



**City of Derby
Board of Alderman
Joan Williamson Aldermanic Chambers
July 25, 2013**

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, Scott Boulton and Richard Dziekan.

Absent: Carmen DiCenso.

Also Present: Director of Economic & Community Development – Sheila O’Malley, Corporation Counsel – Joe Coppola, Ron Culmo – Director of Public Works, Building Inspector – Carlo Sarmiento, Fire Marshal Phil Hawks, Fire Chief – Tom Lenart, Storm Ambulance Chief – Dave Lenart, WPCA Chairman - John Saccu, Chief of Police Jerry Narowski and Town Clerk - Laura Wabno.

Additions, Deletions, Corrections to the Agenda.

Ms. DeGennaro has an addition for Corporation Counsel – Executive Session: David Kopjanski request for additional sick pay for 102 days – discussion and possible action. A **MOTION** to approve by Mr. Sill with a second by Mr. DiMartino, all in favor, **motion passes**. A **MOTION** by Ms. DeGennaro with a second by Mr. Sill to add Mr. Kopjanski request – discussion and possible action in the public session following the Executive Session, all in favor, **motion passes**.

All American Softball Recognition - Christina Gelardi

Coach DiMartino spoke of Ms. Gelardi's accomplishments through the years that he has known her. Accomplishments are four year starter for DHS, two year captain, four time All League Player, only four time All State Softball Player in Derby history, and four time All Valley Selection.

Christina went to UNH and as a freshman was the Northeast Ten Conference All Rookie Team Selection, first on the team with five triples, second on the team with a .429 on base percentage, and third on the team with a .344 batting average, 31 RBI's and 6 doubles.

Her sophomore year, she was a Louisville slugger NFCA Division II Third Team All American, Northeast Tech Conference First Team Selection, NFCA Division II All East Region First Team, first on the team with a 6.7 slugging percentage and a .484 on base percentage, thirteen doubles, two triples, six homeruns, second on the team with a .405 batting average.

Her junior year, she started in ten games, collected six hits, three runs, four RBI's, two doubles and then suffered a season ending shoulder injury.

Her senior year she had an unbelievable season and was the UNH Player of the Week four times. Northeast Ten Conference Player of the Week three times, 2013 Northeast Ten Conference Player of the Year, NFCA Division II Player of the Week All Selection, 2013 Dicktronics NCAA Division II All Region First Team Selection, NCAA Division II All American First Team.

She led all Division II with an on base percentage with a 649 percent, .489 batting average, sixty seven hits, sixty one runs scored, twelve doubles, twenty six steals and seven homeruns.

Christina holds four UNH records; all time leader in runs scored in a single season (61) and career (151) as well as walks in a single season (43) and career (87).

Mayor Staffieri presented Christina with a City of Derby proclamation:

"Whereas, Christina Gelardi has had an outstanding career both academically and on the softball diamond

Whereas, she is the only player in Derby history to have obtained All State honors four years in a row

Whereas, Christina has been an outstanding athlete of Derby High School as a four year starter and two year captain of the softball team

Whereas, Christina was a national merit scholar nominee and honor roll student at the Derby High School

Whereas, Christina has completed an outstanding career at the University of New Haven

Whereas, Christina is the holder of multiple softball records at the University of New Haven including the Northeast Ten Conference Player of the Year, NCAA Division II First Team All American

Whereas, Christina has distinguished herself as a leading athlete in the State of CT and beyond

Whereas, Christina Gelardi's outstanding athletic and scholarship accomplishments shall serve as a shining example to future students and athletes in Derby

Now, Therefore, I, Anthony Staffieri, Mayor of the City of Derby and the citizens of Derby honor Christina Gelardi for her accomplishments,

Signed, this day, July 25 2013.

Presentation by Dan Waleski

Mr. Waleski presented a painting by Norman Rockwell to the Board of Aldermen:

"We are fortunate in having so many interesting and attractive framed pictures in our City Hall. May I introduce another very interesting item? A painting by one of America's

very popular and loved artist, Norman Rockwell's infinitely popular works titled "Marriage License" – an attractive couple filing a marriage application while the aging town clerk smilingly in reminiscence about his marriage.

It's my wish, on behalf of the City, the Board of Aldermen will accept this gift of a fine copy of this popular painting so fittingly for our Town Clerk's office.

A MOTION by Ms. Moran with a second by Mr. Dziekan to accept the painting from Dan Waleski for the City Clerk's office with great pride, this will be hung by the town clerk/tax office...so everyone can see, all in favor, **motion passes.**

Public Portion:

Attorney Dominic Thomas – Attorney Thomas is speaking tonight on redevelopment. Mr. Thomas stated the contract for the Housatonic Lumber property has terminated because of confusion on part of the developer with respect to the widening of the Route 34, the DOT and the Housatonic Railroad Co.

Attorney Thomas stated before the City should be trying to buy these properties. Attorney Thomas hasn't had one person in Derby say to him that they don't think this is a good idea. There are people and entities out there ready to start activity, but they have time frames.

DOT has a time target to start as March 2015. They need to commence purchase 18 months prior to that. Attorney Thomas is asking the board to consider whatever that can be done should be done to push them, because it is causing uncertainty with the developer.

The misinterpretation is that Derby can't do anything until DOT comes in and buys the property. That is wrong. On a specific property they are willing to buy only what they need. If you rely on them to buy properties on a whole parcel, then for the developer to get it back, they have to go through a whole other process.

The Housatonic Railroad piece goes through the Derby Real Estate property across a portion of Derby's property and cuts through Housatonic Railroad. At some point the City needs to become active to put pressure on them to get a deal to buy that property from them. You can't sit back and think a developer is going to do something, because they won't. Attorney Thomas is willing to volunteer his time to sit with the City, DOT and everybody and come up with a plan. Attorney Thomas represents three or four of the property owners down there. If you don't the developer will lose the tenant they have.

Adam Pichoco – 91-93 Caroline St. Mr. Pichoco spoke to the board about his street. It is in a state of disrepair and it is unacceptable. The street is not historic, if it is it is not how you preserve history. It broke his car today. Public Works can't effectively serve it in the winter. He bought property in Derby and it is tough to watch this continued despair. It is dangerous, costly and not the way to run the City.

Also, Mr. Pichoco had an interaction with the building department this week and the new building inspector is a dream. It was great to work with this office and pleased to see it happen.

Mark Guliano - Harold Ave. The City of Derby is making its stride forward, but we're still at a teetering point. We seem to make two steps forward and making a step step and half

back. The new building inspector, Carlo is a great guy, personable, easy to work with and he follows right along with the rules and regulations. Mr. Guliano is asking the board and members of the City to stand behind Carlo, work with him, don't take any negative steps because of anything said in the newspapers or anything else. Developers and people are looking to see exactly what we are doing, and if we show that we are making strides to move forward then these people will come in and redevelop downtown. This is a good possibility to move things forward, because people will want to work with him, he is a good guy and easy to work with.

Public Portion Closed.

Approval of Minutes - May 22 2013 - A MOTION to approve by Mr. Sill with a second by Ms. DeGennaro, all in favor, **motion passes.**

Approval of Minutes - June 27 2013 A MOTION to approve by Ms. Moran with a second by Mr. Iacuone, discussion.....Ms. DeGennaro would like to request the dialogue under the Henry Domurad be dictated, because she believes some information that is missing that was discussed (page 6), there was some other exchange between Ms. DeGennaro and the Mayor, she is asking that the actual exchange be reflected in the minutes, Ms. DeGennaro makes the amendment that the minutes be accepted contingent on the dialogue being reflected under the Henry Domurad matter for next month.....Ms. DeGennaro withdraws her amendment....Ms. Moran and Mr. Iacuone rescind their motion to approve and a motion to table by Ms. Moran and Mr. Iacuone, all in favor, **motion passes.**

Committee Reports:

Community Relations

Recommendation for Blight Lien Relief for 199 Caroline St

Mr. DiMartino stated Mr. DiCenso motioned at the subcommittee meeting to give a 50% reduction and was seconded and was moved to the full board on the contingency that the owner make all of the improvements before the reduction will be granted.

Mr. Cela (owner) stated if it is cut, the amount is still so great, he would need time to pay it back. The improvements are \$80,000. He does not have the funds if he does the repairs to pay the City right after it. Mr. Cela he could take off some of the repairs that have to be done, so he could pay back the City.

Attorney Coppola recalls the discussion at the subcommittee was an offer to pay over time, the City would not release the lien until the work was done and until the inspectors say that it is all done, then at that point it would be reduced and paid over time.

Ms. Wabno stated the time limit at the subcommittee was to be determined by the full board.

Ms. DeGennaro stated the May meeting minutes stated the blight lien as \$58,700. The time line and scope of the project was also discussed.

Mr. Sarmiento went to his office to check on the amount of the lien.

Attorney Coppola stated the blight lien is a fixed number...it is not increasing, so Aldermen DeGennaro said a number from the minutes....

Ms. DeGennaro stated it was from the May full board meeting, \$58,700 before it went back to...

Attorney Coppola: it's not increasing, they finished the blight work

Discussion was held regarding the time limit to pay the fine.....

A MOTION by Mr. Sill to reduce the lien to \$29,350 with two years to pay (regular payments)

Mr. Cela would not be able to pay it in that amount of time. He would rather deduct that from the work scope with the building inspector and the subcommittee,

Mr. Dziekan asked if the repairs being cut were mandatory repairs

Mr. Cela: he would consider the building inspector's recommendations, his point is either more time to specifically pay his taxes, mortgage, etc. at the end of the year, the property will be fully rented and will generate \$4,500.00, If he has to pay sooner than everything...

Mr. Dziekan would prefer to give him extra time as opposed to skimp on repairs that might be a hazard for the people living there...you're taking \$10,000 off what are you cutting back on...electric, plumbing...it's a multi family, that's what he is worried about.

Mr. Cela: having a lien on the property before I sell it, before I do anything with it, we guarantee the City that the money will be there.

Mr. Iacuone stated that if somebody pays cash for it, they will be in the same boat as the other guy

Mayor Staffieri stated the thing that disturbs him is putting a lien on it, he can own the house for fifty years and the City will never get the money back.

Mr. Cela stated he would be putting in \$80,000 repairs into the property which guarantees the City would be a good property

Mayor: Ron, do we still have a motion

Mr. Sill: I don't know if it was seconded

Mayor: no it wasn't...what was the motion again to bring it back up

Mr. Sill: to pay the \$29,350 over two years....what would you say would be a reasonable amount of time?

Mr. Cela: if I give you guys some \$30,000 over six, seven years without giving back all of the profits

Mr. Sill: we are not a bank here

Ms. DeGennaro asked Corporation Counsel what security do we have now if we agree to a two year , three year or five year time period for this gentleman to repay besides...we get into a circumstance again

Attorney Coppola: there's a lien on there for \$50,000, I can't give more security, the only thing is we get that base number until the \$28,000 is paid.

Mr. Gerckens stated this is a ridiculous way to do business...really...we're shouting out numbers, we're shouting out terms...we're expected to agree and comply...from what I remember you're attorney recommended that you don't start anything until...and then you started it...so, you're in this boat on your own, I say no reduction, and that's it. I mean we're going to be here every developer, every builder comes in here, they're going to be how about reducing this, extend these terms, it's a ridiculous way of doing business....

Mr. Sill: we like to work with you, we love when property owners complete their properties, stay in Derby, increase the value of it, make the neighborhood look good, but the situation we're in...we're going out on a limb saying we're giving you two years, I don't know where else you can get money like that....

Mr. Cela: I really think sitting with the building inspector, taking off some of the things are not crucial things....doing the most important things for the safety of the tenants and the code and we could come back to the board and say yes....this is the amount of repairs and pay you back in a year or so

A MOTION by Mr. Iacuone with a second by Mr. Gerckens to table it and return to the building inspector to knock down the money, come up with a fine reduction or plan, come back to the board or subcommittee and start over all over again...the Mayor stated if there is an item that he is going to deduct that doesn't affect the safety of the project, as long as the building official gives approval...that's our concern...or otherwise he is not going to get an occupancy permit for it, all in favor, **motion passes.**

Recommendation to add 33 East Ninth St to the City of Derby Blight Listing

A MOTION by Mr. DiMartino with a second by Mr. Sill to add to the blight listing, all in favor...Mr. Iacuone asks if the homeowner is entitled to a Small Cities Rehab loan....prior to putting it on the list...Mr. DiMartino rescinds his motion along with Mr. Sill....**A MOTION** by Mr. Iacuone with a second by Ms. DeGennaro to rescind 33 East Ninth St to see if the Building Inspector or Sheila's office to try to contact the homeowner and see if the City can cover the blight issue with the Small Cities Rehab Loan, all in favor, **motion passes.**

Recommendation for Reduction/Suspension of Blight Lien Fees for 187-189 Derby Ave
The item is still with Corporation Counsel, so there is no action needed.

Operations and Procedures Committee

The committee met tonight. The space for Hotchkiss Hose fire house has a small meeting room that is unavailable. There is a much larger meeting room which would require arrangements to be made ahead of time to secure the room.

Also discussed was Public Act 1152. The act mandates sick time for part time employees. The City has verified it does pertain to the City. There are four or five positions entitled to receive sick pay based on a formula. Attorney Coppola advises the board the City has to provide and the finance department has the formula to calculate who has earned some sick time, and from now on part timers who are not on City contract will have the

right to take sick leave and be paid for it. It is state law...you have to work so many hours and you can bank up to forty hours of sick time, but there is a formula on how to get it.

Department Reports:

Board of Education Report - no report.

Cultural Commission Report -no report on file. Ms DeGennaro stated that a couple more months have gone by and they have had Derby Day and we need to get a report. Ms. DeGennaro will get in contact to get someone here for next month because the board has not had anyone here in some months now...in a number of months, we haven't seen a financial...per the Charter we need to know what's going on there...I will contact them directly.

Public Works Report - Mr. Culmo stated a church group went through Witek Park to clean up.

Fire Marshall Report - no questions on the report.

Fire Department Report – no questions on the report.

Office of Emergency Management – Mr. Sampson is not present. Ms. Moran would like the board to have a report.

Parking Authority Report - Mr. Gerckens stated he noticed a tractor trailer parked frequently behind the municipal lot. There always seems to be tractor trailers parked there. Is that something that the authority is charging for or is it?

Ms. O'Malley stated sometimes contractors from the Greenway may have trailers there.

Mr. Gerckens stated it was a big rig; eighteen wheeler and a trailer. It was kind of in the way of the road race.

Mayor Staffieri stated a crane and an office trailer is there. they were moved there because of the fireworks.

Mr. Gerckens was there in June..., that's two June's...so the truck seems to be parking there....I'm just asking are they paying a fee for it, or is it just someone parking there illegally?

Mayor Staffieri stated it is a parking authority question. I doubt it, it must be very infrequent.

Mayor Staffieri stated there is a fee if it is to be used on a regular basis.

Building Department - Mayor Staffieri welcomed Mr. Sarmiento to Derby and read into the record: "Carlo Sarmiento has thirty years of experience in the building industry with a background in carpentry, heavy construction, plumbing, heating, air conditioning and electrical. He holds an S1 and SN1 contractor's license, also completed a comprehensive training of wetlands, required by the DEEP and the State of CT. He is DEEP certified in lead removal, all types of refrigerants and gases, he studied construction management at Central Connecticut State University and is a certified building official with the State of CT.

Mr. Sarmiento stated there were fourteen building permits for June. New home construction is zero. Electrical permits were thirteen. Plumbing/mechanical were thirteen. Re-occupancies four, four CO's were given, demolition is zero and zoning compliances were 125.

Mr. Gerckens stated he is sure Mr. Sarmiento is a nice guy, lots of people know you at the A.M. Club, and wishes him all the luck in the world, Mr. Gerckens feels it has been done a little backward.

According to the Charter, the Board of Aldermen approve contracts. The Mayor picks whoever he wants which he did, you're obviously drawing a salary, so I wonder where that salary came from, is there a line item for it. How does that get determined, how is he working without....an approved contract, and again..no dig on him...I'm sure he is a nice guy, and wish him all the luck in the world, but it does say the aldermen approve the contract, so how is he getting paid?

Attorney Coppola asked if that is something for his building report, or do you want to add that to the agenda?

Mr. Gerckens stated he is just asking a friendly question.

Attorney Coppola will make it part of his report.

Mr. Sarmiento stated a GNC is in the first stage of permitting who wants to come into the Walmart Plaza along with other properties that have projects going.

Facilities Inspector Report – no questions on the report.

Derby Police Department – Mr. Gerckens asked Chief Narowski about cameras, and cameras are still not there and his understanding was the Chief wanted to take a more comprehensive approach to the security there...it is a year later and Mr. Gerckens wants to know if there is a timeline to expect.

Chief Narowski stated he recommended a policy and procedure be number and as far as the committee, Corporation Counsel can address that.

WPCA - Mr. Saccu stated there were a number of planning meetings for the referendum. He also met with Attorney Coppola, and Mr. McLiverty and compiled the necessary information to move forward imminently for your recommendation and approval.

The information should be ready for presentation soon.

The WPCA is in the middle of the smoke testing. It is 30% complete and compiling data where flows are coming from. When the project is completed it will be presented to the board.

There is a small section that was done in the past (Smith St, Coppola Terrace and Hawthorne Ave. This will not have to be done again.

Derby Redevelopment Agency - no one present.

Corporation Counsel - Attorney Coppola stated there was an FOI hearing with the Valley Independent Sentinel. Attorney Coppola asked Ms. DeGennaro for a volunteer of the aldermen to testify. Mr. Gerckens testified. Mr. Gerckens traveled to Hartford and gave his testimony reading what the majority was and how the vote went. When he was asked a question, he gave his opinion. Attorney Coppola will have a transcript available. There is no decision yet, on whether the report regarding the tax office will have to be disclosed.

The building official salary was set in 2000, by this board, and Ron Sill was part of that motion, that salary has only been subject to increases by aldermen approval each year for whatever contract the City Hall was getting. If you want to increase his salary that's something for a subcommittee to discuss.

Ms. DeGennaro stated 32-76 says "compensation". A building official shall be paid an annual salary as the Mayor determines is appropriate based upon qualifications, experience and performance subject to the approval of the board of aldermen.

We have a new building official, so should we not, I think it is appropriate that the Mayor make a recommendation to us of what that salary is going to be.

Attorney Coppola stated the salary has a line item, I'm assuming that's his recommendation...he meets the qualifications, the Mayor has the right to appoint him, which he has. So if you want to increase his salary, I'm assuming you should have someone study that. The salary has a set number.

Mayor Staffieri stated it was not an increase, nothing changed.

Ms. DeGennaro: but a decrease?

Mayor Staffieri: it wasn't decreased.

Ms. DeGennaro: so I mean..

Attorney Coppola: if you want it to be studied for a decrease, then send it to a subcommittee....

Ms. DeGennaro: I'm not saying increase/decrease...I'm saying what is the recommendation for....

Mr. Sill: I think as a formality, what she's getting at is the Charter says, we can't set the salary, the Mayor has to set the salary, we can only approve it ...

Attorney Coppola: what I'm telling you is, you guys have set the salary, that salary line item is just based on increases,

Mr. Sill: I think when it is a new position and a new person in there, it still has to come before the board to accept as a formality according to the charter, he has to recommend the salary and we have to approve it. It's a very simple thing

Ms. DeGennaro: we've done that on other contracts that exist and have expired

Mr. Sill: it's just a formality that you read off his qualifications and if you attach a number to that, and then we pass it or whatever and that's it.

Attorney Coppola: you have already set that salary. If you're saying his qualifications don't warrant that salary, then that's what you should say

Ms. DeGennaro: I don't think that is what we are saying. What's the purpose of having the ordinance then....and again it has nothing to do....it's procedurally...I mean why do we look at people's salaries when their contracts are going to expire, or new contracts, we look at their salaries...

Attorney Coppola: that position is appointed by statute. Once there is an appointment, it's a four year appointment, which conflicts with some of the language that's in the ordinance...that position started at some number in 2000 and has only been subject to an increase not based on qualifications, but based on what the aldermen approved. You approved that set salary. If the Mayor was to recommend a higher salary, then I think I agree with you

Ms. DeGennaro: well then section 32-76 and the fact that in 2000.... I mean...that's my point of view on it, I don't know that we are, are we doing the correct thing?

Attorney Coppola: In my opinion....that position

Ms. DeGennaro: he's a building inspector, it's a new person being appointed, we have to set his salary, but we have to accept that.

Mayor Staffieri: I truly don't know what the salary is

Mr. Iacuone: it's basically the same if you appoint someone, we approve it, put his name on the letterhead, with the salary, we vote on it, it's just a matter of....

Attorney Coppola: the only thing you'll be voting on is the salary

Ms. DeGennaro: yeah, right

Mr. Iacuone: when you appoint somebody to a position, the position is on the record...

Mr. Gerckens: I just wonder if the citizens of Derby, the taxpayers are being served by this... the other guy; eighteen years as the zoning official with tons of experience make one salary, now you have a guy with thirty years of building experience but does he have that zoning official experience, which no I believe he just passed the exam and good for him, so a newbie gets the same salary as an eighteen year old vet...I just don't think the taxpayers are being served well...

Attorney Coppola: this is during my report...if you want to add something to the agenda, then that's something I think the board should do. I don't know what you want from me, you sprung it on me right now

Mayor Staffieri: if you want to raise it by a dollar, then we'll take a vote on it.

Ms. DeGennaro: I suggest we discuss it next month, it's not on the agenda, we didn't add it on the agenda, we can add it on the agenda next month, the Mayor can give his

recommendation for the salary, pursuant to 32-76 and subject to our approval, that's what the Charter, that's what we are supposed to be doing here.

Mr. DiMartino: because the line item has already been approved, we can't change that anyway, can we? It's already been approved...

Mayor Staffieri: the City budget is already in place. The City's budget has been adopted and that is the line item for the building official

Mr. Sill: but just to make it official, the Charter, you have to state that and we approve...that's what I did eighteen years ago.

Attorney Coppola: and it was only subject to the increase by which you guys agreed to. If you want to reduce this, it should be on someone's subcommittee, if you want to increase it, it should be on a subcommittee and it should be studied, because what I am saying, what I found you guys gave was an increase every year, not based on qualifications, but on the City contract, so you already approved that number for that line item. That is what my opinion is.

The foreclosures have been filed except for 245 Francis St. Attorney Coppola explained there is some cooperation from the owner and some interest from a private owner who may want to buy the property.

187-189 Derby Ave. The bank foreclosed and flipped the property. Attorney Coppola met with a potential purchaser to discuss what needed to be done to get off the blight list and stop the foreclosure. The fourth owner is waiting for the deed.

Mr. Gerckens stated it seems to him Corporation Counsel is present if any board member wants legal advice/opinion. Last month's motion was for Attorney Coppola to research and determine whether any money was owed to Domurad. We are asking for your opinion and the motion was vetoed. Mr. Gerckens thinks the board's right to speak with Corporation Counsel was thrown out the window. We are just asking for a legal opinion from you and were denied that.

Mayor Staffieri: you're asking for redundant information...wasting our City's attorney time and money for the City

Mr. Gerckens: first of all, I'm asking Corporation Counsel for his legal opinion on whether we have a right to ask him for legal advice

Attorney Coppola: I guess you do, but my comment, there seems to be some confusion...that Domurad case is still pending...that Domurad case, during the case you made a request on pay, that during that case (which is still pending) I don't even come close to what his demand was. So, unless his attorney would come back to me, kind of giving me an explanation of what he's entitled to...I'm doing their work to be honest with you, so I am here to give you advice and the advice is it's still pending litigation and I'm not comfortable discussing it in public which I am....

Mr. Gerckens: where is that case pending?

Attorney Coppola: in the same court house as it was before, only his application was denied.....that case is still an active case which I'm taking some steps to move it along.

Mr. Gerckens: okay, so that's your legal opinion so, I'm also asking your legal opinion, was there any impropriety by vetoing this? We're asking for your opinion...you just gave it...why does this have to be vetoed?

Attorney Coppola: the way to answer that is you can get the board to revisit it and you need six votes to undo the veto. Again, it should be placed on the agenda, not during my discussion.

Ms. DeGennaro: do we have anything on Schrade?

Attorney Coppola: we appealed it to the Appellate Court. We won, we have a cease and desist. The City was correct, the appeal was thrown out, the enforcement took hold, and we appealed to the Appellate Court.

Attorney Coppola started to solicit appraisals for 187-189 Derby Ave. Then a new owner came on. The other two added another month to that.

Garbage Contract - there was no money last month to publish the bids. Now there is money in July. Attorney Coppola took the old bid specifications and the outline for the curb to curb. What was bid is actually not accurate. Attorney Coppola got the accurate numbers from City Carting. We said the tonnage was 4,800, it turns out to be over 5,000. The initial bid missed two or three complexes and that was added in. There were two or three municipal bins that were added in. The last quarter is coming in this month, so the actual tonnage will be for each year.

The transfer station was bid with 1,000 tons, and actually averaging 1,700 tons, so that was corrected.

The last bids that came in for the transfer station....City Carting was doing \$68.00 a ton, the other bidders were \$215.00 a ton and \$80.00 a ton. Based on that, the contract is going to go up.

City Carting is doing collection of waste oil, they pay two operators, they pay for the payloader, brush removal, stopped charging residents for tires, mattresses, etc. There is an ordinance that states we charge. Attorney Coppola stated the transfer station needs attention. City Carting may not be bidding the transfer station.

Mr. Sill would like a listing of the bid specs for the next meeting.

Attorney Coppola verified the bid specs. What the City did before...the City is getting more services than what was bid. The old bid can't be used.

Attorney Coppola will provide what was bid, and what they're doing.

The last bid amounts were: City Carting -\$68.00 a ton, Trashmaster - \$215.00 a ton and ADS was \$80.79 a ton plus \$110.00 pull.

Mr. Iacuone stated City Carting was supposed to identify who was responsible for the brush.

Attorney Coppola stated his impression was that they thought they were.

Mr. Iacuone stated that pile was three and a half stories.

Mayor Staffieri stated that was the original pile the City left them. And then they cleared all that, and all the storm piles.

Mr. Iacuone stated the bid spec and the contract.....

Attorney Coppola: the original bid spec did not say much about brush

Mr. Iacuone said the contract being worked on now, should address that

Mr. Iacuone stated the current contract....he was going to address a few of the problems that there were

Mr. Sill: one was the bulk waste issue

Attorney Coppola stated they gave a letter, which went to the Tax Board.

Mr. Iacuone stated it wasn't the waiving.....but the issues of the contract that weren't outlined.

Attorney Coppola: no, I meant waiving collection of the overage?

Mr. Iacuone: the overage, the bulk pickup, the leaves and brush so everybody knew who was responsible for what.

Attorney Coppola: I have the waiving of the collection of the overage, who's responsible for the leaves and brush....

Attorney Coppola: the difficulty I have in bringing things to you, is almost everything has an issue in litigation and claims. You really got to tell me what you want to know...like 245 Francis St. I would tell you everything in Executive Session....but I won't say it in public.

Mr. Sill stated the property owner next to it is putting up with a lot.

The Policy and Procedure Committee will have an amendment drafted to the blight ordinance which will by statute....you can determine a property has a health and safety welfare issue, you can go on the property and remedy and put a lien on the property.....it will be submitted.

Storm Ambulance Corps - Mr. Lenart stated the rescue truck came back. The primary ambulance also came back. The quotes to refurbish the secondary ambulance came in. They came in under what it was thought to be.

Parks & Rec - Mr. O'Connell is present for the discussion on the bid waiver.

Refund of Excess Taxes paid through July 19 2013- \$26,991.68 – Denise Cesaroni, CCMC, Tax Collector.

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

Update City of Derby Revolving Loan Program - Ms. O'Malley informed Mr. Gerckens security cameras and security issues are exempt from public discussion per the FOI law.

The loan sheet was before the board for discussion.

Referendum for WPCA and School Buildings

There will be a public hearing on July 31st at 7:00 p.m.

Approval of the Capital Plan for 2013-2014

Mr. Sill stated the plan is for a total of \$540,000. A MOTION to approve by Mr. Sill with a second by Ms. Moran, all in favor, **motion passes**.

Permission for Sign Placement for the Sign Placement for the Center for Cancer Care at Griffin Hospital Annual 5k Walk/Run October 12 2013.

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

Bid Waiver for Acquisition/Installation of New Lights/Bleachers at Ryan Field

The bleachers will be done by Tomark Sports and the lights by Musco Lighting. A MOTION to approve by Mr. Sill with a second by Mr. Dziekan, all in favor, **motion passes**. Ms. DeGennaro stated the bid waiver has to be a unanimous vote by the board. Ms. Wabno will get in touch with Mr. DiCenso. Roll call vote; Mr. Iacuone - yes, Ms. DeGennaro - yes, Mr. DiMartino - yes, Mr. Boulton - yes, Mr. Dziekan - yes, Ms. Moran - yes, Mr. Sill - yes, Mr. Gerckens - yes. **Mr. DiCenso's email vote can be found at the end of these minutes.

O'Sullivan's Island and the Edward Cotter Park: Reports and Information from DEEP & EPA Regarding Soil, Clean Up and Site Work.

Ms. DeGennaro informed Ms. O'Malley this was discussed at last month's meeting and put it on the agenda for this month.

Ms. O'Malley handed out material for the board to review. It is the final report from the United States Environmental Protection Agency. "On October 8, 2009, EPA conducted a final site walk with the Mayor of Derby and the Director of Economic & Community Development. The final site walk was conducted to ensure that post excavation activities have been completed, such as providing an adequate vegetative cover over the excavated areas. Upon completion of the site inspection, EPA transferred oversight responsibilities back to the City of Derby. The entire report is on the website.

Mr. Gerckens stated there was a letter saying it was very important that it doesn't get less than eighteen inches of soil, or something like that...

Mr. Sill: or whatever we were going to do on it, couldn't penetrate

Ms. O'Malley contacted EPA and they wanted to make sure we maintain the integrity of the soil path to ensure recreational users aren't going to be exposed to any contamination.

Mr. Gerckens wants to know what the City is doing to protect the area. There have been superstorms, hurricanes. I got a leaky gutter and it's washed out eighteen inches of soil and that letter that was read last month.....

Ms. DeGennaro: it was an email response

Mr. Gerckens: it was very clear that it needed a minimum of twenty four inches between the top level and what's possibly under there.

Mayor Staffieri: that's what EPA did.

Mr. Gerckens: I'm saying now that it is under the City, what are we doing to ensure that there is no runoff. What happens if it goes to twenty three inches, what if it goes to eighteen inches. The answer you gave last month, with all due respect, they signed off on it, that's their problem. That's not the right answer. The answer is I will do everything in my power to ensure the citizens of Derby are safe.

Ms. O'Malley: are you saying the United States Environmental Protection Agency is not....

Mr. Gerckens: I'm saying we haven't seen anything....this is the first time I have seen anything

Ms. O'Malley: all of the reports are on the EPA website.

Mr. Gerckens: a little guidance on where we can get at them and read them and that's all we're asking for.

Mayor Staffieri: with all due respect, if you were to take a walk down there, you would see that there is no erosion, and that everytime we get flooding....Mr. DiMartino you can share with us, you're always there cutting the grass, weed wacking and everything...is there any erosion problems and what happens when flooding happens.

Mr. DiMartino: I mow it every two weeks, there's no holes no erosion problems

Mr. Gerckens: with all due respect, you're asking the guy that cuts the grass, I want an official report and now you gave me one, I'll look at it, I'll look at what you have and that's it. I go back to my gutter, one year of a leaky gutter and it's washed out eighteen inches. What happens if that twenty four inches that they said is so

Ms. O'Malley: I don't know that you can compare a gutter to this

Mr. Gerckens: yeah, I mean a gutter is a drip, this is a river, a moving river with hurricanes and storms going through there and you're relying on a landscaper to say there's no erosion, with all due respect

Ms.O'Malley: no we're not, we're relying on the EPA.

Mayor Staffieri: doesn't the Army Corp of Engineers come down...yearly, the Army Corp of Engineers comes to check our dike systems and checks our issues.

Mr. Gerckens: okay, well nothings been done according to this, I just glanced at it, since 2009. There's been no erosion since 2009, I just want to make sure it's safe, that's all.

Mayor Staffieri: go down there and find out if there is any erosion.

Mr. DiMartino: I sure hope there isn't because I do cut it...

Mayor Staffieri: anytime there is flooding, silt gets dropped onto the island.

Mr. Sill: A fellow came in with a letter about doing something down there....

Ms. O'Malley: it actually came in today, we were looking into the flood plain and the permit that would be required and also the use of the island other than recreational. She will bring back information from the engineer.

Status and Report of Restitution Payments from Katherine Kulhawik per City of Derby/Kulhawik Separation Agreement

Ms. DeGennaro emailed Tom Thompson and there is still \$1,965 due from the \$9,000. There has not been any payments since February 26 2013 in accordance with the agreement. The agreement states by August 1st it will be completely paid.

Attorney Coppola hired Attorney Murray from Ansonia last week to sue her.

There is a letter from a woman wanting to post a realtor sign. Ms. Wabno stated there is a question as to if it is state property.

Old Business:

Status of sale of East Derby Waterworks

There will be a closing in thirty days after PURA approves the transaction.

Executive Session

Summit Street - Telescope Mountain

David Kopjanski

A MOTION at 9:06 p.m. by Mr. DiMartino with a second by Ms. Moran to go into Executive Session and invite Attorney Coppola in, all in favor, **motion passes**.

A MOTION 9:35 p.m. by Mr. DiMartino with a second by Ms. Moran to come out of Executive Session, all in favor, **motion passes**.

Summit Street - Telescope Mountain and David Kopjanski Matter

A MOTION by Ms. DeGennaro with a second by Mr. Iacuone to take no action this month, all in favor, **motion passes**.

Adjournment

A MOTION at 9:36 p.m. to adjourn by Ms. Moran with a second by Mr. Sill, 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.**

