

**DERBY BOARD OF ALDERMEN
SPECIAL MEETING**

DERBY CITY HALL – February 11, 2010 – 7:00 P.M.

MINUTES

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

Roll Call

Present: Barbara DeGennaro, Stephen Iacuone, Beverly Moran, Joseph DiMartino, David Lenart, and Ken Hughes, President.

Also Present: Chief Administrative Assistant- Phil Robertson and Corporation Counsel - Joseph Coppola.

Absent: James Benanto, Joseph Bomba and Scott Boulton

Additions, Deletions and Corrections to the Agenda. A MOTION by Mr. Hughes to move item #23 to follow the Building Report, second by Ms. Moran, all in favor. **Motion passes.**

Public Portion

Tom Lionetti - 79 Sunset Drive. He hopes the Board names it after former Mayor Ceccarelli as he was responsible for building the gazebo. Mr. Lionetti wanted to speak at the public hearing for the roadside memorials. Also, does the transfer station item refer to the two employees coming back.

Dan Waleski - 21 Elm Street. Mr. Waleski read the article in the CT Post which said the two employees were being hired back. Those individuals were not performing their duties correctly and due to a legal technicality are back. Will the Board look at the actions at the landfill and put those duties in writing.

Ed Sheehy - Iannotti Lane. Rich Grande was well liked and would like to see the gazebo dedicated to him. Whatever happened to streets being named after people who died in the war.

Beth Collette - 157 Minerva Street. Ms. Collette would like 1 or 2 new people with different ideas for the Redevelopment Agency and one Board of Aldermen on the Agency would do.

Carl Yaccobacci - 10 Lombardi Drive. Mr. Yaccobacci is a property owner of downtown and would like to be put on the board. The landfill issue has been a contest between the landfill and the Board of Aldermen and the politics of Derby. Based on the decisions made it costs us up to \$90,000.00. Why wasn't the permit issue discovered sooner? With the different lawsuits where does the money come out of?

Marc Garofalo - 95 Academy Hill Road. It should be noted for the record, the board should recognize Joe Jeanetti Sr. who was a WWII veteran who just passed away, from Derby and received a purple heart and served with PFC Witek. It was his suggestion to name the land as Witek Park.

Also, the closing of City Hall for weather issues is a disservice to the citizens of Derby.

The public works landfill issue has been a gross misunderstanding of the process. The Board members do not have a role in these issues. The contract wasn't followed and should have been dealt with through the collective bargaining process. It costs the City money.

The honoring of Mayor Grande is a nice gesture, it is the right thing to do.

There being no one else from the public to speak, public portion was closed at 7:16 p.m.

Approval of Minutes - Special Meeting - Dec 8, 2009

A MOTION to approve by Ms. Moran, second by Mr. Hughes, all in favor. **Motion carried.**

Approval of Minutes - Regular Meeting - Dec 17, 2009

There is a correction on the minutes under additions, deletions and corrections to the agenda, the motion to approve by **Mr. Sill**, Mr. Sill was not present.

A MOTION to approve with the correction by Mr. Hughes, second by Ms. DeGennaro, all in favor. **Motion carried.**

Approval of Meeting Schedule - Board of Aldermen - January 28, 2010 - January 27, 2011

A MOTION to approve by Mr. Hughes, second by Mr. DiMartino, all in favor. **Motion carried.**

Correspondence

There is no correspondence.

Aldermen Sub-committees, Discussion/Action

Mr. Iacuone would like to have a Democrat as an alternate. Mayor Staffieri explained that is to keep both of them on each committee. Alternates do not attend the committee meetings.

A MOTION by Mr. Hughes to change the alternate Joseph Bomba for Community Relations subcommittee to Steve Iacuone, second by Mr. Lenart, all in favor. **Motion carried.**

A MOTION by Mr. Hughes to approve the Board of Aldermen Operations & Procedures with a second by Ms. Moran, all in favor. **Motion carried.**

Vendor Applications:

Joseph Pereira - Edward Jones Investments

A MOTION to approve with the hours to be outlined by Mr. Hughes, second by Ms. Moran, all in favor - Ms. DeGennaro is opposed. **Motion carried.**

James Caprio - Jim's Ice Cream

A MOTION to approve by Mr. Hughes, second by Mr. DiMartino, all in favor. **Motion carried.**

Department Reports

Board of Education -

Transfer of Ford F-150 Truck/Snow Plow from the DPW to the Derby School District.

A MOTION to approve by Mr. Hughes, second by Mr. Iacuone, all in favor. **Motion carried.**

Bid Waiver: E-mail exchange service for the Board of Education.

A MOTION to table by Ms. Moran as there is no information available, second by Mr. Hughes, all in favor. **Motion carried.**

Cultural Commission - no one present.

Public Works - The new trucks are not in yet. Mr. Culmo stated there are numerous problems with people dumping at the gate at the transfer station, Silver Hill Road, Great Hill Road and Cullens Hill Road.

Building Report - Mr. Kopjanski presented his report.

There was a temporary C/O issued in January for the new Middle School, there is still a punch list being worked on.

Request for refund of Building Department Permit Fees paid by Marconi Construction, Company, Inc. - \$7,157.00. Richard P. Kuzmak.

Marconi Construction was the low bidder for renovations on Caroline Street and Fourth Street. They applied for and received three building permits in June 2009 and paid the building permit fee also.

Subsequently, a call came in November asking that the permits be extended. This can only be done with it in writing with a cause and explanation given as to why the project hasn't gone forward.

A letter dated December 15 2009 was received from Attorney Kuzmak, that the permit fees be returned, that his client was no longer part of the project because the contract was not finalized between Marconi and the property owner.

A new contractor has since been selected.

The plan reviews were performed and the Fire Marshall put in time, along with W.P.C.A.

The Marconi permit was expired. A second set of applications had to be reviewed again.

A MOTION by Mr. Lenart to deny with a second by Mr. DiMartino, discussion...Mr. Hughes is in favor of taking \$500.00 off and refunding the balance, no further discussion, all in favor of denying the refund, Roll call: four in favor: Mr. Iacuone, Ms. DeGennaro, Mr. Martino and Mr. Lenart, two opposed - Ms. Moran and Mr. Hughes. **Motion carried.**

Facilities Inspector Report - There was a request for an appeal on Fifth Street for Mr. Wright's property.

Fire Marshall Report - Mr. Hawks met with the engineer on Tuesday for the St. Michael School. They are looking at ways to accomplish the stair rating.

Fire Department Report - no report.

Police Department - Chief Mascolo is seeking authorization to transfer two vehicles to the dealer awarded the bid. This transfer will help reduce the cost of the purchase of the new vehicles and help address a shortfall in capital funding for the new cars. **A MOTION** to approve by Mr. Hughes, second by Mr. DiMartino, all in favor. **Motion carried.**

Parking Authority Report - no report.

Refund of Excess Taxes as requested 1/21/10 \$2,483.04 - Cinda Buchter

A MOTION to approve by Mr. Lenart with a second by Ms. Moran, all in favor. **Motion carried.**

Refund of Excess Taxes as requested 2/4/10 \$6,456.02 - Cinda Buchter

A MOTION to approve by Ms. Moran with a second by Mr. DiMartino, all in favor. **Motion carried.**

Storms Report - no report.

Capital Plan 2009-2010, Discussion/Action

A MOTION to approve as presented by Mr. Hughes, second by Ms. Moran, all in favor. **Motion carried.**

Transfer Station Permit Application - Discussion and Possible Action

Mr. Robertson addressed the board. In 1993 the State asked Derby to close their dump which was operating as an incinerator plant. The BOA and City fathers created a dump closing commission and funded \$300,000.00. Part of the agreement was that a permit to construct a transfer station would be processed. That was done and filed in 1996. The administration never did anything else about it.

This administration uncovered this when Annex became the City's consultants in 2008 that it was not filed. This board approved the seeking of the permit authorizing the Mayor to seek a general permit, and the statutes have now changed. The City must now go through an environmental justice program participation plan. People in the area need to be notified and explain the environmental impact that the creation of a transfer station will do as opposed as to what was happening before. Mr. Robertson will email the Act to the Board of Aldermen members. **A MOTION** by Mr. Hughes with a second by Mr. DiMartino to authorize the Mayor's office to pursue the Environmental Justice Public Participation Program with the State of CT DEP, all in favor. **Motion carried.**

Public Hearing - Roadside Memorial Ordinance

Fred Picroski - 216 Derby Avenue. Mr. Picroski feels future administrations may look to the putting up of a marker and lead to a form of revenue generation. The signs would discourage freedom of expression. Mr. Picroski admits there is some merit in regulating glass. There are plenty of obstructions on Derby Avenue that need to be looked at first.

Tom Lionetti - 79 Sunset Drive. Mr. Lionetti feels there should be a limit to these memorials.

Carl Yaccobacci - 10 Lombardi Drive. Mr. Yaccobacci feels the memorials can be a distraction and there should be a time limit.

Dan Waleski - 21 Elm Street. Mr. Waleski wrote a letter to the editor of the Valley Times and distributed it to the Board. Mr. Waleski feels they are imitating a custom brought here by the Mexicans and Spanish. Mr. Waleski feels we have cemeteries for mourning. He urges the Board to discontinue the memorials.

Mr. Picroski pointed out other states have memorials. Memorials of simple flowers is not obstructive.

Public Portion closed.

Roadside Memorial Ordinance - Discussion/Action

Board members discussed their views on the matter.

Mr. Lenart was present at the four roadside memorials in the City and cannot vote for this.

Mr. Hughes read additions put into the previous draft which included the person(s) responsible for the memorial may request from the Board of Aldermen that a permanent marker be established at the site with a public service message.

Ms. DeGennaro would not want someone telling her when to take a marker or rose down.

Ms. Moran is in favor of an ordinance as to what you cannot put there.

Mr. DiMartino agrees in having restrictions as well and does not feel comfortable with a restriction of time.

Mayor Staffieri has a hard time with the time issue and feels there does not have to be a decision right away. There is no sense of urgency.

A MOTION to table by Mr. Iacuone, with a second by Mr. Lenart, discussion.....Mr. Hughes feels there should be a vote of yes or no, why keep tabling?, all in favor - 1, opposed - 5 (no roll call given) motion fails.

A MOTION by Mr. Hughes to approve the ordinance removing "the article on the placement of a roadside memorial shall be allowed along a public sidewalk, roadway or right of way owned and maintained by the City of Derby for a period not to exceed 90 days beginning anytime within 30 days after death due to a tragic event"

and - to remove the section after 90 day time limitation has passed(entire paragraph).

The motion is the first paragraph C - Regulations, starting with "the placement" and ending with "as long as". Also removing the last paragraph starting with "After the 90 day time limitation" and ending with "by the department of Public Works". C 7 would be removed as well.

.....there is no second on the motion, **motion fails.**

A MOTION by Ms. Moran to table the ordinance with the pieces omitted that Mr. Hughes suggested and be presented in the meeting packet prior to the next meeting corrected, second by Mr. DiMartino, all in favor. **Motion carried.**

Permission for Sign Placement:L Rte 34/Rte 8 Derby Middle School Musical February 5, 2010 through February 6, 2010 - Mrs. Kimberly Stoll, DMS Musical Director

A MOTION by Mr. Lenart, second by Ms. Moran, all in favor. **Motion carried.**

Permission for Columbus Day Road Race - Knights of Columbus - April 24, 2010 - John Niski

Mr. Hughes read the following letter into the record:

"Dear Mr. Hughes,

I hope that you had a nice holiday season. I am writing once again to request the use of the Derby Greenway for our 3rd annual 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 the past two years.

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 April 24th. 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 Calverts and did not impact parking or shopping in the area.

The entire event was completed by 11:00 AM and it was deemed very successful by all of the attendees. We raised about \$3,200.00 which was donated to various local charities in the Valley.

Please consider this as 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 #1350 Knights of Columbus
Shelton, CT"

A MOTION to approve by Mr. Lenart with the proper insurance, second by Mr. Hughes, all in favor. **Motion carried.**

Cystic Fibrosis Walk-A-Thon (June) - Elaine Marcucio

Elaine Marcucio is looking for volunteers for the walk a thon. Mayor Staffieri appointed Laura Wabno to ask the workers to volunteer.

Capital Planning Commission Appointments: Anthony Staffieri, Judy Szewczyk, Timothy C. Conlon, Ken Hughes, Steve Iacuone, Beverly Moran, Ken Marcucio Sr., Henry Domurad and Keith McLiverty - Formation, Discussion and Action

A MOTION to approve as presented by Mr. Hughes with a second by Mr. DiMartino, all in favor. **Motion carried.**

St. Mary - St. Michael School 2nd Annual Housy River Duck Race and 2nd Annual Derby Dash (Derby Greenway) - Derby Day June 26, 2010 - Grace Torres, Coordinator

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

Gazebo on Derby Green - Dedicated in Memory of the late Mayor Richard A. Grande - Discussion/Action

Mayor Staffieri feels Rich was a great individual, family man who loved Derby and was not political and wanted to make Derby move forward and Mayor Staffieri strongly supports this. Mr. Lenart feels a street name is more appropriate. **A MOTION** to approve by Mr. DiMartino, second by Mr. Iacuone, all in favor. **Motion carried.**

Appointments and Re-Appointments

a. Regional Planning Commission - Re-appointment - David Barboza II (2.28.10)

A MOTION by Mr. Hughes to approve, second by Ms. Moran, all in favor. **Motion carried.**

b. Parking Authority: Re-appointment - Jack Moran (2.28.10)

A MOTION by Mr. Hughes to approve, second by Mr. DiMartino, all in favor. **Motion carried.**

c. Park & Rec: Re-appointment - Andrew Cota (12.28.09)

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

d. Ethics Board: Appointment - Ron Sill (3.31.10)

A MOTION to approve by Mr. Iacuone, second by Ms. Moran,discussion Ms. DeGennaro questions if this is one of the appointments that the minority members of the Democrats of the Board of Aldermen submit names to the Mayor, and this pertains to some of the other commissions as well, Mr. Coppola states there is no minority representation for the Ethics Board 2- Democrats 2- Republicans if you want to say minority then unaffiliated is the minority, all in favor. **Motion carried.**

e. Planning and Zoning: Re-appointment - David Barboza, II (2.28.10) Richard A. Stankye (2.28.10) Appointment Alternate - Tony Szewczyk

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

f. Redevelopment Agency: Ken Hughes (2.28.10)

A MOTION to approve by Ms. Moran, second by Mr. Lenart, all in favor, Mr. Hughes abstained. **Motion carried.**

g. Zoning Board of Appeals (ZBA): Richard Bartholomew (12.31.09)

A MOTION to approve by Ms. Moran, second by Mr. Hughes, all in favor. **Motion carried.**

h. Regional Water Authority: Re-appointment - Barbara Dybas

A MOTION to approve by Ms. Moran, second by Mr. Hughes , all in favor. **Motion carried.**

Resignation of Leone "Leo" DiSorbo from the Board of Apportionment & Taxation

A MOTION to approve by Mr. Hughes, second by Mr. DiMartino , all in favor, Ms. DeGennaro and Mr. Iacuone abstained. **Motion carried.**

Appointment of William S. Nelson-Cummings to the Board of Apportionment & Taxation

A MOTION to approve by Mr. Lenart, second by Mr. Hughes, all in favor, Ms.DeGennaro and Mr. Iacuone abstained. **Motion carried.**

Adjournment

A MOTION to adjourn at 8:52 p.m. by Mr. Lenart with a second by Ms. Moran, all in favor, **motion passes.**

Respectfully Submitted,

*Denise Cesaroni
Recording Secretary*