



**City of Derby
Board of Alderman
Joan Williamson Aldermanic Chambers
June 27, 2013**

REVISED

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

Roll Call: BOA President - Barbara DeGennaro, Stephen Iaccuone, Beverly Moran, Joseph DiMartino, Arthur Gerckens, Ronald Sill, Carmen DiCenso.

Absent: Scott Boulton and Richard Dziekan.

Also Present: Building Inspector - David Kopjanski, WPCA Chairman - John Saccu, Deputy Chief Scott Todd - Police Department, and Town Clerk - Laura Wabno.

Recognition of Hazar Ulusoy of Turkey - Derby/Shelton Rotary Exchange Student

Mayor Staffieri read a proclamation aloud on behalf of Hazar Ulusoy.

Additions, Deletions, Corrections to the Agenda.

A MOTION by Ms. DeGennaro with a second by Mr. DiMartino to move the Eagle Scout project at the new Derby Dog Park after the correspondence from Walnut Community Church, all in favor, **motion carries.**

A MOTION by Ms. DeGennaro with a second by Mr. Sill to add an auction of old public works equipment discussion and possible action, after the Public Works report, all in favor, **motion carries.**

A MOTION by Ms. DeGennaro with a second by Mr. DiMartino to amend the Paugassett Hook and Ladder Co. request from the Edward Cotter Park to First St for their event, all in favor, **motion carries.**

A MOTION by Ms. DeGennaro with a second by Mr. DiCenso to add permission for St. Jude for sign placement for their annual Labor Day Festival, all in favor, **motion carries.**

A MOTION by Ms. DeGennaro with a second by Mr. Sill to add discussion of Gilbert St drainage project, all in favor, **motion carries.**

A MOTION by Ms. DeGennaro with a second by Mr. DiCenso to add discussion and possible action regarding former finance director Henry J. Domurad Jr., payment of accrued unused vacation, sick and personal time while employed by the City of Derby, all in favor, **motion carries.**

Public Portion:

Public Portion Closed.

Approval of Minutes - May 23 2013

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

Correspondence – Mayor Staffieri read a thank you from Walnut Community Church - Pastor Walt Mayhew for the use of the greenway for the Easter 5K Run-Walk on March 30 2013.

A MOTION by Ms. DeGennaro with a second by Mr. DeGennaro to add public portion, all in favor, **motion passes.**

Public Portion

Joe Pinto - captain of Paugasset Hook & Ladder Co. Mr. Pinto thanked the Mayor for his willingness to look for another site for them.

Fred Pikroski - 216 Derby Ave. Mr. Picroski would like to see action on 196 Derby Ave. There have been problems with the boards coming down and people breaking in. He is also concerned about 228 Derby Ave. There was a house fire and now has a tarp on it. In the last two to three weeks he has not seen any progress on that. It smells during hot days and the bushes are overgrown.

Public Portion closed.

Request form Anthony Bartholomew, Life Scout Troop 3 for Eagle Scout Project at the new Derby Dog Park. Discussion and Action.

Mr. Bartholomew presented his project to the board and is on file with the minutes. **A MOTION** by Mr. Sill to approve with a second by Ms. Moran, all in favor, **motion passes.**

Committee Reports:

Community Relations - no meeting.

Operations and Procedures Committee – no meeting.

Department Reports:

Board of Education Report - no report.

Cultural Commission Report –report on file .

Public Works Report - report on file.

Auction of Old Equipment - Mr. Culmo requests permission of the aldermen to auction off old vehicles or sell for scrap. **A MOTION** by Mr. DiMartino with a second by Mr. Sill to approve Mr. Culmo to put the vehicles out to auction, all in favor, **motion passes.**

Building Report – placed on file. A permit application for the renovation work of the Red Raider Plaza. Mr. Kopjanski met with the Fire Marshal and the owner of 228 Derby Ave., he is actively pursuing restoration of the building.

Facilities Inspector Report –placed on file. There is a request for a reduction of a blight fine on Caroline St and a new proposal to reduce the blight fine for 187-189 Derby Avenue for next month's meeting.

Mr. Iacuone stated the blight fine was reduced in November for 47 Hawkins St. Will the City be able to recoup that money? Mr. Kopjanski is unfamiliar with the terms, there is a certain period of time in order to pay that. Corporation Counsel will have to look into it.

Fire Marshall Report - placed on file. Rich Tardy and Dave Lenart completed the Fire Inspectors certification and will start July 1st, Simone is scheduled to start in September for the Fire Investigation module and possibly Chuck Stankye to complete the Fire Inspection module in the fall. Dave and Rich were sworn in by Ms. Wabno.

Fire Department Report – placed on file.

Office of Emergency Management – no report.

Parking Authority Report - report on file.

Derby Police Department – no report.

WPCA - Mr. Saccu addressed the board. The WPCA defined the financial questions for the referendum to be presented.

Mr. DiCenso asked if Derby residents tied into Ansonia sewer system are paying a 25% surcharge. Mr. Saccu stated this was added about a year ago. Derby still needs to repair and maintain the piping system and that is what the 25% charge is for.

Derby Redevelopment Agency - no report.

Corporation Counsel - no report.

Storm Ambulance Corps - report on file. Mr. Lenart would like notice of walks, etc for the walkway so the department would be aware.

Parks & Rec - report is on file.

Refund of Excess Taxes paid - \$2,730.97 – Denise Cesaroni, CCMC, Tax Collector.

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

Request for approval of Transfer of Uncollectable Taxes to Suspense List in Accordance with CGS 12-165 - \$138,661.33 - Denise Cesaroni, CCMC - Tax Collector.

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

Update City of Derby Revolving Loan Program - report is on file.

Referendum for WPCA and School Buildings

A MOTION to table by Ms. DeGennaro with a second by Ms. Moran, all in favor, **motion passes.**

Request from Paugassett Hook & Ladder Co for Use of First St - Fireman's Field Day - Sat Aug 10 2013 - 10:00 a.m. to 6:00 p.m.

Mr. Gerckens read into the record an email from Sheila O'Malley, "As per the BOA's request, I contacted the US Environmental Protection Agency (EPA) regarding Paugassett Hook and Ladder Co's request to use Edward Cotter Park. This is what they advised.

EPA does not recommend any activity that would impact the protective soil cover put in place. According to EPA, the soil cover for the most part, is only 2 feet thick; and was placed to prevent any immediate contact or exposure to the contaminated soils that remain at depth. Maintaining the integrity of that soil cap is very important.

They would have to guarantee that there will be no soil disturbance of any kind.

Thank you Sheila

Mr. Gerckens worries that weather conditions, (flooding, superstorms) would disrupt the soil. How do we know there is still two feet of protection there?

Soil was disturbed to place a monument honoring Mr. Cotter. Mayor Staffieri stated the monument was placed outside the fence.

Mr. Gerckens concern is how do we know there is still twenty four inches there, where is the certificate that says this work was done and it was done correctly, not only by the EPA but by the DEEP, there were many hands in there, I haven't seen any paperwork....has anyone seen any paperwork saying that...on this board.

Mr. DiCenso asked if they come and check it everyone once in awhile?

Mayor Staffieri stated they come in and inspect. There is no erosion. Under the two feet they put a fabric under there. You cannot dig on top of it. All that's on there is grass. So if there still is grass, it hasn't been eroded.

Mr. DiCenso stated if the DEEP comes back to check the property, I'm sure they would advise us.

Mayor Staffieri stated the EPA came, dug out all the soil, sent it up to Buffalo, the burn plant and brought in new soil. They just told us to get out of the way, it is their jurisdiction, if they did something wrong it is on them.

Mr. Gerckens stated he is not sure, we're hearing verbal reports, Sheila's not EPA, was this a letter they sent or was this a phone call she interpreted? I just think this isn't a Republican/Democrat fireman...this is, there are kids down there, picnicking putting blankets down there. I think we need to see some documentation that this job was done correctly and that it is being monitored. You say they are coming once a year. That's fine, but we need to see those reports and make sure it is, because we having races there, kids there, my God it would be monstrous if it isn't done right. That's my statement on that and I hope we follow through on that.

Mayor Staffieri stated that was in the form of an email that was sent out. As a matter of fact, we had a ribbon cutting ceremony which EPA and DEEP were all there, we can go back to the picture archives...and gave us the blessing and everything. Unless they don't know what they are doing, I guess we'll have to call them out.

Mr. Gerckens thinks that we need to do that, I think we need to see that....them giving blessings and emails is fine, I think we need to see the report, the documentation that it's been done right and they are inspected and that it is safe, because we're inviting our kids, our families, runners, everybody's using that thing and I've never seen anything, and it seems like most of the board hasn't seen anything.

Mr. Gerckens makes a request, let's make a motion that we get a report from EPA and DEEP that shows that the work was completed, it was completed within specs and that it is safe.

Mr. DiCenso feels they should have that on file. Mayor Staffieri agreed.

A MOTION by Mr. DiMartino to allow Paugasset Hook & Ladder to use First St for their Fireman's Field Day

An amendment by Mr. Iacuone to direct Corporation Counsel to obtain insurance waiver..... with the participating fire, to see if it is covered through the City and contact police department to see if anyone needs to aid in traffic and set up, the amendments are accepted by Mr. DiMartino, seconded by Mr. Icauone, all in favor, **motion passes.**

Permission for Sign Placement for St. Joseph's Parish, Ansonia

The request is to place signs at Division St entrance to the greenway, the island at the intersection of Academy Hill and David Humphreys Rd, Rte 34 and Derby Avenue intersection at Whiskeys', the Greenway entrance at the Derby Shelton bridge and Sodom Lane across Marshall Lane on the grassy area.

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

Permission for Sign Placement for St. Jude's Parish

The request is to place signs at Division St entrance to the greenway, the island at the intersection of Academy Hill and David Humphreys Rd, Rte 34 and Derby Avenue intersection at Whiskeys', the fence at the intersection at Main St and Elizabeth St, Sodom Lane across Marshall Lane on the grassy area and the entrances to St. Jude's Church on Sentinel Hill and Pleasant View Rd.

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

Request from Fastworks from PCRC to Cleaning a portion of Witek Park.

The request has changed again. They would like to go tomorrow to Witek Park and there was a miscommunication regarding the insurance, which is now in the Mayor's office.

A MOTION to approve Fast Works from PCRC to clean Witek Park and the lower area on June 28th contingent on the insurance being in place by Ms. DeGennaro with a second by Mr. Sill, all in favor, **motion carries.**

**Request from Boy Scout Troop 3 for Permission to use the Derby City Hall Parking Lot
July 3 2013, Keith McLiverty.**

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

Old Business

Update on Foreclosure Litigation of Blighted Properties - 245 Francis St., 196 Derby Ave, 189 Derby Ave and 105 Hawkins St.

Mr. Kopjanski explained if a building is in imminent danger of collapse the City can get a court order to take the buildings down.

Ms. DeGennaro would like the subcommittee to get the update on these properties at their next meeting.

Discussion of Gilbert Street.

Mr. Culmo received the latest plans on Tuesday. Mr. Culmo has a list of all the properties that easements must be gotten and forwarded the information to Corporation Counsel.

Mr. Culmo contacted vendors for the list of materials for prices.

Henry Domurad - Payment of Accrued Unused Vacation, Sick and Personal Time while Employed by the City of Derby

Mayor Staffieri advised the case is still not over yet, it is still in litigation and Corporation Counsel is not present. Mayor Staffieri strongly recommends no discussion.

Ms. DeGennaro stated it was discussed a couple of months ago in Executive Session and wanted it on the agenda.

A MOTION by Ms. DeGennaro with a second by Mr. Sill to direct Corporation Counsel to research and determine any accrued unused vacation, personal and sick time owed to Mr. Domurad, discussion... Mayor Staffieri strongly disagree, the Court says he was not under contract, does not deserve anything, this is coming from the judge, all in favor,

Roll Call: Mr. Gerckens - yes, Mr. DiCenso - yes, Mr. Sill - yes, Ms. Moran - no, Mr. DiMartino - no, Ms. DeGennaro - yes, Mr. Iacuone - yes. 5 In favor, 2 against - **motion passes.**

******REVISED**** Henry Domurad - Discussion per 7/25/13 request by Ms. DeGennaro:**

Mayor Staffieri - We can't talk about this because it's in litigation, without Corporation Counsel. The case is still not over yet. I would strongly recommend that there's no discussion. So, do what you want to do.

Ms. DeGennaro: well, can...we did discuss it at a meeting a couple of months ago in Executive Session and I tried to get it on the agenda yesterday, and I sent my email at 2:59 p.m. to Laura and got a response back at 5:12 p.m. that she didn't see it and that's fine...I know how those days go, so I'm not going to discuss specifics but I think that at this point that I'd like to make a motion to direct Corporation Counsel to determine if there is any unused accrued vacation, sick time or personal time for Mr. Domurad while he was employed by the City of Derby.

Mayor Staffieri: I believe he was working on that

Ms. DeGennaro: right, but I don't think, he didn't get

Mayor Staffieri: I know he was having some difficult time on contrasting days that were off or not off, different schedules showing that he was off, another schedule showed that he was working...I know he was having difficulties with that. I basically stayed out of it, he was handling it

Ms. DeGennaro: that would basically be my motion to let Corporation Counsel determine what that is and report back...it doesn't have to be....obviously he's not here and we're asking him to do something, but to report back to us and we discuss it next month

Mayor Staffieri: yep

Ms. DeGennaro: and we could go into Executive Session if it has to be, because it's pending litigation, I understand that, but I'm trying to resolve some issues that...

Mr. Sill: in fairness, I'll second that

Ms. Wabno: ok, Barbara, just so I got it straight here, "motion to direct Corporation Counsel to research and determine any accrued vacation, personal time and sick time owed to Mr. Domurad

Ms. DeGennaro: accrued unused vacation, sick time and personal time

Mayor Staffieri: okay motion has been made and seconded....for discussion purposes, I strongly disagree, I know the Court says he was not under contract, he does not deserve anything, this is coming from the judge, and my two cents....any further discussion, all in favor, say aye....

Ms. Moran: who...

Ms. Wabno: Ron seconded it, Barbara made it, Ron seconded it

Mayor Staffieri: okay, where are we... why don't we do a roll call vote: Mr. Gerckens

Mr. Gerckens: one more time with the motion, with all the conversation I lost the...

Mayor Staffieri: Barbara?

Ms. Wabno: to direct Corporation Counsel to research and determine any unused or accrued vacation, personal time and sick time owed to Mr. Domurad...

Mayor Staffieri: Mr. Gerckens - yes, Mr. DiCenso - yes, Mr. Sill - yes, Ms. Moran - no, Mr. DiMartino - no, Ms. DeGennaro - yes, Mr. Iacuone - yes.

Mayor Staffieri: 5 yeses and 2 nays - motion passes.

Adjournment

A MOTION to adjourn at 8:15 p.m. by Mr. Sill with a second by, Ms. Moran 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.**