.

Tom Green - Would it be possible to have the Parking Authority consider removing the meters as Ansonia, Shelton and Seymour have done very successfully. Their ticketing is based on corner violations, parking in hydrant violations and also handicap violations. There are no parking meters in these towns. Talk about being antiquated we're spending a lot of resources on something, which really shouldn't be. We're expending police power – we're talking about it now. We should encourage people to be downtown and you know the story about they're going to park there all day – that's not true. If you go to any of these other towns people come in and do their business and get out. And here we are for (inaudible) whatever we're talking about booting, we're talking about \$100.00 fines – I think we we're really antiquated – we are antiquated. I think we ought to get with the program. This isn't Bridgeport or New Haven and I don't think – I think that is my opinion and I think we should seriously...

Mayor Staffieri – First of all the other communities don't have a court house. We bring in people from other communities that have violated a crime to go to the court system and they violate other crimes by parking and taking up spaces in front of businesses, which the businesses have requested that they need stricter enforcement from people going to court and from their own employees and business owners that abuse parking in front of them where they complain that customers can't get to them and because there's certain people parking in front of their businesses. I know I went through that – I was in business for thirty years. But the other towns don't have a court house like we have and I ask you to take a walk – say starting at 8:30 a.m. and see how congested it gets around the court house and on down and then you'll understand the plight the businesses have.

Mr. Green – Again, Milford has a court house – there are no meters. I guess we're barking up the wrong tree here. I really think you have to put up signage and you have to enforce that signage whether it be a meter maid or whatever – parking for two hours. All around the Milford court house parking for three hours – no meters – no meters anywhere and that court house is a lot bigger than ours.

Mr. Sill – I got to say they have a 200 car parking lot there, which we really don't have room for. I was against these meters – I argued with Leo I don't know how many months ago – I said hold off – and I went to all the businesses – seven or eight on Elizabeth Street and every one of them said they wanted the meters. They made a fool out of me because I was against the meters but all these businesses want the meters.

Al Satkowski – Derby does have a downtown parking garage, which would accommodate a lot of those cars in they would open it up.

Mayor Staffieri – I can again answer that – you know the court house provides parking for their employees there. The Post Office provides parking for their employees there. And do you know what happened when there were no meters there? Do you know what happened in the month of December under the old Parking Authority they used to suspend meter collections for the month of December – all the employees would park out on the street. Why? Because people are naturally lazy by standard. They want to park as close to where they're going as possible. And believe it or not that parking garage is almost full. You can't believe how well used it is and that's not being used by the people going to court. The parking garage is open – if the people want to go there and use it they can.

Unidentified Voice – You can't use it all day long every day. It's only when there's an attendant.

Mayor Staffieri – There's an attendant there every day.

Mr. Szewczyk – At 7 or 8 at night there's an attendant and he leaves for the night so if you get in before 7 pm or 8 pm at night you can get in. Once the attendant leaves though you can't get in unless you have a parking ticket – a meter read ticket. If you're in the garage you can get out the gate automatically opens when it trips.

Unidentified Voice – Correct – it's not 24 hours a day, 7 days a week.

Mayor Staffieri – But then the meters are only enforced until 5 p.m. then the court house is closed and there's ample parking.

Unidentified Voice – The thing is the enforcement. When Ron said that the business owners wanted it – they wanted it enforced. (Inaudible) parking meters that came with it – I work until 7:00 p.m. and my patients have to go in and pay \$2.00 to park for 45 minutes on a Friday night.

Mayor Staffieri – Another thing is we are getting off track – this is a discussion as to whether to lower the rate. Let's stay on track – are we going to discuss...

Unidentified Voice – Again I just want to reiterate – I think reducing it that's really low to boot a car compared to when you're talking to people (inaudible.) The parking garage itself the top floor is hardly ever full and if the enforcement could be done without meters then you would take away that juicy cash that (inaudible), which

perpetuates the bureaucracy. So you know I really think the \$100.00 is low to boot the car when you have the problems at the higher end. I mean that was what was the comments of your political appointment to that position. It was in the paper last month you have people who have thousands of dollars – almost ten thousand dollars was one of the amounts. If that's the case then the people (inaudible) at the top are at the high end not at the \$100.00 or the \$250.00 level – you know under \$250.00. So I would encourage you to think about that – about the message that it sends. If somebody has \$100.00, which could be a couple of tickets – or four tickets...

Mayor Staffieri – What I would suggest is to check to see what other communities do – what their level is.

Mr. Benanto – If you put a boot on their car after the \$250.00 they would never reach the \$1,000.00 mark. What was the incentive before that? You're up to \$1,000 because there was no enforcement. Now you're saying \$200.00 is too low – well the average ticket is \$10.00 – you're talking ten unpaid tickets. To me I don't think is that unrealistic.

Mr. Sill – I move that we TABLE this.

Mr. Benanto – The average ticket is \$10.00 – you're talking ten unpaid tickets – why not stop before they get to \$1,000.00.

Atty. Coppola – Someone made a motion...

Mr. Sill – I made a motion to TABLE this so we can move on and then have the parking head here to give us a report.

Dan Waleski, 21 Elm Street, Derby, CT – I'm downtown a lot. When this came under discussion there was a lot of business people who liked the idea. The Police Department was certainly in favor of the idea – spoke at length about it. It seems like it's a – it seems it was an attempt to update the system and to perfect the system a little bit more. From a citizens point of view I think it's a pretty good idea what you've done. I would say let's give it a chance to see how it works out – if it needs some refinement down the line we can always do it. So I'm in favor of the Ordinance as being proposed. Thank you Mr. Chairman.

Mayor Staffieri asked three times if anyone else wished to speak during the public hearing. There was no response.

A MOTION was made by Mr. Bomba with a second by Mr. Szewczyk to close the public hearing. **Motion carried.**

VEHICLES & TRAFFIC ORDINANCE – DISCUSSION & POSSIBLE ACTION

A MOTION was made by Mr. Sill with a second by Mr. Allaire to **TABLE** the Vehicles & Traffic Ordinance until the next meeting and have the head of the Parking Authority report on the policies and rate structures of surrounding communities. **Motion carried.**

PUBLIC HEARING – WEST FOURTH STREET – PARKING ORDINANCE

Atty. Coppola informed those present that this is for a new regulation allowing a parking permit ordinance in the area of the West Fourth Street. It will be a new section, Section 186-51, which everyone should have a draft copy of it. Atty. Coppola said the background regarding this new Ordinance is the parking spaces that surround Cicia Manor are constantly being used by non-occupants. There was a request made to consider passing the Ordinance that would allow a parking permit program around the Cicia Manor area. The attached map shows portions of 5th Street, a portion of Anson Street (both streets border Cicia Manor) and the entire length of West Fourth Street. The residents in that area will now be allowed to apply for a parking permit. The language has been proposed by the Derby Police Department and approved by Corporation Counsel and it is very similar to the language for the Griffin Hospital area.

Mayor Staffieri said he meets with the Senior Citizens on a regular basis and also the residents in that area and there is nothing but complaints about people who work at the court house and the Post Office who park on West Fourth Street. They take up the parking spaces during the daytime leaving no spaces for any of the residents in the area.

A MOTION was made by Mr. Lenart with a second by Mr. Szewczyk to open the Public Hearing for the West Fourth Street Parking Ordinance. **Motion carried.**

Dr. Anita Coscia – Is there a City-wide residential (inaudible) parking space.

Mayor Staffieri – The only other place that there is one is around Griffin Hospital – Hall Street, Summer Street – those streets there where they have a problem with the workers at Griffin Hospital parking in front of other people’s homes and people can’t park their own vehicle.

Mayor Staffieri asked if anyone else had any questions. Hearing none...

A MOTION was made by Mr. Lenart with a second by Mrs. Moran to close the public hearing on the West Fourth Street Parking Ordinance. **Motion carried.**

WEST FOURTH STREET – PARKING ORDINANCE – DISCUSSION & POSSIBLE ACTION

A MOTION was made by Mr. Bomba with a second by Mr. Benanto to approve the West Fourth Street Parking Ordinance as presented. **Motion carried.**

DERBY TRANSFER STATION – POLICY TO ACCEPT CHECKS FOR PAYMENT OF MATERIALS – DISCUSSION & POSSIBLE ACTION

Atty. Coppola informed everyone that the report regarding the Transfer Station has many issues. One of the issues is the acceptance of cash and one of the recommendations would be to consider whether or not we should have a rule to just accept checks. He further explained that the topic and discussion is to whether or not to have a policy that would accept only checks. Atty. Coppola noted that the collection of fees at the Transfer Station and according to the Ordinance there is a fee schedule and 100% of those fees come to the City. The City is in control as to how those fees are collected – cash, checks, accounts, permits, etc... He said one of the

recommendations is to consider taking checks. Atty. Coppola said there is a representative from the Transfer Station present if anyone had a question.

Mr. Szewczyk questioned whether cash would also still be accepted. Atty. Coppola said that is what needs to be discussed – whether or not to accept cash. Mayor Staffieri said he feels that it might be difficult to the citizens, especially if the cost is only \$2.00 – \$3.00 – to write a check. He thinks it might become a hardship. Mr. Szewczyk noted that cash is becoming almost obsolete with the ATM cards – but we don't have the hookup for ATM's at the Transfer Station. Mr. Benanto said he feels it's a little ridiculous to write out a \$3.00 check. Mr. Sill stated that some people don't even have checking accounts. Mayor Staffieri said there is a phone line at the Transfer Station – he said he would imagine that we can place a debit card machine there. Mrs. Moran said what happens if someone bounces a check – there is going to be a fee attached. Mrs. Wabno stated that the Town Clerk's Office no longer takes checks for Birth Certificates because they had so many \$5.00 checks bounce. If someone is requesting a Birth Certificate by mail they must send a money order or cashier's check. Mr. Lenart suggested that we look at what other communities do and revisit this item once that information is received and reviewed.

A MOTION was made by Mr. Sill with a second by Mr. Lenart to **TABLE** this item until information on how other communities handle transactions at their Transfer Stations is received and reviewed. **Motion carried.**

PRESENTATION BY CORPORATION COUNSEL JOSEPH T. COPPOLA ON LEGAL FINDINGS FOR THE SUPERNUMERARY DECISION BY THE DERBY BOARD OF ALDERMEN

Atty. Coppola stated at the Board of Aldermen meeting of November 20, 2008 Atty. Barbara DeGennaro of Derby raised a number of questions concerning the Aldermen's vote to designate the Supernumerary Program as zero. He said he would reiterate some of the language that we have in the Charter and then give his conclusion. Atty. Coppola said Section 45 of the Charter states: *"The Police Department of said City shall consist of... Supernumerary police officers as the Board of Alderman of said city may from time to time designate."* Section 22 of the Charter of the City of Derby states: *"Five members of the Board of Alderman, exclusive of the Mayor, shall constitute a quorum, and the affirmative vote of five members of the board, exclusive of the Mayor, shall be required to approve any ordinance, or bill or claim against the city."* Finally Section 30 of the Charter states: *"The legislative power of the city shall be vested exclusively in the Board of Aldermen, which when assembled according to law, is authorized by a majority vote of the members of said Board to make, alter, repeal and enforce ordinances not inconsistent with this act or the laws of this state or of the United States for the following purposes: to create, regroup, consolidate or abolish boards of commissions, departments and offices and to define the power, duties and responsibilities thereof, provided the same are not inconsistent with the Charter or the General Statutes..."*

I am of the opinion that at the Alderman meeting of October 23, 2008, the motion made by Alderman Bomba was a "resolution" and not for the passage of an *"ordinance, or bill or claim against the city."* Any modification of the Charter to completely remove the use of supernumerary officers would require a referendum. The

resolution was not to completely remove the program, but only to designate "a zero supernumerary force," which is within the authority granted pursuant to Sec. 45 of the Charter of the City of Derby. The Board of Alderman can designate the number of the supernumerary force from "time to time", and such "designation" is consistent with the Charter. Further, since the action is a "resolution," only a "majority vote" is required pursuant to Sec. 30 of the Charter. In support of my opinion, I refer to the language of Sec. 22, which indicates the need of an "*affirmative vote of five members of the board...*" for the passage of "*any ordinance, or bill or claim against the city.*" There are clear distinctions in the Charter regarding the requirement for a majority vote or a specified number of votes. See Sections 14., 15., 22., 23., 30., 32., and 66. of the Charter.

Finally, at the Board of Alderman meeting of November 20, 2008, Mr. Steve Iacuone raised questions as to whether or not the Board should have acted at all regarding the designation of the supernumerary program to zero, since the issue is headed for arbitration. It is my opinion that the Board of Alderman can act within their authority at any time and not subject to *potential* labor filings. However, the City and the Board of Alderman must comply with a ruling by the State of Connecticut Labor Board or rulings from arbitrations, unless such rulings are appealed by the City.

Atty. Coppola said he must clarify one issue that might raise – or question – the City has Collective Bargaining Agreements with various Unions and if there's a ruling pursuant to the Collective Bargaining you must adhere to that. The only time you wouldn't adhere to it is by appealing whatever that ruling would be.

Mayor Staffieri asked if there were any comments from the board before he allows Atty. DeGennaro to speak on this item.

Barbara L. DeGennaro, Esq. – Thank you Atty. Coppola for your opinion. I do not agree with some of what you have indicated in your opinion and I guess I'm a little bit confused as you refer to Alderman Bomba's motion was a resolution and you say it wasn't an Ordinance; however you're supporting the majority vote that's required in Section 30 of the Charter. That's the reasoning that you are using that it was passed but that Section deals with Ordinances. I guess I'm a little bit confused as I think there is a difference between an Ordinance and a resolution and I think in further looking at Section 30 if for arguments sake you are correct, that the Board of Aldermen cannot make an Ordinance and I'm not sure if a resolution is an Ordinance or it is not, cannot be inconsistent with the laws of our State, the United States and the Charter. It specifically says that any Ordinance cannot be inconsistent and if you go further down and I believe you don't have it in your opinion, it says to provide for the due execution and delivery of deeds, grants, or leases of City property and contracts. I believe the ruling was inconsistent with – there is a Bargaining – Collective Bargaining Agreement between the City of Derby and the Police Officers and this ruling in your opinion is inconsistent with what their contract provides for. Those are the comments I would just like to make with regard to your opinion.

Chief Eugene L. Mascolo, Derby Police Department – The Derby Police Union Contract vests the sole right to lay off in the management of the Police Department – under our Managements Rights clause. In addition this issue of lay offs is under negotiation. The

impact of the issue of lay offs is under negotiation with the Derby Police Union and it is not a forgone conclusion that it is going to arbitration.

Atty. Coppola – I would just like to say to the board that it is my task to give you an opinion as to what the board did. It is not my task to give an opinion as to what's going on with the Police Department and their grievances. I was asked whether or not you had the authority – there is a clear distinction between a resolution and an Ordinance. At any time someone can come back to the board whether it's the Chief or anyone from the City and request that you designate more Supernumeraries. It doesn't require a change – it doesn't require an Ordinance – there's a whole (inaudible) to go through for an Ordinance – it's just a resolution. You can designate 50 Supernumeraries you can designate 1. So that's my task – it's not to advise you as to what's going on with the labor. I think the Chief is pretty clear on what's going on there but that has nothing to do with whether or not you have the authority.

Marc Garofalo, 95 Academy Hill Road, Derby, CT – By your own words in Section 30 you're still without a majority that voted on it because you had eight people present that night and four voted yes, two voted no, one abstained, and one recused so that still doesn't get you to a majority. I refer you to Roberts Rules that the abstention and the recusal is not even material I don't even know where you would put that but you still didn't get a majority in favor.

Atty. Coppola – You have to distinguish between the majority vote versus the majority of the members present. So you take vote. Four voted for and one – I don't remember the number – it was the majority. Not the majority of the board present – that's the distinction. You can check Roberts Rules – not the majority of the board present – it's the majority vote. These other sections talk about the need for five votes, the need for unanimous vote – one section was not well drafted, which was Section 30.

Mr. Garofalo – The original days of the Charter – but that majority there is not a majority (inaudible.)

Dan Waleski, 21 Elm Street, Derby, CT – In regard to this question it seems to me when you're dealing with labor (inaudible) laws and other laws that are on the books restrict or at least confine discussions between workers and employers, unions – they can discuss hours, working conditions and wages. When it comes to management prerogatives or getting into organizations and so what – these are management prerogatives and are out of bounds with the working conditions, hours and wages and I think the sense there management prerogatives it's up to the organization, in this case the Board of Aldermen, to make those decisions. It is within their rights and I do think the voting that took place, I was here, was legally correct. They did reflect the wishes of the City Fathers in their vote and to me it's pretty cut and dry. I hope I made my point. Thank you.

Steve Iacuone, 188 Mt. Pleasant Street, Derby, CT – I have one question – actually two questions. What actually is the definition of designate from time to time? The word designate means to move forward or appoint.

Atty. Coppola – I mean if that's what you're (inaudible)...

Mr. Iacuone – How do you designate zero? How can you designate something to be nothing? If you have a body that is an entity in itself how do you designate it to be zero?

Atty. Coppola – I don't even know if I can answer the question.

Mr. Iacuone – Well you're saying that part of your opinion is they can designate from time to time.

Atty. Coppola – That's right.

Mr. Iacuone – How would you designate something? Designation would mean to move forward to appoint, to affix. It doesn't say anything about removing. You can't designate something (inaudible.)

Atty. Coppola – I think I'm going to answer it this way if I understand the question – the Chief came to the Board of Aldermen and made a presentation regarding numbers of staff and so on. The Board of Aldermen can designate the number of Supernumeraries authorized by the Chief to hire or whatever you want to call it. So to designate – you're concentrating on the word designate – I can only say that they've authorized the Police Department to have zero Supernumeraries.

Mr. Iacuone – Well that's what I'm saying. Designating something that exists – you can't remove it. It's inconsistent with the Charter; it's inconsistent with allowing the contract to follow through its parameters.

Atty. Coppola – This is what the confusion is. The Supernumerary Program is allowed in the City of Derby. That's what the Charter is talking about – whether it is allowed or not – it's allowed.

Mr. Iacuone – It's there, yes.

Atty. Coppola – But this board has authorized the Chief to have zero Supernumerary officers. You're concentrating on designate – I can only tell you that the Chief has the authority by this board to have zero Supernumeraries. At some day he can come back and say we want 150 and then they're going to designate the right to have 150. It has nothing to do with Collective Bargaining – it has nothing to do with that.

Mr. Iacuone – That's what I'm saying. You're basing your opinion on the fact that it does. You stated to me that you were bound by labor board findings.

Atty. Coppola – I still don't...

Mr. Iacuone – In your opinion you said if something comes out of the arbitration you're bound by the decision.

Atty. Coppola – Yes.

Mr. Iacuone – So then why are you not bound by the Contract? With the entity being (inaudible) as a whole adding a number to it.

NUMEROUS VOICES SPEAKING AT ONCE – COULD NOT DISTINGUISH

Mr. Iacuone – He wants to go through the lay off process. How are you assisting him by allowing him to have zero? Why wouldn't you let it go through the Contract and then if he lays everybody off give him permission to have zero. How is it that when we went to the Impact Bargaining with the Police Department they decided not to lay us off.

Atty. Coppola – Here's the problem you're raising...

Mr. Iacuone – Now if we're not being laid off...

Chief Mascolo – That's not true we didn't decide to (inaudible)...

Atty. Coppola – Here's the problem – you're both talking – they're not here collective bargaining with you – they designated zero. That's what I was trying to say – I can discuss if they had the authority to designate zero. Now the impact of that – until something happens I can't give them advice. They're not going to sit down and decide the collective bargaining. That's the confusion.

Mr. Iacuone – (Inaudible) designate something to zero that exists. You're not regrouping a board. You're basically going (inaudible) creating an Ordinance while abolish it?

Atty. Coppola – No it's not – please – it's not an Ordinance. That's a whole different process. If it was an Ordinance there would have to be drafted to say zero and it could still pass it just doesn't conflict but there's no need for that. There's no need for it to be an Ordinance. I mean your plight as a Supernumerary is different than whether they had the authority to designate zero – that's what I'm trying to say.

Patty Luneau, 6 Trumbull Street, Derby, CT – With the designation of zero does it cost the City more money in overtime to fill those shifts than it would with Supernumeraries. And do we know that number.

Atty. Coppola – Again, that's a great question for whatever the Police Department can offer – the Board of Police Commissioners that would be something that you can discuss there.

Ms. Luneau – Do you have the answer for that?

Atty. Coppola – That would be something that you would discuss there. Then there's the process for budgeting – same thing. What we're trying to decide – I'm sorry – what I'm trying to confirm is that they had the right to designate zero officers. The impact to that is not really what we're going to handle. That's management actually – that's the

Chief. If you put it in that frame of mind I think this board wants Supernumeraries because it's at a lower cost – we would want it. But that's not what we're talking about. I'm speaking for myself – maybe they have something different.

Mayor Staffieri asked if anyone else from the public would like to speak. There was no response.

A MOTION was made by Mr. Bomba with a second by Mr. Lenart to close Public Portion.
Motion carried.

REAPPOINTMENT – WILLIAM CLYNCH – DERBY PARKS & RECREATION COMMISSION – 3 YEAR TERM – DISCUSSION & POSSIBLE ACTION

A MOTION was made by Mr. Lenart with a second by Mr. Benanto to approve the reappointment of William Clynch to the Derby Parks & Recreation Commission for a three year term. **Motion carried.**

APPOINTMENT OF EARL ROBINSON TO REPLACE MICHAEL DELLINGER TO THE ZONING BOARD OF APPEALS (12/07 – 12/12) – DISCUSSION & POSSIBLE ACTION

A MOTION was made by Mr. Lenart with a second by Mrs. Moran to approve the appointment of Earl Robinson to the Zoning Board of Appeals replacing Michael Dellinger for the term 12/07 to 12/12. **Motion carried.**

TRANSFER STATION SUBCOMMITTEE PRESENTATION TO THE FULL BOARD OF ALDERMEN

Mr. Bomba said he would like to say something as Mr. Hughes is absent this evening and since he was the Chair of the subcommittee. The committee did put in a good amount of time investigating what they had before them. The findings are public knowledge – recommendations were made and they were moved upon. He said if anyone has any questions he would do his best to answer.

Mr. Benanto said he doesn't have any questions but he would like to state for the record that he was a little disappointed as to how this went down. He said he was under the impression that we created this subcommittee and they were going to do their little investigation and report back to the full board. One reason or another it never made it back to the full board. How action was taken – I don't know what the chain of command was and what when down there but it's kind of after the fact that we're going to present the findings now when the action has already been taken. This is kind of a moot point. I mean what are we going to discuss now when the actions have already been taken. Mr. Bomba said he doesn't think it is our job to take action. He said he feels it was our job to go through our findings and make recommendations and they were made public and a decision was made off of that. Mr. Benanto said the findings were supposed to be brought back to the full board at which point we would make a recommendation as a full board. That's what was his impression. Mr. Bomba said he doesn't believe that we have any power to say fire somebody, suspend somebody – there are recommendations...

Mr. Benanto said he's not saying that. Mr. Sill said it should have been brought to the full board. Mr. Benanto stated when we set up the subcommittee that was the whole idea – they were going to do the investigating and report back to the full board and

we would make a recommendation from there. Mr. Sill noted that it should be in the minutes – the way that it was brought up should be in the minutes. Mayor Staffieri asked Atty. Coppola if that is the correct way. Atty. Coppola said he doesn't know. All he knows is that we have many other topics to handle and this was one. Mr. Benanto said well it's over and done now. He just can't answer questions as to what happened when they never received the report. Action was already taken by then. All he is saying is it never made it back to the full board and he thinks it should have. Mrs. Moran said she definitely agrees with Mr. Benanto. It was all done and now we get the report. Mr. Bomba said anyone could have attended any of the meetings noting that one of the meetings was held on a Saturday morning. Mr. Benanto said he wasn't even aware that there were meetings - he would have gone to them. Atty. Coppola said if the board wants to give him direction on how they want the next (inaudible) just to let him know and he will make sure it's done that way. Mr. Lenart said Mr. Benanto's point is this was prepared and we agreed upon having it come to the board. Mr. Benanto said he was never asked to sit on the committee. It was said who the committee was made up of and they would do their investigation and report back to the full board and we'll make a decision as a full board what we're going to recommend. This report was prepared and recommended without the full board's input. Atty. Coppola said that's not right. The board members picked who was going to be on the committee here. Mayor Staffieri said he asked who wanted to be on the committee and noted that most board members didn't want to serve. Mr. Benanto said Atty. Coppola is missing his point – the idea was they were to do the investigation and report back to the full board and it never got back to us. We're seeing the report now after action has already been taken. Ms. Wabno noted the report is on file in her office and it is also on the web page. Atty. Coppola stated that the Union wanted everything public so that's the reason everything was posted immediately. Mr. Benanto said he understands that and what was done was done by the administration. He said if you're going to tell him yes it was supposed to come back to the full board but it never made it that far because they took action on their own he's fine with that. Mr. Szewczyk said his only comment is that things happened before we even got a chance to see the report. Mayor Staffieri informed the board members that what everyone is failing to see is that the Union interceded and wanted things right away and dealing with the Union there are procedures that have to be done and followed. With the Union asking for the report to be public before it came back before the board they had to make the report public.

EXECUTIVE SESSION (IF NEEDED)

No Executive Session was required.

ADJOURNMENT

A MOTION was made by Mrs. Moran with a second by Mr. Sill to adjourn the meeting at 9:18 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.*