

DERBY BOARD OF ALDERMEN REGULAR MEETING

DERBY CITY HALL – APRIL 23, 2009 – 7:00 P.M.

MINUTES

The Honorable Mayor Anthony Staffieri called the public hearing 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 Benanto, David Lenart, Ronald Sill, Joseph Bomba, Ken Hughes and Scott Boulton.

Additions, Deletions, Corrections to the Agenda

Mr. Hughes would like to table items #6 & 7 as they are not present. There is a new item; bid waiver request from the WPCA for Buck's Poly Box in the amount of \$8,997.00 - discussion and possible action, a new item; Lincoln Housing tax abatement pursuant to the PILOT Program - discussion and possible action, a new item; request for the Greenway use on Saturday April 26th for Area Congregations Together - discussion and possible action and Shelton High drama club; sign placement request on Route 34 - discussion and possible action.

A MOTION to approve the agenda with additions by Mr. Bomba, second by Mr. Lenart, all in favor. **Motion carried.**

Public Portion

Mr. Carl Yaccobacci wanted to talk about the vote on Tuesday night. He was in favor of the City having another tool to attract developers. It was told there was no specific project however there were two or three vote yes fliers from the Long Hill Company and United Methodist Church. People were turned off because the boards said there was no specific project and there were no talks with developers. Yet a developer for one of the big projects was spending a lot of money to have this thing passed. It looked like there was some collusion going on.

Dan Waleski - 21 Elm Street. Mr. Waleski feels Mr. Yaccobacci is correct in his view of the referendum. Mr. Waleski feels it was an enormous intellectual mistake and would like this issue to be revisited by the Board of Aldermen. He also feels the City may have a grievance to take to the Freedom of Information Act as to the conduct and approach used by the opposition.

Scott O'Brien - 78 Shagbark Drive. Mr. O'Brien is here tonight for the dog issue. Mr. O'Brien handed out pictures showing the dog poop in the garbage pails. Certainly there is an overwhelming amount in the garbage cans. There is really only 1% or less of the population that goes down there with dogs. You will punish 99% of the people who have dogs who use that path. A dog ban will also ban dog owners. We need to learn from our mistakes as well as our successes. The parking problem on Elizabeth Street was corrected with meters and a full time employee to enforce. Education for DUI at the schools is a success, we wouldn't ban driving. Maybe we should add an ordinance that if you are on public property with a dog, you would be required to have some type of receptacle to pick up after that dog or be subject to a fine. If people are afraid of dogs, impose a shorter leash rule. A ban will divide the community.

Arlene Yaccobacci - 10 Lombardi Drive. She agrees with Mr. O'Brien. It is a small minority. She commented on an editorial in the New Haven Register. Surveillance cameras were installed to deter vandals and encourage dog owners to think of others who use the trail. The City raised the fine to \$200.00. Since the City raised the fines, how many fines have been issued? Has the City been able to get pictures of those dog owners who do not clean up after their pets? Is anybody watching? If the City goes ahead with the ban, she requests the City to install fenced in dog runs.

Marc Garofalo - 95 Academy Hill Road. Mr. Garofalo wants to know if anything has been done about the relocation of the business owners in the redevelopment zone. Mr. Garofalo stated there is no reason stated for the Executive Session, he would like to know why they are going into Executive Session. Attorney Coppola said it can be done in public. Mr. Garofalo stated people were at meetings and he asked specifically if there were discussions with developers and was told there were no discussions, yet days before the referendum there were at least six mailers from a developer. Clearly there had to be dialogue and discussion on that. It was a disservice to the City. Mr. Garofalo encourages the board to take an approach that makes sense regarding the Greenway. If you give out some fines, people will turn around.

Rich Antonuzzi - Annex Associates. Annex Associates made a proposal to the City of Derby at no cost to the tax payers as was explained to Mr. Garofalo, and asked how would you put this out to bid? His proposal was his idea. He bid zero, would you bid double zero? Mr. Garofalo does not get it. Mr. Antonuzzi gets nothing but praise from most of the tax payers. Six months later this bid thing comes up again.

Mr. Waleski - 21 Elm Street. He would like to add to his original remarks the City has an opportunity to take a grievance to the State Election Enforcement Commission.

Marc Garofalo - 95 Academy Hill Road. He doesn't have an issue with the job being done at the landfill. The City could have offered a proposal out to the whole public. If there is stuff being sold, is the City getting the money or not? What are the terms and agreement? He has an issue with the way the City conducted itself.

Carl Yaccobacci - 10 Lombardi Drive. Last year cameras were put up. Mayor Staffieri said there was only one camera put up. The City needs more money for additional cameras. Mr. Yaccobacci said there was more than 50 posts replaced from vandalism. If there are more than 50 posts to be replaced what is more cost effective? If that amount of vandalism is going on down there maybe there has to be more patrols. What is the expense to replace the posts as opposed to pick up the dog issues. Do we ban other things on the trail, because other things seem to be costing a lot more than the dog issue.

Mr. Hughes said the posts were broken by kids standing on them. The posts are getting older and that was over the course of the winter. With regards to the referendum; they were in touch with Bond Counsel - Doug Gillette. The City cannot expend City funds to promote the referendum. The City could not put out fliers saying this is why or why not you should vote for it.

Mayor Staffieri said the City was talking to Summerfield United Methodist Homes. There was never any discussion of the Public Act. When Hamden was in the newspaper is when we became interested in the Act. There were public hearings with Mr. Gillette. We are looking at moving Derby forward, not certain individuals forward.

Public Portion closed.

Approval of Minutes

Regular meeting March 26 2009

A MOTION was made to accept by Mr. Lenart, with a second by Mr. Sill, discussion: there is a correction to Mr. Waleski's address from 25 to 21 Elm Street, Mr. Allaire and Mr. Bomba abstained as they were not at the meeting, all in favor. **Motion carried.**

Committee Reports: Community Relations

Community Relations - Vendor permit - St. Jude Church, Flea Market - Fee Waiver.

Mr. Szewczyk recommends St. Jude's fee waiver. The other request was for Citizens Campaign for the Environment which has been referred to Corporation Counsel. **A MOTION** to approve the vendor permit for St. Jude's flea market and the Citizen's Campaign for the Environment along with the fee waiver for St. Jude by Mr. Hughes, second by Mr. Sill, all in favor. **Motion carried.**

Derby Greenway Committee

Mr. Allaire attended his first meeting. They spoke about the dog poop and dogs being loose and jumping up on people. There was also talk about the wear and tear on the posts and not purposeful vandalism. The advisory committee wanted to bring to the Board of Alderman perhaps passing a thirty day trial ban and if that doesn't work then go to a complete ban.

Department Reports:

- a. Board of Education Report – no one present tonight, there is a Board of Education meeting being held.
- b. Cultural Commission Report – no one present.
- c. Public Works Report – Ron Culmo presented his report. Mr. Culmo said the poles damaged have been on either Friday or Saturday nights. The poles are easy to break because when it was first constructed it went out to a low bidder who used a low grade wood. They have been replacing it with a better grade. There has been a lot of graffiti and that is being cleaned up. The last couple of weeks has not been bad regarding dog poop.
- d. Building/Facilities Inspector Report – no questions on the report.
- e. Fire Marshall Report – no questions on the report.
- f. Fire Department Report – no one present.
- g. Police Report – Deputy Chief Narowski said the department applied for two federal grants. One is for two fully funded police officers and their benefits for three years. The second one is for \$15,704.00 to develop a homeland security trailer. Deputy Chief said he has been on the greenway and has not noticed one violation.
- h. Parking Authority Report – no one present.

Refund of Excess Taxes thru - \$4,360.01 – Cinda Buchter **A MOTION** was made to approve the refund of excess taxes by Mr. Hughes, second by Mr. Benanto, all in favor. **Motion carried.**

Area Congregation Together - Permission for Greenway Use- Annual Walk - Sept 26,2009 - 8:30 AM

A MOTION to approve by Mr. Lenart provided all the requirements are met, second by Mr. Bomba, all in favor. **Motion carried.**

School Building Committee Invoices; Discussion and Action

Bianco Giolitto Weston Architects, Inc. - Inv #15 - \$23,583.00

GNBC - Inv # 17199 - \$8,669.21

Test-Con - Inv # 5304 - \$8,295.00

City of Derby - Statement #PZ2009006 - \$3,504.44
FIP Construction, Inc. - Inv#08001.13 - \$1,755,228.00
Bianco Giolitto Weston Architects, Inc. - Inv #16 - \$22,902.00
GNBC - Inv #17244 - \$12,63.21

A MOTION to approve by Mr. Lenart, second by Mr. Szewczyk, all in favor. **Motion carried.**

Greenway Use - May 27, 2009- Walk-a-thon Ansonia School Readiness Program.(Letter)

Mr. Hughes read the letter into the record: "Dear Members of the Board of Aldermen, The Parent Advisory Board for the Ansonia School Readiness Program would like to request approval for the use of the Riverwalk near BJ's for a Preschool Family Fundraiser Walk-a-thon on Wednesday May 27, 2009 from 5:30 -7: p.m. (rain date Thursday May 28). Students would collect donations prior to the walk by having family members "sponsor" them and would come that day to walk with their families and as a school community during the designated time. All proceeds would benefit the preschool programs at Prendergast School and Redwing Pondhouse in Ansonia. We would also like to set up a table to make snacks (juice boxes, crackers) available for a small donation, if that meets your approval. Of course, we would do this off the walking path, so as not to interfere with the routines of others using the walkway. If you have any questions, please contact Lynn Frager at 734-0724 or Nicole Newkirk at 736 9987. Thank you for your time! Sincerely, The Parent Advisory Board of the Ansonia School Readiness Program". **A MOTION** to approve by Mr. Lenart, second by Mr. Sill, all in favor. **Motion carried.**

Dogs/Derby Greenway - Discussion and possible action

Mr. Hughes and Mr. Sill feels there has been a lot of time spent talking about this subject. They have received a lot of calls and emails complaining about the dog poop. Mr. Lenart feels it is a ridiculous issue, he thinks a ban is a bad idea. Mr. Bomba feels there is a problem on the greenway, the green, Witek Park. But to take the right away from people he has issues with that. The majority of the people follow the rules. **A MOTION** Mr. Sill to ban dogs on the greenway, second by Mr. Benanto, **Roll Call:** Mr. Sill - yes, Mr. Benanto -yes , Mr. Boulton - yes , Mr. Allaire - no, Mr. Hughes - yes, Ms. Moran - no, Mr. Szewczyk - no , Mr. Bomba - no, and Mr. Lenart - no. Four yes votes, Five no votes.....There is no ban of dogs at the Derby Greenway.

Ebenezer Bassett - Street Sign/Street program- Discussion and possible action

Mr. Hughes was in contact with Marion O'Keefe an historic preservation consultant who wrote a book on Ebenezer D. Bassett. She contacted Mr. Hughes because she was concerned that people would think that the street sign is East Bassett Lane. She asks to change the street sign to Ebenezer D. Bassett. They thought there could be a small sign placed under street signs throughout the City which would give a little history as to why a street was named. If this is a program the City wishes to adopt it would be easy to get streets adopted and signs donated. Mr. Bomba said the signs could be taken. Maybe a better place would be to have it placed at City Hall. Mr. Hughes would like to pursue this. The board is in favor of it.

Eagle Scout Project - Matt Frovarp - Discussion and Possible action (Letter)

Mr. Hughes read the letter into the record: "Dear Board of Aldermen, I plan on leading a group of Scouts and Adults in the collection of serviceman's packages. This Friday and Saturday we will be dropping off fliers to houses in Derby, Shelton, and Ansonia. Attached is the flier we will be delivering. Monday the 13th, I hope to setup a sign near the Derby Greenway displaying the date, time and locations of all drop off points. On April 25th we will need to setup collections locations where residents can drop off their donations. I was hoping to use part of the Derby Green and the end of the Derby Greenway near BJ's. I plan on setting up a tent with a table and volunteers to collect donations at both points. We will start setting up at around 8:30 am and leave by 3:00 pm on the 25th of April. Any questions call me at 732 8854. Thank you, Life Scout Matt Frovarp". **A MOTION** to approve by Mr. Sill, second by Ms. Moran, all in favor. **Motion carried.**

Transfer Station- Update regarding operation. Discussion and possible action

A MOTION take this item out of Executive Session as recommended Attorney Coppola, by Mr. Hughes, second by Mr. Bomba, all in favor. **Motion carried.**

Attorney Coppola said the Mayor's office failed to submit quarterly reports from 2000 and forward. The City has now started filing quarterly reports. The leaf pile has been picked through. There were six dumpsters of garbage taken out of the piles. The major violation was a failure to have a permit. It is still in process. These steps are moving Derby into compliance with the DEP regulations. Derby has to enter into a compliance agreement.

Mr. Antonuzzi of Annex Associates said there was a visit from the Connecticut State Weights and Measures. The scale was off. It had to be rectified within ten days. It will cost \$1,700.00 to fix. The leaf pile is now in compliance.

There are issues with people not wanting to empty the leaf bags.

There are stumps that has to be addressed. It has to come out.

Ralph Amodio said he can't have people coming in and telling him they are not going to pay. Lately, there are more and more people telling him that. The State paperwork allows him to keep those people out or fine them if they don't comply. He has taken batteries out of leaf piles. That has to be addressed.

Mr. Amodio is not in favor of bringing in a company for the grinding.

Mr. Antonuzzi will put a thirty yard container for the Public Works employees to place the bags of leaves and they can come back later to empty them. Mr. Antonuzzi will also have an employee help Public Works if there is only one worker in the truck.

Bid waiver request from the WPCA for Buck's Poly Box in the amount of \$8,997.00 - discussion and possible action

A MOTION to accept the bid waiver by Mr. Bomba, second by Mr. Benanto, all in favor. **Motion carried.**

Lincoln Housing tax abatement pursuant to the PILOT Program

Mr. Hughes read a resolution into the record: "Be it resolved, by the Board of Aldermen of the City of Derby that pursuant to the terms of a payment in lieu of taxes pilot agreement entered into by and between the City of Derby and the Lincoln Housing dated April 17, 2009 that any and all taxes assessed prior to April 17 2009 shall be abated and the obligations to be paid shall be pursuant to said PILOT, resolved by the vote of the Aldermen on April 23 2009, Mayor Anthony Staffieri.

A MOTION to approve by Mr. Szewczyk, second by Mr. Benanto, all in favor. **Motion carried.**

Shelton High drama club; sign placement request on Route 34 - discussion and possible action.

A MOTION to approve with keeping it away from the monument by Mr. Lenart, second by Ms. Moran, all in favor. **Motion carried.**

Adjournment

A MOTION to adjourn by Mr. Sill with a second by Ms. Moran, all in favor. **Motion carried.** Meeting adjourned at 8:47 p.m.

Respectfully submitted

*Denise Cesaroni
Recording Secretary*

THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ALDERMEN AT THEIR NEXT REGULAR