



**City of Derby  
Board of Alderman  
Regular Meeting  
Joan Williamson Aldermanic Chambers  
January 24, 2013**

The meeting was called to order at 7:01 p.m. by Mayor Anthony Staffieri. All rose and pledged allegiance.

Roll Call: BOA President - Barbara DeGennaro, Stephen Iaccuone, Joseph DiMartino, Arthur Gerckens, Ronald Sill, Scott Boulton, Carmen DiCenso and Richard Dziekan.

Also Present: Director of Public Works - Ron Culmo, Building Inspector - David Kopojski, Fire Marshall - Phil Hawks, Deputy Chief of Police - Scott Todd, WPCA Chairman - John Saccu, Director of Community and Economic Development - Sheila O'Malley, Corporation Counsel - Joe Coppola and Town Clerk - Laura Wabno.

Absent: Beverly Moran.

**Statement from BOA President, Barbara DeGennaro**

"First, I would like to take this opportunity to thank all those individuals who appear before our board; elected and appointed officials, department heads, commission members, citizens and our youth.

We encourage questions from the public as to the issues that face our city as well as to the mechanics of how our city is being run to maintain transparency in our government.

Public speaking for most is not easy, is uncomfortable and a terrifying experience. Obviously, the public's input is extremely important to us and we can be patient of constructive criticism. However, personal attacks from anyone upon the Mayor, this board and any other individual will not be tolerant from this point forward. Should this behavior create a combative or antagonistic atmosphere, the individual will be asked to refrain from speaking further and asked to leave the meeting room.

The police will be called accordingly should any disruption continue. We are here to conduct the business of the city, which sometimes is not pleasing to some or all. We are here to find solutions and accomplish results. We are here to benefit our city as a whole while enforcing the legislative authority we are empowered with pursuant to our city charter, ordinances and applicable state and federal law. I would ask that we remain respectful and dignified during our meetings in this room, a room named after Joan Williamson, a woman who served this city for years and who personified those qualities.

Second, at the suggestion of a few members of this board, I have included and resurrected a new line item on our Agenda, ironically called "Old Business" , so that we can continue to discuss unresolved issues and move them forward to their conclusion.

Lastly, I would like to recognize Alderman Ron Sill who served last year as our board President and did a fine job."

**Additions, Deletions, Corrections to the Agenda.**

**A MOTION** by Ms. DeGennaro with a second by Mr. Sill to move the introduction of Thomas Thompson - Finance Director prior to Public Portion and move Old Business - Appointment of Ted Estwan to the P&Z Commission prior to Adjournment and correct Permit Fee Waiver to read All Building Department Permit Fee Waiver for the Veteran's Memorial Building, all in favor, **motion carried.**

**Introduction of Mr. Thomas Thompson, Finance Director**

Ms. DeGennaro wanted to take the opportunity to introduce Mr. Thompson to the Board of Alderman and hopes that Mr. Thompson will be able to attend future meetings .

**Public Portion:**

Keith McLiverty - City Treasurer. Mr. McLiverty commented regarding the sale of the Derby Water Works. Government is not capable of running an enterprise to turn a profit. The property could be sold for 2M dollars and Mr. McLiverty feels the money should be used primarily for the fund balance, repairs and capital improvement, demolition of city acquired property to reduce density...which are three of the five elements that bond agencies look at.

Dan Waleski - 21 Elm St. The City has a proposal to build a water tank on Telescope Mountain. He would like to see the City take more of an interest in that project. He would like to hear Mr. Kopjanski offer testimony and Ron Culmo's remarks along with the Mayor. The same for Mr. Gerckens who is an alderman from that area. This is a huge and serious project being proposed to the City. Mayor Staffieri stated at the last P & Z meeting there were opinions stressed that it was not a good area for the water tower.

Joe Bomba - 320 David Humphreys Rd. Mr. Bomba was disappointed that his Police Commissioner appointment was up for a vote. According to Roberts Rules of Order...if you on the agenda, the person must be given notification. There was no explanation offered as to why a waiver was not granted, Mr. Bomba concludes his part time job as custodian to be in conflict with his duties as a Police Commissioner. It sounds like the vote was politically motivated. It is sad for Derby.. if that is the way this board operates.

Mr. Bomba thanked the five members who voted to deny his waiver. He now has more time to devote being a watch dog for the residents for the City of Derby. He can spend more time analyzing potential conflicts of interest which currently exist on this Board of Aldermen. He can devote more time to determine whether members of this board are acting in their own self interest or on behalf of the residents of Derby,

Finally, he will be addressing the item of the Redevelopment Agency Monthly Report, since he is the Chairman of the Agency, again, please notify him when he is on the agenda.

Anthony Mei - 1016 Roosevelt Dr. Mr. Mei from Whitehouse Productions would like to put in a bid for live sound for concerts on the green, Derby Day, etc. Mayor Staffieri requested his card for future negotiations.

Mr. Bell - 6 Jeanetti Dr. Mr. wants to know if there has been any significant developments going on with downtown. Have any residents been contacted?

Public portion closed at 7:15 p.m.

**Approval of Minutes - November 15 2012 - Amended**

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

**Approval of Minutes – December 27 2012**

A correction by Mr. Gerckens...there was a moment of silence for Philip Mongillo, Derby resident..he was in the Marines and the Navy, and was a Purple Heart recipient. Members of his family was in the audience and Mr. Gerckens wants it mentioned that he was one of the few survivors of Iwo Jima,

Ms. DeGennaro has a correction regarding her vote on page 7, outlining Corporation Counsel's report with regard to the investigation of the Tax Office.. she believes her vote was yes, and not nay...it should be corrected, and then the motion failed.

**A MOTION** to amend the minutes by Mr. Sill with a second by Mr. Iaccuone, all in favor, Mr. Dziekan abstained, **motion carries.**

**Correspondence – Letter from Joan Williamson Family**

"Dear Mayor Staffieri, as I sit here gathering thoughts, compiling memories, and organizing this letter I am forever thankful for the generous outpouring of support and desire to dedicate the Aldermanic Chambers in memory and honor of my mom. I would like you to assist me in personally thanking all those who have helped and support this dedication. Although, knowing there has to be someone in charge of all aspects, I am sure it was a large group effort of many people to help make the event spectacular.

Knowing, how my mom felt about any extra attention or praise, really kept our family input about a dedication to very little. Somehow, I still feel she is watching and we still answer to her. I am particularly grateful for the kindest of words that were spoken from all the speakers during the dedication. Those words about my mom were to me, more powerful than a plaque on a wall. It could be said that Joan didn't take a political stand one-way or another. She treated everyone with the greatest of respect, no matter what affiliation, and that trait is admirable in my book.

Please extend our deepest appreciation for all involved in making this happen. When someone does a great job, a bit of praise usually comes to mind and suffices, even for my mom. However, when someone as Joan, has touched so many people in such a way that they took this course of recognition for her that leaves us speechless.

Forever Grateful,  
Lee Williamson

**Correspondence - Letter from Eugene Driscoll - 246 Hawthorne Ave**

Dear Aldermanic President DeGennaro, Mayor Staffieri and members of the Board of Aldermen:

I am writing this letter to complain about the improper use of a residential property on Park Avenue as a tractor-trailer staging ground.

The property in question is a former employee parking lot at the intersection of Park Avenue and D Street. It is behind my home, down a steep wooded hill.

Since last spring, my pregnant wife, my 2-year-old son and I have been woken countless times in the pre-dawn hours by the incessant and unreasonable noise caused by trucks loading, backing up and idling for as long as 15 minutes in this "employee parking lot."

The parking lot exists in the residential zone as a pre-existing, non-conforming use -- but anyone who thinks it is still being used as an employee parking lot needs to buy a dictionary.

The noise last spring started as early as 4:45 a.m. More recently it starts around 6 a.m. The noise happens in the pre-dawn hours, in the dark and is not confined to weekdays. It also happens on the weekends.

Before I purchased my home on Hawthorne Avenue, I looked at Derby zoning maps to see what I was getting into.

I knew there was an industrial zone on the south side of Park Avenue and along Roosevelt Drive. I'm fine with that. Derby needs to grow its grand list.

But the parking lot behind my home was clearly zoned residential.

Yet the business owner apparently did no due diligence -- or didn't care -- and simply invaded the residential zone with an industrial use upon moving to Derby (even though the same company had a much hyped facility at a sensible location for the activity on Water Street.).

The city issued a rightful cease and desist, which was (barely, amazingly) upheld by the city's ZBA.

Instead of trying to engage the city's Planning and Zoning Commission, where the city could have allowed the use, possibly, with reasonable hours of operation, the business owner is appealing the ZBA decision in court.

In the meantime, the business continues to wave a gigantic middle finger at Derby through obvious violations of the city's noise ordinance.

Unfortunately, I recently learned at a Derby Police Commission that Derby's noise ordinance is unenforceable.

To get an idea of what the noise is like, please feel free to watch the 13 videos I have posted on YouTube over the last few months. They are taken from my home, looking

down at the tractor trailer storage area behind my home.

The first video shows a forklift loading a truck, then two trailers doing a sort of tractor trailer dance. Anyone who calls this an "employee parking lot" needs to have their head examined while they read the aforementioned dictionary.

Here is the link to the YouTube playlist:

[http://www.youtube.com/playlist?list=PLx7x9Zctufw2EufWCxwAqziPEdPEzq1W3&feature=view all](http://www.youtube.com/playlist?list=PLx7x9Zctufw2EufWCxwAqziPEdPEzq1W3&feature=view%20all)

I simply hope to make the city aware of this problem, which is clearly affecting the value of my home in Derby.

Any money the grand list receives from the new business is negated by the value the business is sucking out of homes in the neighborhood.

Thank you for listening.

**Committee Report:**  
**Community Relations**

*Sidewalk Reimbursement for:*  
30 Hawthorne Ave  
175 Minerva Street

**A MOTION** by Mr. DiMartino to approve with a second by Mr. Dziekan, discussion.....Mr. DiCenso stated the size doesn't match up with what was done...Mr. Culmo needs to measure what was done, Mr. Sill feels the board should table the two until drawings and dimensions can be done...

Mr. DiMartino and Mr. Dziekan rescind their motions...

**A MOTION** by Mr. Sill with a second by Mr. Dziekan to table until next month for the drawings and dimensions, all in favor, **motion carries.**

The Committee is still discussing the permit process for the boat launch. Attorney Coppola will look into how to enforce the fine.

**Operations and Procedures Committee**

*Fire Marshal Ordinance - Article XIX Chapter 32 Sections 32-66 through 32-70.*

**A MOTION** by Ms. DeGennaro with a second by Mr. Sill to adopt the ordinance as proposed, all in favor, **motion carried.**

**Department Reports:**

Board of Education Report - no one present.

Cultural Commission Report - no one present.

Public Works Report - Mr. DiCenso stated the work done at the dog park looks good.

Building Report - no questions.

Facilities Inspector Report - no questions.

Fire Marshall Report - no questions.

Fire Department Report - no questions.

Office of Emergency Management - Mr. Sampson is not present.

Parking Authority Report - minutes and report are in the packet.

Derby Police Department – Deputy Chief Todd stated the ordinance which was adopted in early 2000 is unenforceable. The Dept of Energy and Environmental Protection never approved the ordinance.

Three of the five individuals at the academy are replacing retiring officers. The other two were additional individuals that were approved.

WPCA - Mr. Saccu addressed the board. The WPCA continues to make progress towards the referendum in the spring for upgrades to the facilities. Last week along with Corporation Counsel and the City Treasurer met with Bond Counsel. They are waiting for Bond Counsel to get back to them regarding the questions. Public informational sessions will be held in February at the Middle School and Hotchkiss Hose prior to the official Public Session. The sessions will provide information for the vital infrastructure in the City.

After those sessions, it will be brought to the Aldermen for approval to set a date for the referendum.

Meantime, there was a boiler breakdown (from 1966), and the pump station at Patty Ann Terrace is in needed repair.

Derby Redevelopment Agency - Mr. Bomba has no report to give, as he was not informed of the agenda item. Eclipse Development Group is in the process of fulfilling their obligations.

#### Corporation Counsel

Ms. DeGennaro wanted to know if there were any consequences to Mr. Bomba's voting record while not being formally serving with a waiver. Attorney Coppola looked at the minutes of the meetings. There was no substantial vote taken when there wasn't a majority there.

The hiring of the five police officers was done when there were three members present.

If there was any claim that someone was harmed with any of the police commissioners did, he doesn't see anything in the minutes...we would have coverage.

Last month, Mr. Gerckens asked for a simple written report and we got off track, but he wasn't done...it was the year end, we just wanted to clean up some of the paperwork. Some of the things he was looking for was how much did the tax collector investigation cost...that was going to be an addendum to what he originally asked to what happened, but he also feels the public should know how much this investigation cost the city. Furthermore, there were comments made during the Domurad situation that we

didn't know how much that cost. In fact, on camera it was stated "to ask Gerckens, Sill and DiCenso". Mr. Gerckens would like to have a report on what that cost the City and if you could please highlight the sections that Gerckens, Sill and DiCenso were responsible for.

Attorney Coppola asked if he said that....Mr. Gerckens responded the Mayor said that. Attorney Coppola stated he could address that with the Mayor. Mr. Gerckens responded it is a Corporation Counsel update.

Mr. Gerckens wants to know what it cost the City for billable hours for the tax collector investigation and what the Domurad investigation cost between going to court, getting lawyers, this and that, and it was stated for the record the three aldermen were responsible for the charges. Mr. Gerckens is at a loss, he doesn't know what he did that the City was responsible for. He would like the report to highlight what they were allegedly responsible for. This is just to clear up year end business. It was December, it's a new year, let's finish the paperwork and move on.

Mr. DiMartino stated the board accepted his resignation. You guys are the ones who didn't accept his resignation, so did that cost us more money.

Mr. DiCenso stated that is not the way the vote went in Executive Session. Attorney Coppola stated the vote in Executive Session is irrelevant. The vote was whether or not to settle.

Mr. Sill stated it seems to him they saved the City money. We sent it to court. You wanted to pay. Mayor Staffieri stated he accepted the resignation, you are the ones who wanted to put it in court.

Mayor Staffieri stated they (Gerckens, Sill and DiCenso) did not want to accept the resignation. That's what the fight was. Mayor Staffieri stated his resignation was accepted and valid which he signed. Everyone here said he didn't sign and the judge basically called Mr. Domurad a liar for saying that he didn't sign.

Mr. Sill stated, they went to court and saved the insurance pay out of \$60-\$70,000, he is not sure what it was. Mayor Staffieri stated the insurance was going to pay it out with no cost to the city.

Mr. Sill stated nothing is for free. Mayor Staffieri stated it never should have gone to court, if it never was you not accepting his resignation.

Mr. Sill stated...if he says he didn't resign, how can you accept it? Mayor Staffieri stated he had a resignation letter, you're the one trying to bring him back in the door.

Storm Ambulance Corps - no one present.

**Refund of Excess Taxes paid through – January 11, 2013 - \$6,487.37 – Denise Cesaroni, CCMC, Tax Collector.**

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

*Request for Approval to Purchase Championship Rings for the “Derby Pop Warner Jr. Midget Cheerleaders 2012 National Champions”*

**A MOTION** to approve by Ms. DeGennaro to approve the purchase of the championship rings for the Derby Pop Warner Jr Midget Cheerleaders in the amount of \$3,900 with the tax board approval, second by Mr. DiMartino, all in favor, **motion carries**

**Update - City of Derby Revolving Loan Program –**

The City received notification that the bankruptcy for Lucarelli is being converted from a Chapter 11 to a Chapter 7. Outside counsel is hesitantly proceeding to move against it for personal assets.

There are pending applications for loans.

**Management of City Records, Retention and Destruction**

Ms. Wabno is responsible for the records of the City. She distributed photos of the current situation at the old City Hall along with the retention schedule of records.

There will be a power point presentation Wednesday February 6th. They are an approved vendor by the state.

The City is in total violation with the State. There are files and minutes from the 80's from P & Z, ZBA, etc. Ms. Wabno encourages everyone to come Wednesday February 6th. This has to be done.

**A MOTION** by Mr. Dziekan with a second by Mr. Boulton to forward this item to the Operations and Procedure Committee, Ms. DeGennaro stated they are coming on February 6th and the Committee is meeting in early February and may not have that information at that point, but may have it in time for the full board meeting to act on it immediately, all in favor, **motion carried.**

**Permission to Use the Derby Greenway – Walnut Hill Community Church – Sat March 30 2013 8:00 a.m. – 11:00 a.m.**

**A MOTION** to approve by Mr. Sill with a second by Ms. DeGennaro, with insurance papers, hold harmless waivers, no handouts, and no interference with other users as noted by Mr. DiCenso, all in favor, **motion passes.**

**Permission to Use the Derby Greenway – Knights of Columbus – Sat April 20 2013 8:00 a.m. – 11:00 a.m.**

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

**Permission for Placement of Signage on the Fence at Main/Elizabeth St and Also on the Fence at Rte 8/34 in front of St. Michael's Church.**

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

**Old Business**

*Update on Former DOT Site: Requests for Proposals (BOA meeting 9/27/2012)*

Ms. O'Malley stated there were two potential parties. There was discussion about the type of lot size, where to have them located. After consulting with the Building Inspector, City Engineer and Corporation Counsel, it was determined the City should sub divide the parcel and go back to the developers giving the City more control of the lot sizes.

*Update: Renegotiation of City Carting Contract re: Tonnage*

City Carting is not considering going forward with collecting that amount. Ms. O'Malley stated what they do for community relations is reach out to the community they serve and conduct surveys. There are approximately 143 responses, names addresses of Derby residents. The questions were are you happy with the way City Carting is handling the transfer station, are you happy with the way City Carting is operating curb to curb recycling services, and would you like to see City Carting extend its contract for the next three years. 141 answered affirmative and 2 answered no with regard to the curb to curb service. They did say they would like to see the contract extended with the City for another year without no increase in their rates.

Update Dog Park Funding and Inter-Municipal Agreement with Ansonia (BOA Meeting 9/27/12)

The City has \$10,000 available for the Dog Park. There is \$2,000 available from Ansonia. Ms. O'Malley will talk with Ansonia to see what amount of money they are contributing and how to interact.

Update Pending Revolving Loan Applications- covered earlier.

Update Schrade Roosevelt, LLC vs City of Derby ZBA

Next Friday is the trial. This item will be referred to the Operations and Procedures Committee.

Update 40-42 Gilbert Street.

Ms. O'Malley met with the City engineer who directed Public Works to take down the garage as it was considered to be unsafe. The size of the City pipe needs to be expanded to stabilize the ground to prepare for demolition.

Recommendation to Foreclose on Blighted Properties: 245 Francis St, 196 Derby Ave, 189 Derby Ave and 105 Hawkins St.

Two title searches are straight forward, the writs are basically done. Two of them are more complicated finding the mortgages.

Update Sale of East Derby Water Works.

Ms. O'Malley went back to Aquarion regarding the language on the termination of one contract from 1971. The language was corrected with both bidders. Aquarion's bid would not be affected by this change. South Central Regional Water Authority was already aware of the language.

**A MOTION** by Mr. Dziekan to accept Aquarion's bid, with a second by Mr. Boulton, discussion.....Mr. Iaccuone asked how long until we answer the bid from the opening....Ms. O'Malley stated 45 days to enter into a sale of the agreement, once you award the contract....Mr. Iaccuone feels the City should look closer at this.....there will be two water companies in town, we still don't know how many households will be involved in this....we still have a couple more weeks, to fine tune this before we make a mistake.....we have the fire hydrant issue we have to look at.....Mayor Staffieri stated that is a separate issue.....Mr. Iaccuone stated it will be for the water company taking over....Mr. Iaccuone stated we still don't know how many households....Mayor Staffieri stated it is about 498....it doesn't have any significant difference, it's their due diligence...Mr. Iaccuone stated it's not about the water company it is about selling 500

households waterworks.....we are going to have two water companies in town...Mayor Staffieri stated other cities have two water companies....Mr. Iaccuone agreed saying there are cities that own their own water companies too.....all in favor, Ms. DeGennaro and Mr. Iaccuone are opposed, **motion passes.**

**Permit Fee Waiver for Veteran's Memorial Building - Atwater/Seymour Avenue**

**A MOTION** to approve by Mr. Sill with a second by Mr. DiCenso, **A MOTION** to amend to waive City's permit fees, not the State fees by Mr. Sill and Mr. DiCenso , all in favor, **motion passes.**

**Executive Session –**

**A MOTION** to go into Executive Session by Mr. DiMartino with a second by Mr. Bouton, inviting Attorney Coppola.....all in favor, **motion passes.**

**A MOTION** to come out of Executive Session at 9:39 p.m. by Mr. DiCenso with a second by Mr. Sill, all in favor, **motion passes.**

Mr. Gerckens stated prior to going into Executive Session, you (the Mayor) asked to go into Executive Session, you asked for a vote, and yea's and you left before I was able to vote...my vote would have been yea on the Life Touch and Derby Library items, my vote was nay with regards to the Tax Office matter.

**LifeTouch Tax Appeal, Settlement of Litigation**

**A MOTION** by Ms. DeGennaro with a second by Mr. Iaccuone that the City of Derby resolve the tax appeal of Life Touch National School Studios Inc. owner of property located at 90 Main St in accordance with the terms of the memorandum of agreement dated January 30, 2013 for the reduction of the assessment of real property to \$787,500 for the Grand List of Oct 1 2010, all in favor, Mr. Sill abstained, **motion passes.**

**Personnel: Report regarding Tax Office Matter – Confidential Attorney Correspondence**

**A MOTION** by Ms. DeGennaro with a second by Mr. DiMartino that the Board of Aldermen assess the report as presented from Corporation Counsel Coppola as a confidential attorney/client privileged correspondence and not make the report public, all in favor, Mr. Gerckens is opposed, **motion passes.**

**Derby Library Collective Bargaining Contract**

**A MOTION** by Mr. Sill with a second by DiCenso to accept the contract between the City of Derby and the Derby Public Library's Employee Union, all in favor, **motion passes.**

**Reappointment of Ted Estwan to the P&Z Commission**

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

**Adjournment**

**A MOTION** to adjourn by Mr. Sill with a second by Mr. DiCenso at 9:45 p.m., all in favor, **motion passes.**

*Respectfully Submitted,*

*Denise Cesaroni*  
*Recording Secretary*

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