



**City of Derby
Board of Aldermen
Public Hearing
March 22 2012**

Pledge of Allegiance The meeting was called to order at 7:00 p.m. by Mayor Anthony Staffieri. All rose and pledged allegiance.

Roll Call

Present: Stephen Iacuone, Barbara DeGennaro, James Benanto, Scott Boulton, Kenneth Hughes, Ronald Sill - BOA President, Beverly Moran, Carmen, DiCenso and Arthur Gerckens.

This is a public hearing in regards to the dog ban ordinance.

Public Portion

Tony Szewczyk - 166 Mt Pleasant Street. Mr. Szewczyk stated he heard rumors about banning bicycles as well. Mr. Szewczyk feels there should be some sort of cooperation between the towns with a uniform set of rules.

Dan Waleski - 21 Elm Street. Mr. Waleski stated there should be a serious consideration for regulating the use of dogs. It's a shame a few people have to upset the issue.

Jim McGuire - 45 Hawthorne Avenue. Mr. McGuire would also like to see a dog ban. Ansonia has banned dogs, the dog park might solve the problem.

Tom Lionetti - 69 Sunset Drive. Mr. Lionetti is not in favor of a dog ban. Mr. Lionetti jogs with his dog and picks up after him. He doesn't feel he should be penalized for the person who doesn't pick up after their dog. He doesn't agree with a dog park, because he won't be able to exercise with his dog, and someone will still have to pick up the poop. It should be monitored more closely.

Joel DeScheen - 22 New Haven Avenue. Mr. DeScheen is an avid fisherman, a small area will turn into all the dog feces in a concentrated area and does not want to have to deal with it in that area.

Stan Muzyk - 6 Ashwood Terrace. This has been a problem for six years. The newspapers have written about a dog ban. Some reasons given were some of the aldermen are dog owners. This has cost Derby tax payers a lot of money wasted to pick up dog poop. He feels sorry for Ron Culmo - Director of Public Works. He has taken advantage of by the City to dispatch people there twice weekly to clean up. Mr. Muzyk feels sorry for the responsible dog owners and it is an embarrassment.

Arlene Yaccobacci - 10 Lombardi Drive. Ms. Yaccobacci is not in favor of the dog ban. People like Mr. Muzyk keep putting false editorials in that keeps saying there is a dog lobby and portraying Derby in a bad light. How many tickets have been given out? There has been none. Has a survey been done on

how many dogs use the trail. It is not overrun with dogs. When people read editorials they think it is overrun by dogs and dog poop everywhere. It's a nice quality of life issue. If you start banning dogs, you'll start banning kids riding their bicycles, jogging strollers, skate boards, roller blades etc. There are a lot of geese that poop on the greenway. Is there a timeframe for the dog park?

(Name not heard on tape)- Birmingham Condo's. She is not in favor of the dog ban. She uses the greenway four or five times a week. She does not see a lot of poop and would appreciate not catering to the lowest common denominator. Give more tickets, raise the fine.

Frederick Picroski - 216 Derby Avenue. Mr. Picroski wanted to address the January meeting. Mr. Picroski will get to address this at the next Board of Aldermen meeting. Mr. Picroski feels bad having to consider the dog ban.

James Mascolo - 271 Hawthorne Avenue. Mr. Mascolo stated the City should not be catering to dogs. It is a trail for human beings. Some people are afraid of dogs. It is not just about poop. Three quarters of the City has sidewalks to walk and run your dog. There is a big state park that allows dogs on leashes. The greenway is twelve feet wide. An hour ago a three year old was bitten by a pit-bull in Ansonia at Nolan Field.

Tony Szewczyk – 166 Mt Pleasant Street. Mr. Szewczyk stated there was a document when the greenway was proposed which should be looked at for its intent of use. Mr. Culmo will probably have to use his resources again for the dog park. Mr. Szewczyk stated there should be a minimal fee for the park to compensate Mr. Culmo's time and materials.

Dan Waleski - 21 Elm Street. Mr. Waleski feels there should be a survey around the state to see what other people are doing for a solution to satisfy everybody.

Tom Lionetti - 69 Sunset Drive. Mr. Lionetti is worried that banning the dogs on the greenway will extend to banning the dogs at Witek Park and the Derby Green. The greenway has been open for years and how many people have gotten bit by a dog?

Stan Muzyk - 6 Ashwood Terrace. It is not a question of dog bites, but dog poop. This hasn't been resolved for six years. Someone said he is writing editorials on this, but New Haven Register and Connecticut Post have been writing stories on banning dogs. We can't leave it all in Ron Culmo's hands, he has other responsibilities here in the City of Derby. It's disgraceful for the City of Derby.

Arlene Yaccobacci - 10 Lombardi Drive. Again, there has never been any issuing of tickets, or enforcement on fines which is on the books. You can't ban the dogs without first enforcing the laws on the books.

Stan Muzyk - 6 Ashwood Terrace. There is also a cost factor. Mr. Culmo is paying \$30.00 an hour to pick up the dog poop. That is a lot of money. The City can't be wasting money like this.

Sheila O'Malley - Oakville, CT. Ms. O'Malley stated the aldermen have a difficult decision, but they represent not just the people who don't own dogs, but the people who own dogs too. Greenways are designed by state and federal statutes for recreational purposes for every resident of the community and surrounding communities. There is money for a dog park and it will be an acre and a half, won't affect the fishermen, it's a nice recreational amenity that a lot of communities have.

Laura - 22 New Haven Avenue. Ten thousand dollars for a dog park can be used for someone to patrol the greenway. It doesn't make sense, Shelton has a dog park near Derby. O'Sullivan's Island was not named in memory of someone in order to have dogs defecate on it.

Public Portion closed at 7:28 p.m.

Dog Ban Ordinance

Mayor Staffieri stated he is not for or against. The City has been doing its due diligence by getting information from Ansonia who will share the cost of the expense. There is grant money for this purpose only. Mayor DellaVolpe is willing to work out a plan where the towns will alternate the upkeep of the park. Research has been done to look at other dog parks and found the majority of towns have people who pick up their dog poop. Union issues will have to be looked at. The Ansonia Mayor has expressed complete assistance. Mayor Staffieri walked the trail from O'Sullivan Island and saw a man walking his dog unleashed. The Mayor stated the dog needed a leash and the man told the Mayor to "do something about it". The City does not have the resources to patrol the area.

Ron Sill - the hours spent on this issue and the number of years represent a problem. There are bags being used and thrown down on the rocks. Banning has been done before for six months, or allowing dogs halfway, it is not working. An ordinance is easy to enforce for the police force, resolutions and anything prior has not worked.

Carmen DiCenso - Mr. DiCenso would like to see the dog park for people to go. Ms. O'Malley worked hard to get the money from the state, Ansonia is willing to contribute to make it a bigger park, it is an acre and a half. Mr. DiCenso will make sure the park gets open and not sit on the table.

Barbara DeGennaro - Ms. DeGennaro has received a number of complaints. It has nothing to do whether you have a dog or not. The problem has not been able to be resolved for years. This is a society that has rules.

Steve lacuone - It's been six to seven years. People haven't taken care of their dogs.

James Benanto - Mr. Benanto agrees with the ban. There has been a temporary ban and bags have been provided and everything has failed. He has had overwhelming requests to ban the dogs.

Scott Boulton - Mr. Boulton stated it is difficult to put that responsibility on the police. They are taxed with what they have to do to protect the City and not be looking for animal feces. Mr. Culmo has limited personnel and the City is forced to banning.

James Benanto - it is not an easy decision to make. No one will end up being happy. The majority of what he hears tells him what to do.

Ken Hughes - Mr. Hughes voted for the ban last time. The feces are a small part of the problem. There are unleashed dogs, dogs on leashes that are too long.

Ron Sill - last year there was a girl walking a goat.

Beverly Moran - the issue is brought up all the time. Too much time is spent on dog poop. The first ban Ms. Moran received calls to not ban. This time, Ms. Moran has received no phone calls.

Arthur Gerckens - Mr. Gerckens is against anything that infringes on quality of life issues for citizens. Mr. Gerckens wishes there was more done on citations.

A MOTION by Mr. Hughes with a second by Mr. Sill to approve the ordinance regarding the dog ban on the Derby Greenway, Chapter 26, discussion.....

**Ordinance Regarding the Greenway
Chapter 26 of the
Ordinances of the City of Derby**

"Be it ordained by the Board of Aldermen of the City of Derby, after the public hearing and at the meeting of March 22, 2012, THAT

No person shall take domestic or exotic animals onto the Greenway. Animals including but not limited to dogs, cats, birds, snakes, rodents, and horses.

Any violation of the rules and regulation of this Ordinance may be enforced by the City of Derby Police Department, by citation and fine in the amount of \$75.00, or any other fine as allowed by law.

The City of Derby Police Department shall be authorized to direct person(s) who violate this Ordinance to leave the Greenway'.

all in favor.....Mr. Hughes feels service animals should be excluded, he will accept that amendment, Mr. Sill accepts the amendment as well, all in favor, Mr. Gerckens is opposed, **motion carried.**

Adjournment

A MOTION to adjourn at 7:44 p.m. by Ms. Moran, second by Mr. Boulton, all in favor, **motion carried.**

Respectfully Submitted,

*Denise Cesaroni
Recording Secretary*

*******These minutes are subject to the approval of the Board of Aldermen at their next regular meeting.**



**City of Derby
Board of Aldermen
March 22 2012**

Pledge of Allegiance The meeting was called to order at 7:46 p.m. by Mayor Anthony Staffieri. All rose and pledged allegiance.

Roll Call

Present: Barbara DeGennaro, Stephen Iacuone, Beverly Moran, James Benanto, Arthur Gerckens, Ronald Sill - BOA President, Scott Boulton, Carmen DiCenso and Kenneth Hughes.

Also present: Corporation Counsel Joseph Coppola, Superintendent of Schools - Dr. Stephen Tracy, Street Commissioner Ron Culmo, Building Inspector David Kopjanski, Fire Marshal Phil Hawks, Fire Commissioner Kelly Curtis, Director of Community and Economic Development Sheila O'Malley, Director of Cultural Commission George Pudimat, Deputy Chief of Police Scott Todd.

Additions, Deletions or Corrections to the Agenda - there are no changes.

Public Portion

Kelly Curtis - 22 Grandview Boulevard, Treasurer of Hotchkiss Hose. Mr. Curtiss stated he would like Hotchkiss Hose to be responsible for the upkeep of the island at the corner of Sentinel Hill Road and David Humphries Road. Mr. Hughes stated there is an existing "Adopt a Spot" program adopted five or six years ago. The forms are on line on the Derby website.

Fred Picoski - 216 Derby Avenue. Mr. Picoski commented on the comments made about Attorney Coppola being at the big table. It is very important to have corporation counsel be part of the executive team. Mr. Waleski pointed out that corporation counsel has been part of the board for a number of years, and Mr. Picoski likes the way Derby operates by making sure that decisions are made by following bylaws or take time to amend bylaws. Removing Attorney Coppola or anyone else from the table who is not an elected official would be a start of redefining who can sit at the table or who is part of an executive meeting and possibly pushing our charter further away from government and allowing the future aldermen run over the charter with no thought. Having someone representing the charter at the table, will allow issues to get resolved quicker rather than waiting for another meeting to see if it conflicts with the charter or not.

Public Portion closed.

Approval of Minutes - February 23 2012

A MOTION to approve by Mr. Hughes with a second by Mr. Sill, discussion...Ms. DeGennaro asks for a correction to page five pertaining to the executive session.....Ms. DeGennaro stated a period should be inserted after Mr. McLiverty's name and the attorney for Mr. Iacuone be named which is Ms. DeGennaro, and that she and Mr. Iacuone were not invited to attend the session, the amendments were approved by the motion makers - Mr. Hughes and Mr. Sill, all in favor, **motion passes.**

Committee Reports: Community Relations

Vendor Permit - Jim's Ice Cream - James Caprio

A MOTION to approve by Mr. Hughes with a second by Mr. Boulton, discussion...

Mr. Iacuone is concerned that ice cream vendors are at the intersection of Seymour Avenue and Elizabeth Street causing congestion problems,

Mayor Staffieri stated last week the vendor was told by police they were in the wrong place and given a place to be and where not to be,

Mr. Iacuone stated it happened the last two days,

Mayor Staffieri asked Deputy Chief to have the officers watch that and encouraged people to call it in also,

Ms. DeGennaro's concern is having a small child run out and disregard the traffic, she spoke with someone who stated there was an incident last year,

all in favor, **motion passes.**

Approval of recommendation for Sidewalk Reimbursement: Elizabeth Peters - 5 Crescent Street

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

Dog Park Update - when there is an inter-municipal agreement the subcommittee would like to see it and get on it, the committee is also reviewing the vendor permit ordinance for changes. Mayor Staffieri would like suggestions from the committee on the inter-municipal agreement.

Department Reports:

Board of Education -

DMS - 6th Grade - Field Day, Thursday May 31, 2012 - Coon Hollow Park

A MOTION to approve by Mr. Hughes with a second by Mr. Benanto, all in favor, **motion carried.**

DHS - Class of 2012 - Field Day, Friday June 8, 2012 - 10:00 AM to 2:00 PM, Coon Hollow Park

A MOTION to approve by Mr. Hughes with a second by Mr. Benanto, all in favor, **motion carried.**

Irving School - Field Day, Friday May 25, 2012 - Coon Hollow Park

A MOTION to approve by Mr. Hughes with a second by Mr. Benanto, all in favor, **motion carried.**

Board of Education - Regionalization Report Update

Dr. Tracy addressed the board by presenting the school performance dashboards and provided an update of the regionalization effort. The board of education has approved a strategic plan (on the website) outlining the five year plan to improve the quality of public education. The plan includes an effort for organizational efficiency.

The board of education will explore the creation of a regional school district to allow the reduction of administrative overhead expenses for school districts in the lower valley. The board has met with the Ansonia and Derby Mayors, Mr. Sill, representatives from both boards of education, and both superintendents.

There are a variety of options. There are two small school districts next to each other. The governor has encouraged small districts to look at this.

The options include full regionalization by merging the two school systems with a joint regional board of education elected members.

The other option is at the secondary level only leaving the elementary schools out of it or at the high school level only.

Finally the other option is a cooperative agreement with a written agreement to share certain services.

The groups met with Ron Harris - the State Board of Education attorney. Mr. Harris explained the process which takes a couple of years to deal with budgets, facilities and collective bargaining issues, etc.

There are a half dozen criteria to judge ideas. The quality of education must be enhanced, the impact on an operative level needs to be considered, facilities and transportation, collective bargaining agreements, governance...Derby would be the smaller of the two communities and there is concern that Derby not be consistently outvoted on anything and a management structure.

The working group has been expanded to include a non parent citizen, elementary and secondary school parents and representatives from the teachers unions.

Cultural Commission Report - The date for the fireworks is July 3rd.

Public Works Report - A Monaco Circle resident (High Street Ext) is requesting cement blocks be removed. If it is a City road, Mr. Culmo is requesting permission to remove the blocks and open it up. The resident requesting the removal states it is an emergency exit to get out of the property there. Mayor Staffieri requests Mr. Culmo to speak with the Police Department. Mr. Culmo is concerned with the liability for the City.

Building Report - no questions on the report.

Facilities Inspector Report - Mr. Sill asked about the burned houses on Derby Avenue. Mr. Kopjanski stated the owner has not responded to registered letters. The belief is the owner's intent is to abandon the property now that they have collected the insurance money. The next step would be foreclosure.

Mr. Sill asked about the old Derby Pizza House lot. It is a mess with plastic bags and garbage. Mr. Kopjanski stated they have to contact the owner.

Fire Marshall Report - Ms. DeGennaro thanked Mr. Hawks for looking at the fire lanes at High and Prospect Streets.

Fire Department Report - no questions on the report.

Office of Emergency Management - not present.

Parking Authority- minutes and revenue report presented.

Police Department - no questions.

Refund of Excess Taxes Paid requested - \$1,017.65

A MOTION to approve by Mr. Sill, second by Mr. Hughes, all in favor, **motion carried.**

City of Derby Revolving Loan Program: Applicants: Nisha Wine & Liquors (dba Town & Country Liquors, Mattei's Deli & Catering, LLC., Benanto Real Estate, LLC. and Bella's Pizza

There is approximately \$72,000 dollars in revolving loan fund which is a program to help businesses expand, renovate and create jobs. This is a second request for Mattei's Deli who borrowed approximately \$25,000 previously who borrowed and paid back in a timely fashion.

The funds are loaned at a 3% rate for a term of five years, used for start up costs, operating and capital purchase of equipment.

Each applicant will submit real and personal property security interest.

Ms. DeGennaro would like to have a monthly revolving loan report to the board of aldermen.

Nisha Wine & Liquors (dba Town & Country Liquors, - \$15,000

A MOTION to approve by Mr. Hughes with a second by Mr. Sill, all in favor, **motion carries.**

Mattei's Deli & Catering, LLC., - \$15,000

A MOTION to approve by Mr. Hughes with a second by Mr. DiCenso, all in favor, **motion carries.**

Bella's Pizza - \$15,000

A MOTION to approve by Mr. Hughes with a second by Mr. Boulton, all in favor, **motion carries.**

Benanto Real Estate, LLC. - \$15,000

A MOTION to approve by Mr. Hughes with a second by Ms. Moran, all in favor, one recusal by Mr. James Benanto, **motion carries.**

Resolution Road Improvements Derby/Milford Road

Operational Improvements on Derby-Milford Road at the Intersection of Route 34.

The City made application for the federal program "Safety Transportation Improvement Urban Act" which concentrates on substandard road conditions and municipalities. Derby made application and was successful in obtaining a 1.633 million dollar grant for full depth reconstruction which is a 80/10/10 split for the City.

The timeline is as follows: the City will be required to contribute \$30,000 for FY 2012-2013, \$3,500 for FY 2013-2014 and \$134,500 FY 2014-2015.

A public hearing was held by the Valley Council of Governments and the Connecticut Department of Transportation who found that the length and sharpness of the curve, drainage issues, turning radius, island and the pole being relocated as being acceptable for funding.

WHEREAS, the City of Derby has published a legal notice display ad, mailed a news release to a number of officials and agencies, and mailed a formal letter to abutting property owners, announcing a public informational meeting on the proposed STP Urban Transportation project known as Project 36-H014 Operational improvements on Derby-Milford Road.

WHEREAS, a public informational meeting was held on February 16, 2012 at Derby City Hall, from 5:30 p.m. to 7:00 p.m. at which meeting residents had an opportunity to voice their concerns; and

WHEREAS, the Valley Council of Governments has selected this project as a regional priority and has agreed to utilize federal funds for right-of-way and construction activities; and

WHEREAS, the project is located on a municipally owned road, all phases (preliminary engineering, right of way and construction) will be performed by the City of Derby or its contractor, utilizing 80% federal funds, 10% state funds and 10% City of Derby funds and

WHEREAS, the Board of Aldermen has considered the concerns of the residents from the public informational meeting and finds that the proposed Project 36-H014 improvements on Derby-Milford Road are in the best interest of the City of Derby and will promote the health, safety, and general welfare of its residents and provide for convenience and safety of the monitoring public;

NOW, THEREFORE BE IT RESOLVED, that the City of Derby based on the above information, and by virtue of this resolution, hereby fully supports the proposed project.

A MOTION to approve by Mr. Hughes with a second by Ms. Moran, pending approval by the tax board, all in favor, **motion carried**.

Full Faith Outreach Ministries - Block Party - Anson Street - Saturday May 26, 2012 - 11:00 AM to 6:00 PM - Rev. Nathan L. Page, Sr.

The reverend is looking to give something back to the community and let the residents know they have resources. The list of names in support of the event is on file with the minutes. The street (from sixth to fifth) cannot be blocked off per Deputy Chief Todd. Permission can be given to use the park on Anson Street.

A MOTION to approve the block party on party on Anson Street on Saturday May 26, 2012 from 11:00 AM to 6:00 PM on the sidewalks, pending the reverend talk with the police department and traffic authority on their requirements and also the use of the City lot pending discussion with City Corporation for insurance, second by Mr. Sill, all in favor, **motion carried**.

Derby Pop Warner, Inc. - Posting of Registration Signage - Thomas Abel, President, Derby Pop Warner

A MOTION by Mr. Hughes, with a second by Mr. Boulton, all in favor, **motion passes**.

Derby Based Men's Over 30 Soccer League - Permission to Use Witek Park Soccer Field - Dennis O'Connell - Parks & Rec Director

A MOTION to approve with insurance paperwork by Mr. Hughes with a second by Mr. Sill, all in favor, **motion carried**.

TEAM, Inc. - Sign Placement - "Men Who Cook" April 14, 2012 - Richard Knoll, CEO

A MOTION to approve by Mr. Sill with a second by Mr. DiCenso, all in favor, **motion passes**.

Spooner House - ACT, Annual Walk a thon - Saturday May 19, 2012 - Liz Holcomb

A MOTION to approve by Ms. Moran with a second by Mr. Iacuone, all in favor, **motion passes**.

City of Derby Endowment Fund of the Valley Community Foundation - Creation to Benefit Derby, CT Projects and Schools - Mark Nichols

Mr. Nichols addressed the board. The Valley Community Foundation holds endowment funds, it is a nonprofit. Mr. Nichols is the liaison between the City and the VCF to set up an endowment to issue a disbursement once a year. It would be used to benefit scholarships and awards, non-recurring school expenses and City beautification/capital projects. The fund agreement was presented. There will be a

fund raiser at Grassy Hill Lodge on May 12, 2012. A committee would have to be created to establish where the money goes.

A MOTION to approve by Mr. Sill with a second by Mr. Iacuone, all in favor, **motion passes.**

Apraxia Resource Center of Connecticut: Walk a thon - Sunday May 20, 2012 - Osborndale State Park starting point - Colleen McDermott

A MOTION to approve by Mr. Hughes with a second by Mr. Sill, all in favor, **motion passes.**

Mission Statement - Derby Commission of the Elderly

The Commission shall continuously study the conditions and needs of elderly persons in the community to improve their quality of life in relation to housing, economics, health, recreation and other matters. It shall analyze the services for the elderly provided by the community, both by public and private agencies, and shall make recommendations to the Mayor and the board of Aldermen accordingly. Written January 9, 2012. Commission Chairperson Shirley Erickson, Commission Members Stacia Balko, Marion Cafasso, Virginia Costigan, Donald Klischer and Ronald Sill.

Dog Ban Ordinance

Addressed previously.

Adjournment

A MOTION to adjourn at 9:00 p.m. by Mr. Sill, second by Mr. Benanto, all in favor, **motion carried.**

Respectfully Submitted,

*Denise Cesaroni
Recording Secretary*

*******These minutes are subject to the approval of the Board of Aldermen at their next regular meeting.**