

DERBY BOARD OF ALDERMEN SPECIAL MEETING

DERBY CITY HALL, AUDIO MEDIA CENTER ROOM – MAY 24, 2006 - 6:30 P.M.

MINUTES

The Honorable Mayor Anthony Staffieri called the special meeting to order at 6:30 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Anthony Szewczyk, Beverly Moran, James Benanto, Joseph Bomba, Kenneth Hughes, Scott Boulton, Matthew DeBarbieri, Ron Sill, Dennis Devonshuk

Also Present: David L. Kopjanski, Building Official/Zoning Enforcement Officer
Philip A. Hawks, Fire Marshal
Ronald J. Culmo, Public Works Director
Chief Andrew L. Cota, Jr., Derby Police Department (arrived at 7:00 p.m.)
Cinda Buchter, Tax Collector
Keith A. McLiverty, City Treasurer
Philip Robertson, Chief Administrator, City of Derby
Leo Moscato, Chairman, City of Derby Municipal Parking Authority
(arrived at 7:55 p.m.)
Joseph Moore, City of Derby Municipal Parking Authority (arrived at 7:55 p.m.)
Joseph Coppola, Corporation Counsel

CORRECTIONS TO THE AGENDA

Mr. Hughes said he would like to switch the order of two items on the agenda:

- Swap Item 7 (Committee Reports) with Item 15 (Adoption of 2006 Capital Plan)
- Swap Item 21 (Executive Session Scrivins vs. Derby, ET Al) with Item 22 (Additional Lighting Upgrade to Parking Garage)

A MOTION was made by Mr. DeBarbieri with a second by Mr. Boulton to approve the changes to the agenda. **Motion carried.**

PUBLIC PORTION

John Orazietti, 56 Sodom Lane, Derby, CT – Mr. Mayor I'm here to voice my opinion regarding the Revolving Loan. I feel that it's unethical; definite conflict of interest. And frankly it's just not a good message to send the people of Derby. I realize that anybody can come in and apply for a loan. But are they going to be granted it? It remains to be seen. I know that applications have to be reviewed – I don't know how they're reviewed. I know they have to be reviewed and then a decision is made. I just think that there's no possible way that what the board reviews of this application that they're going to say no. I mean the Mayor's son, the Board of Alderman's brother, (inaudible).

I mean no problem. I mean I know these people, they're great people – has nothing to do with them. This is my opinion. I just think that it's unethical Mr. Mayor – I think that it does not send a good message to the taxpayers in town.

Mayor Staffieri – It all has to do with the last name. Thank you. Anyone else from the public?

Dan Waleski, 21 Elm Street, Derby, CT – I appreciate the gentleman's remarks and his opinion but he has been a member of the Board of Aldermen approving many of these loans in the past. Frankly some of those loans were somewhat questionable during his administration. And I'm a little bit put out at the fact that at least here and I bet you the emphasis here is on politics rather than being constructive to try to help the City in getting over whatever we have to do. Thank you Mr. Mayor.

Mayor Staffieri – Thank you Mr. Waleski – very well put. Anyone else from the public?

Joseph Bassi, 5 Patty Ann Terrace, Derby, CT – What I'm trying to say is here I was on the last administration and I was on that committee for these here loans that he's talking about. Now Dan Waleski is all wet when I tell you he's wet. Because the people that took the loans were people that were in business. Nobody came to our place and said well I'm going to open up a business. This was for people that were in business that looked for money. And that's what we did. We approved them so they could better their business; that's the only thing. Not somebody that come over and said we need \$25,000 because I want to take care of my house. No, no – this is supposed to be for people for business. That's what this loan is supposed to be – not for people that own homes.

Mayor Staffieri – Own homes?

Mr. Bassi – That's what I mean.

Mayor Staffieri – This has nothing to do with owning a home.

Mr. Bassi – I'm just making a point that's all. People that are in business for business only. This is all well and good...

Mr. Hughes – Sir, you have some misinformation, sir. The application, I have a copy of the application, type of business – bar and restaurant. The loan is for a business. I don't know where you're getting homes...

Mr. Bassi – Wait, wait – I'm not even talking about them. I'm talking about him where he said to Johnny your administration gave loans out to anybody. No we didn't because I was on that committee. Now when he's doing something like that he's stabbing me and I don't like that.

Mayor Staffieri – Thank you Mr. Bassi. Anyone else.

Mr. Bassi – I don't care if his kid got a loan. Good – you're in business you deserve it. That's no problem.

Mr. Hughes – Thank you.

Mayor Staffieri – Thank you Mr. Bassi. Anyone else from the public.

Ralph Cocco, 22 Laurel Avenue, Derby, CT – I'm sort of new to all of this. I just got involved in politics this year. I don't get why the City of Derby in general is loaning money to people to go into business. When you go into business aren't you supposed to have your own backing? What happens if this business doesn't be successful – is it guaranteed? Is something put up as collateral for the loan? Or does somebody walk in and we give them \$10, \$20, \$30 – whatever it is - \$60,000. What happens if they don't make payments? What happens to that loan?

Mayor Staffieri – Patty...

Patty Finn, Small Cities Coordinator – Then the loan goes into default and the loan is secured when it is granted. It is secured with collateral prior to the loan. And this is not City of Derby funds. This loan started with a Small Cities Grant under the City of Derby Community Development Block Grant Program in 1996. With that initial money we lent it out and as it has been paid back, with the interest, we are able to grow that money and keep the money revolving and loan it back out. We have never had a default on the loan.

Mr. Cocco – You've never had anyone default.

Ms. Finn – Not one.

Mr. Cocco – And it's only at 3%.

Ms. Finn – 3% for five years and that was set by the State of Connecticut.

Mr. Cocco – And the State has given us that money.

Ms. Finn – Yes. And we get monitored on it yearly.

Mr. Cocco – Thank you.

Mayor Staffieri – Anyone else from the public?

Carl Yacobacci, member of Clark Development – I just wanted to address a blight issue. I received a notice from the building office that we had a violation of Chapter 60 – unregistered motor vehicles stored outside, overgrown vegetation on our property at 148 Main Street. I just wanted to let everybody know that it is our property and my lawyer had sent a letter – *I just want to let everyone here know and reading this is my client, which is Clark Development, owns the subject property however the adjacent owner, which is 140 Main Street Derby, LLC, which is owned by Sam Rizzitelli, that*

claimed title to the effected property by virtue of adverse possession by memorandum of decision dated August 30, 2005 a copy which is enclosed with this letter. Judge Curran entered a temporary injunction ordering my client, which is me, not to interfere with the property on which the unregistered motor vehicles and overgrown vegetation exists. To complete the picture I've also enclosed a copy of Exhibit 13 showing Parcel 1, which is the land in question and a Schedule B referred to in Judge Curran's decision. In view of the injunction my client, again me, is unable to abate the blight caused by 140 Main Street Derby, LLC. Given this legal impossibility I trust that the \$100.00 per day fine will not be assessed the property and you will direct your enforcement efforts against 140 Main Street Derby, LLC. I have a picture of the (inaudible) in question along with the attorney's letters, the temporary injunction and the letter from the City.

Mayor Staffieri – We'll give it to our blight officer, Mr. Szewczyk, and if that's correct we'll duly make that change.

Mr. Yacobacci – Thank you. I just want you to know that we don't keep our properties blighted in the downtown area.

Mayor Staffieri – Thank you Mr. Yacobacci. Is there anyone else here from the public that would like to speak? Ms. Weissman.

Dina Weissman, 26 Caldwell Drive, Derby, CT – I went to the Town Clerk's office earlier today to see a copy of the Revolving Loan Application and there wasn't one on file. So I apologize if any of these questions are information that you don't have (inaudible.) The first question that I have is who put this item on the agenda?

Mayor Staffieri – The Town Clerk.

Ms. Weissman – The Town Clerk did. And obviously an application was submitted – a signed, dated application.

Mayor Staffieri – Patty.

Ms. Finn – We do have one. I have one here if you would like to see it.

Ms. Weissman – And when was that dated?

Ms. Finn – Just a second. May 19th.

Ms. Weissman – When did the board members receive it?

Ms. Finn – I believe it went out in their packet and I made copies again this evening for them to review.

Ms. Weissman – I overlooked checking with your office, I apologize for that. What committee or individual is recommending this action? I mean the Town Clerk put it on the agenda but she can't recommend action on it.

Atty. Coppola – We can address that when it's on the list when we get to that.

Ms. Weissman – Okay. (Inaudible) the application how much money is being requested?

Ms. Finn - \$60,000.00.

Ms. Weissman – And what purpose is it being requested for?

Atty. Coppola – We should wait until we get to that on the agenda.

Ms. Weissman – I won't be able to address it. I didn't have access to the information.

Atty. Coppola – No but you'll get that information.

Mayor Staffieri – That information will come out then.

Ms. Weissman – I might want to comment on what purpose it's being used for and answer Mr. Cocco's question too about collateral and (inaudible.)

Atty. Coppola – You're asking the board to comment on something that hasn't even been discussed.

Ms. Weissman – I'm asking for information on the application that should have been available to the public. I went to the Town Clerk's Office to review it and then I wouldn't have had to ask any of these questions.

Atty. Coppola – Patty handles that process.

Ms. Finn – Right.

Atty. Coppola – If you had gone to her office you would have seen it.

Ms. Weissman – Right but my understanding is all the information is in the Town Clerk's Office. The packet with all the information from Patty for the Road Bond Invoices were available in the Town Clerk's Office. How many jobs are to be created?

Ms. Finn – One job has to be created for every \$12,000.00 borrowed.

Ms. Weissman – So that would be five new jobs.

Ms. Finn – Yes.

Ms. Weissman – In addition to the jobs that are already existing there.

Ms. Finn – That's correct.

Ms. Weissman – Specifically there are few issues that I have in general (inaudible.) Does the board know that the Secretary of State's Office has no record of "Staffieri-Hughes, LLC." It might be a question for Corporation Counsel if the board can take any action tonight to loan money to a non-existing entity. The agenda also references "Connie's Restaurant" (inaudible) and that business owes back taxes to the City. Is the board going to consider whether back taxes should be paid as part of this agreement? Also...

Atty. Coppola – "Connie's Restaurant" should not be on there.

Mayor Staffieri – That was a mistake that it says "Connie's Restaurant." That was only to identify the location because they don't have a specific name for their new entity, okay? So "Connie's Restaurant" has nothing to do with it – let's keep the politics out of it, okay? You are past your three minutes, thank you very much.

Ms. Weissman – I have questions that need answers and I really appreciate (inaudible.)

Mayor Staffieri – Okay – you know how it works. You have three minutes and you have exceeded...

Ms. Weissman – If you don't want to answer the questions...

Mayor Staffieri – Could you make it a little more brief.

Ms. Weissman – I was going as quickly as I could.

Mayor Staffieri – Well how long are we going to stay here.

Ms. Weissman – I don't imagine that it would take more than one more minute.

Mayor Staffieri – Okay.

Ms. Weissman – I don't (inaudible) ultimately if the loan is approved that the money will end up; part of the money will end up, in Mayor Staffieri's pocket. So (inaudible) conflict of interest (inaudible).

Mayor Staffieri – What a cheap blow.

Ms. Weissman – (Inaudible) board member and I sat in that chair and (inaudible) and I was given information and I trusted what I heard and I put my name to things that I really regretted I put my name to. And I encourage all of the board members to really give individual consideration. You were all voted there on your own right. You all bring different talents and skills to the board. You should consider this in light of all of this because (inaudible) put your name to something and you're going to find out that you shouldn't have done it. (Ms. Weissman distributed a copy of her letter to the board members – typed below.)

May 24, 2006

Board of Aldermen
City of Derby
1 Elizabeth Street
Derby, CT 06418

RE: Agenda item #20 for Special Meeting of May 24, 2006
Revolving Loan Application: Staffieri & Hughes, LLC

Dear Members of the Board of Aldermen:

This morning I went to the Town Clerk's office to review the documentation for this agenda item and there was nothing on file. Many of the concerns I am about to raise might have been satisfied if the information had been available to the public prior to the meeting. Specifically, I have these questions:

1. Application Process
 - a. Who put the item on the agenda?
 - b. Was an application submitted? When is it dated? When did the board members receive it? Where is it on file for the public?
 - c. What committee or individual is recommending action on this?
 - d. How did this application receive priority over the others in the list?

2. Application Specifics
 - a. How much money is being requested?
 - b. What purpose are the funds being requested for?
 - c. How many new jobs are being created with the funds?

3. Application Issues
 - a. As of 4 p.m. today, Sheri at the Secretary of State's office had no legal record of "Staffieri & Hughes, LLC" and it was not in the C.O.N.C.O.R.D. online database. Do you intend to loan money to a nonexistent business? Were any independent checks made to verify the application?
 - b. The agenda references "Connie's Restaurant" which owes back taxes to the City of Derby. Do you feel it is appropriate to loan money to a business in arrears in taxes when other Derby businesses pay their taxes on time and in full?
 - c. If approved, the funds from the loan will ultimately end up in Mayor Staffieri's pocket. That is the crux of the ethics issue, especially if Mayor Staffieri's sons fail to pay the loan back.

I urge you, as a former board member that you each carefully consider the application and not be caught up in reassurances that this is all fine and aboveboard. Your names and reputations accompany your vote. You are the ones that will be held accountable by the voters. A process and safeguards exist for very good reasons. This matter should be tabled and handled appropriately.

Thank you for your consideration. Sincerely, Dina L. Weissman

Mayor Staffieri asked if there was anyone else who would like to address the board.

Hearing no one else from the public wishing to address the board...

PUBLIC PORTION CLOSED

APPROVE MINUTES OF MAY 11, 2006 SPECIAL MEETING

A MOTION was made by Mr. Benanto with a second by Mr. Sill to approve the minutes of the May 11, 2006 special meeting. **Motion carried.**

ADOPTION OF 2006 CAPITAL PLAN

Keith A. McLiverty, City Treasurer – Just for the record this is not going to be adopted tonight simply because of the fact that the two processes, the Capital Planning process and the Board of Apportionment & Taxation budget process run parallel and unfortunately their train is not yet in the station and ours is. So we have to wait (inaudible) to get the final number for capital. What we did have when we started the capital process, and Mr. Sill and Mr. Hughes are members of the Capital Planning Commission as well as some Tax Board members, we started with the understanding and there was a handout in your packet (inaudible) \$1.1 million and that is comprised of three funding sources. The first source is LoCIP, which is the State authorization of State funding where they give towns certain allocation based on need. The City receives approximately \$105,000 per year from them. The General Fund allocation is coming from two sources – one is a \$450,000 allocation from the Fund balance and one from the Board of Apportionment & Taxation General Operating Budget allocation. That is what is contingent tonight; we don't know where that is going to end up tonight so it does not behoove us to go forward and adopt this because they may change that number during their deliberations. The process included all the department heads turning in their requests. When we started the requests for the first year it exceeded \$3 million. We met with each of the department heads, reviewed their requests and had them revisit their priorities – actually establish their priorities – and then we voted on final numbers. We believe that there are many items here that touch all departments throughout the City.

Fire Department – Will receive an allocation of \$233,000 to retrofit all of the fire houses to become code compliant.

Police Department – On top of their normal allocation for motor vehicles, where we replenish two of the vehicles every year on a revolving basis, they will also be receiving police gym equipment for \$16,000 as well as new firearms for \$26,000.

Board of Education – Items here were presented by the Board of Education. We had the Superintendent here as well as their Facilities Director and the committee finalized the allocation at \$199,000. I want to be very clear here about two things. Yes, the Board of Ed and the committee asked for retrofitting five Science Labs. They came to the meeting and Mr. Sill and Mr. Hughes were here, and they can physically only do one lab per year. It was the committee's consensus, and Bev Moran as well – I'm sorry Bev – that we only allocate one lab per year because there's no sense putting the money in if we know from day one that we're never going to get the work done. That's

why this says one lab as well as the equipment associated with that one lab. As well we've made the commitment to renovate eight classrooms, which would mean new desks, new chairs, painting, tables as well as any other equipment such as LCD projectors. Our strategy there is to do two classrooms in each of the schools every year. Lockers are going to be replaced as well as the Air Conditioning in the server room. They have probably over \$100,000 worth of computer equipment sitting in the room and the room gets to 105° and it shuts down. There is no ventilation. Everyone agreed that we should invest in the infrastructure and protect it with a cooling system. In addition, they have a Tech Ed room. The old wood shop is gone and it's a high-tech approach to these children and it's a \$43,000 allocation for the Tech Ed room as well as some tapes and backups.

Public Works Department – They are looking for a cart for the Greenway. As we all know that is a beautiful location here in the City and they would have a cart that would allow them access to perform maintenance. Flood Gates – we're all aware of the concern down there and we're allocating \$100,000 to repair one set of the Flood Gates. You want to keep in mind that next year may include another set but this takes care of the one that's in the worst condition. Mr. Culmo and his department are looking to lease four vehicles so we put the lease payment in there. The other item is an oil separator. I would like to note also that the General Operating Budget absorbed the \$33,000.00 request that Mr. Culmo had in this original capital request for a side mower. So the Tax Board is actually paying for that out of the Operating Budget. That's the mower that I believe is going to be utilized on the Greenway Trail as well up at Witek Park.

Ambulance Corps – They are looking for a Jaws of Life – that's actually two sets or four pieces. The Jaws of Life is actually two different pieces. They are also looking for a down payment for the ambulance. The way it would work is the City would put down a down payment of \$52,000 that would pay for the chassis. The chassis would then be delivered and go to manufacturing. You would then take the balance of approximately \$100,000 for the ambulance as a complete unit. There's been a great deal of discussion and I would request respectfully that the Aldermen start to look at this issue of the Ambulance Corps and if they are private, are they not private – billing and not billing. Mr. Lenart was here and he is concerned about that. But again that's an action of the board because they are a private corporation. What gets sticky is who owns the equipment, who owns the vehicles? The City pays for all the insurances for the paramedics, EMT's, as well as the vehicles and the building. But they bill – and when they bill the earnings from the billings actually stays with the Storms Ambulance Corps. So the concern that one may present, and I don't want to get too far sidetracked with this, one can construe that a taxpayer is really being double taxed. If I pay taxes and my taxes pay for the ambulance plus an \$80,000 a year allocation to support the ambulance corps and then the ambulance pulls up to my house and I have to pay \$300.00 to get taken away in the ambulance – didn't my taxes pay for that service or did they not? All I would really like to highlight here tonight this is an issue that is going to collide one day and Mr. Lenart has been very amenable to the idea of having discussions and I just respectfully request that we proceed on that soon.

Parks and Recreation – The main pipe in the pool service at the Veterans' Center needs to be replaced. The blank seating and this is the home side of the stadium where the blank seating was replaced with aluminum seating – its wood now and somewhat splintery – that would be \$25,000. Replacement the backstop at Ryan Softball Field as well as the outfield fence. Dennis O'Connor has respectfully requested a lighting upgrade for \$25,000.

Senior Center – They need a new roof for \$27,040. There are also various repairs that are needed. First and foremost is the security issues – there are issues about lighting at night – there is no access to cameras for the two doors and they would also need video tapes – the request is for \$25,000.

Library – Jamie Cohen, president of the Library Board of Directors is present this evening to answer any questions regarding their request. Their request is for woodwork repairs to the exterior of the building, specifically the front portico and for windows.

Planning & Zoning Commission – Ted Estwan, Chairman of P&Z has put in a request for \$10,000 in order to have the Subdivision Regulations upgraded. The current regulations are thirty years old and they need to be updated.

Citywide – The Citywide technology for computer and infrastructure such as servers and possibly equipment for the Aldermanic Chambers in order to televise the meetings. Also there is a request for cameras for the Greenway Trail. There is currently a request for two, however the Tax Board is looking to see what could be done to increase that allocation. The camera would be mounted on a pole that would have a live feed directly to the Police Department. There would also be an emergency call box on the pole.

Mr. McLiverty said this is all subject to tonight's meeting of the Board of Apportionment & Taxation. He said there has been preliminary discussions regarding cutting the capital by approximately \$100,000. He said he doesn't know how real that is, however if it is the Capital Planning Commission has made a commitment to meet at the beginning of next week to redesign the plan and submit it for adoption.

Mr. Hughes stated that he is very proud of the work that the Capital Planning Commission has done. He noted that the Commission had not met in over four years and they were faced with a very tough task. He feels they have done a fine job.

Mr. Szewczyk brought up the situation with the leaking roofs at the fire houses. He questioned whether the department heads are capable of preparing specifications for roof work. Wouldn't it be wiser to have the City Engineer prepare the specifications for any major renovations of City-owned property? Mr. McLiverty concurred that many of us are not experts when it comes to the preparation of construction specifications, however he noted that the roof replacement specifications for the Senior Center were prepared by Milone & MacBroom. With regard to the fire houses Fire Commissioner Kelly Curtis has made it very clear that he is going to rely on experts to come up with the design and specifications. Mr. McLiverty noted that if we start to include the City

Engineer on all of these projects we would have to ask for a lot more money. He said the experts will be used when needed.

Mayor Staffieri left the meeting at this point in order to attend the Board of Apportionment & Taxation meeting. The Mayor turned the meeting over to President Ken Hughes. Mayor Staffieri said before he leaves he would like to clear up a discrepancy on the loan application before the board this evening. He would ask that "Connie's Restaurant" be stricken from item #20 on the agenda. He said if he does return to the meeting before Item #20 is discussed he will be abstaining from any discussion or action on this item.

Mr. Bomba asked if there was a reason why there hasn't been a Capital Plan for the last four years and why have City buildings been neglected. He said he sat in on a lot of the meetings and some of the stories that he heard from department heads were disgraceful. Mr. Hughes said he agrees and unfortunately the buildings have gotten to such poor conditions that it is going to cost a lot of money for repairs. Mr. Bomba asked if there has ever been an official answer as to why there was no Capital Planning Commission. Mr. Hughes said a few of the department heads submitted capital requests to the Mayor's Office and they were never acted on.

A MOTION was made by Mr. Bomba with a second by Mr. Boulton to **TABLE** the Adoption of the 2006 Capital Plan until Board of Apportionment & Taxation has completed their preliminary budget. **Motion carried.**

CITY OF DERBY BUILDING DEPARTMENT MONTHLY REPORT

David Kopjanski was present to answer any questions on his monthly report. There were no questions raised. Report was placed on file.

CITY OF DERBY MONTHLY BLIGHT REPORT

Mr. Kopjanski was present to answer any questions on the Blight Report. He informed the board members that at the Downtown Committee the members asked that four new properties be placed on the Blight List. He noted committee members also identified eleven other properties that have the potential to be on the list. Mr. Kopjanski said he received the property addresses and letters were sent from his office on May 9th notifying the property owners that they were in jeopardy of being placed on the Blight List. He said responses have been received from most of the owners. He noted that some of them have already been cleaned up. Mr. Kopjanski said he would like to specifically address Mr. Yacobacci's concern regarding the letter that Clark Development received for the property on 148 Main Street. He said he did receive the response from his attorney and he has apprised Corporation Counsel. The property is certainly cleaner today than it was on May 9th. He does not anticipate having to send out a Blighted Property Notice for that property.

Mr. Szewczyk asked Mr. Kopjanski about 192-194 Caroline Street. Mr. Kopjanski stated that property was placed on the list of blighted properties on April 20th. He said on May 17th he received notice from the attorney of the owner of that property seeking to appeal the blight designation. He said he contacted Corporation Counsel and there is a series of events that need to take place in order to hear that appeal. A Hearing

Officer would need to be appointed by the Mayor and a date needs to be set with the appellant within a certain period of time to have the hearing. Atty. Coppola said he recommended a name for the Hearing Officer to the Mayor today.

Report placed on file.

REFUND OF EXCESS TAXES THROUGH MAY 17, 2006

Cinda Buchter, the City's Tax Collector is present this evening should there be any questions regarding this request.

A MOTION was made by Mr. Sill with a second by Mr. Szewczyk to approve the refund of excess taxes through May 17, 2006 per the Tax Collector's submitted request. **Motion carried.**

REQUEST FOR APPROVAL OF TRANSFER OF UNCOLLECTIBLE TAXES TO SUSPENSE IN ACCORDANCE WITH C.G.S. 12-165

Ms. Buchter reviewed the process for the board members. She said there are two types of taxes:

- Secured – Real Estate
- Unsecured – Motor Vehicles, Personal Property

Secured taxes will always be paid. Personal property taxes are not like this. For example if a restaurant owes taxes and they go out of business you can not recoup those taxes. For motor vehicles if someone moves out of state our jurisdiction is only in the State of Connecticut. We do not have any jurisdiction to collect taxes if someone moves out of state. If someone is deceased and it does not go through Probate, even if a member of the family gets that motor vehicle we can't make them pay the taxes on it. Ms. Buchter said there are certain reasons that she deems as uncollectible. She said we are connected to the DMV's inquiry so she can look to see if the motor vehicle has been registered anywhere in the State and/or if the person has renewed their driver's license. She said if they are still in the State she continues to pursue it. C.G.S. 12-165 allows us to take those accounts off our books and then transferred into a suspense book. If these individuals are later found in the State then they are still liable for these taxes. We can still collect the money. However, no taxes are collectable after fifteen years from the due date.

Mr. Devonshuk asked if this is more of an accounting move since we can still legally collect these taxes. Mrs. Buchter said that is correct. Also, one of the things that happens when we create a suspense list is she is compiling a file that can be given to a collection agency to pursue these taxes on a national level. When they collect the taxes they charge the delinquent taxpayer a 15% fee. She said whatever we get would be found money. This list of multiple years is a little over \$20,000.00 – the Tax Collector's Office currently collects over \$20 million. Mrs. Buchter said for her to spend excessive time chasing this money is not a really a good use of her time.

A MOTION was made by Mr. Sill with a second by Mr. Szewczyk to approve the transfer of Uncollectible Taxes to the Suspense List in accordance with C.G.S. 12-165. **Motion carried.**

NEIGHBORHOOD ASSISTANCE ACT PUBLIC HEARING

Ms. Finn informed the board members that the Public Hearing for the Neighborhood Assistance Act was originally scheduled to take place during Board of Aldermen meeting on May 25th. Since that meeting was changed to this evening she contacted the Department of Revenue Services to make sure that it would still be a Legal Public Hearing. Ms. Finn said DRS said that the Public Hearing could be held this evening, however, if any applications were received by the deadline of May 25 we would have to hold a Special Public Hearing.

Ms. Finn stated that four applications have been received by the City for the 2006 Neighborhood Assistance Act Program:

- Greater New Haven Community Loan Fund, Inc.

Requesting \$50,000.00 – Funds will be used to augment the Greater New Haven Community Loan Fund's Community Loan Pool to supply low-cost, flexible financing and technical assistance to community based development projects that are building or rehabilitating low-income or affordable housing units to create or sustain vibrant neighborhoods.

- City of Derby Fire Department

Requesting \$7,500.00 – Ad campaign to reach out for volunteers for the Volunteer Fire Department and Emergency Medical Services.

- Birmingham Group Health Services

Requesting \$15,000.00 – Staffing for the Umbrella's domestic violence shelter program for evening and weekend hours.

- Birmingham Group Health Services Valley Substance Abuse Action Council

Requesting - \$5,000.00 – For their "Turning 21 Campaign." The program is an awareness and education

Mr. Hughes then opened the Public Portion for comments on the submitted applications.

There were no questions on the applications from the public.

PUBLIC PORTION CLOSED

Ms. Finn informed the board members that she is not looking for approval of the applications this evening. A vote of the applications would be on the board's next meeting agenda scheduled for June 29, 2006. She also said that copies of the applications would be attached to the minutes of tonight's meeting and filed with the Town Clerk. The applications were also on file with her office for anyone to review.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Boulton to accept the four applications submitted for the Neighborhood Assistance Act Program. **Motion carried.**

ROAD BOND INVOICES – APPROVAL FOR PAYMENT

Mr. Culmo stated that these invoices are for work performed on various streets for the road bond project. Mr. Devonshuk said for future invoices he would like a detailed description of the work that was performed. Mr. Culmo said he would speak to the companies and inform them of the request for greater detail.

A MOTION was made by Mr. Sill with a second by Mr. DeBarbieri to accept the Road Bond Invoices as presented. **Motion carried.**

❖FRIENDLY AMENDMENT TO MOTION ❖

Mr. Sill said he would also **MOTION** that the Road Bond Invoices be approved for payment. Mr. DeBarbieri made a second to the Friendly Amendment. **Motion carried.**

ROAD BOND INVOICES REIMBURSEABLES – APPROVAL FOR PAYMENT

Ms. Finn said everyone should have a copy of the Excel spreadsheet that was prepared for these reimbursements. She explained that it is a common practice that the City retain 5% of every invoice presented for payment by outside companies who have performed work for the City. The City does this as a type of warranty against the work that was performed. The amount is retained in case the workmanship has not held up and the work would need to be redone. Ms. Finn explained that Mr. Culmo has inspected all the work that pertained to retainages and has signed off for approval of payment for the work.

A MOTION was made by Mr. Devonshuk with a second by Mr. Boulton to approve for payment the reimburseables for the Road Bond Project as submitted by the Public Works Department. **Motion carried.**

COMMITTEE REPORTS

Downtown Committee – Mr. Szewczyk said Mr. Kopjanski already reviewed what was discussed at our meeting. He did want to state that with regard to blight we don't want to place undue stress on anyone; however items need to be cleaned up. Mr. Kopjanski stated that the Committee also recommended that the following four properties be placed on the List of Blighted Properties:

- 14-16 Cottage Street
- Lot 27, South Division Street
- 27 Paugasset Road
- 239 Elizabeth Street

A MOTION was made by Mr. Szewczyk with a second by Mr. Sill to place 14-16 Cottage Street; Lot 27 South Division Street; 27 Paugasset Road; and 239 Elizabeth Street on the List of Blighted Properties. **Motion carried.**

Education Subcommittee – Mr. Devonshuk said everyone should have a copy of the minutes in the packet. He said they are pursuing the Education Progress Report – they have drafted a template that has been submitted to the Superintendent. They are also following the legislation regarding the changing of the State's reimbursement formula. Mrs. Moran asked for a clarification of changing from ERG H to ERG I. Mr. Devonshuk said the Economic Reference Groups (ERG) stratify the State's education districts based on demographics. He said based on that level each City is awarded a certain amount of funding. The lower down a City is in terms of economic indicators and demographics the City would receive more funding.

Operations Committee – Mr. DeBarbieri said the committee is still gathering data. They have met with representatives of the Police and Fire Departments. He anticipates generating a report in the next few months after they have met with all the departments.

APPROVAL TO PLACE “L STREET” AND A PORTION OF MOHAWK AVENUE OUT TO BID FOR SALE

Atty. Coppola said on May 11, 2006 the Board of Aldermen motioned and granted the abandonment of a portion of Mohawk Avenue and L Street pursuant to a map that was on file with the Town Clerk and submitted to this board. Since the last meeting a number of things have been done. Atty. Coppola said he has verified through a Title Search that the City does own the road bed that appears on the map. The City became the owner in the 1930's. In the 1970's, the City did sell off a portion of L Street – the owner of property to the south approached the City in the '70's and requested that the City sell it to them since it was a “paper road” and there was no use to it for the City and it did not serve as access to anyone else. Griffin Hospital has approached the City to purchase the remaining part. In order to do this the Board of Aldermen would have to vote to put this property out to bid. The bid would need to be published in the newspaper and there would be qualifications on acceptance of the bid such as the party is qualified to purchase it, no mortgage contingency, etc... Atty. Coppola said there is also on file an appraisal of the area. The property is appraised at \$127,500.00. He said he has also researched what the road services. It was noted that the properties that surround L Street is owned entirely by Griffin Hospital. He said the portion of Mohawk Avenue – the property that runs alongside of it – is owned by Mr. DeFilippo. Mr. DeFilippo is present this evening and he has met with Atty. Coppola and Mayor Staffieri regarding this situation. Atty. Coppola said David Kopjanski, the City's Building Official has supplied a letter of review. Mr. Joyce, from Milone & MacBroom, verbally stated some of his topics and concerns. Mr. Kopjanski and Mr. Joyce pointed out that the area of Mr. DeFilippo's property that abuts the paper road of Mohawk Avenue is approximately thirty feet. Atty. Coppola said one of the comments that he would pose to Griffin Hospital is to possibly extend that to fifty feet. He also noted that we need to get an 8-24 Referral from Planning & Zoning.

Mr. Szewczyk said with the assessed value at \$127,500 when it goes out to bid would the bidding start at that number? Atty. Coppola said the notice will make reference to the map that is on file, it will make reference to the appraisal that is on file – its sealed bidding with conditions – so it could be lower, it could be higher. The appraisal is a point of reference. When the bids are opened the board will motion to whether

accept or reject the bids. Atty. Coppola said tonight the board needs to vote whether or not to send it out to bid with conditions.

Paul Toburen, Vice President of Facilities, Griffin Hospital – I just wanted to offer as far as the additional square footage that you may or may not be looking for – fifty feet versus thirty feet – I think our intent, and the previous meeting we had conversations with Sharlene McEvoy a neighbor as you know, and as a side note I think the committee should know that we have come to an understanding with Sharlene and the six neighbors that she represented in the process. She actually met with Pat Charmel and myself and brought up fourteen points of concern. Pat and I have met with her and subsequently sent the information to her attorney, Austin Wolfe of Bridgeport, and we have come to an agreement mainly addressing all of her concerns. The area behind on that road – the abandoned portion of the road – was going to be used for a buffer to block the adjacent neighbors. So the more that you would give up for roadway would be the less we could do for plantings. So our goal here was to take that portion of the road and use to plant permanent type trees that could visibly and audibly block the building in the future. So I just wanted to put that back to you as a consideration.

Atty. Coppola said that the engineer had proposed a diagonal cut. Mr. Hughes asked if we are concerned with blocking views or actual access. Atty. Coppola said that when we looked into access all of it's a paper road. So in terms of access its paper access, it is not a paved area. So the engineer had proposed a diagonal cut across, which allows fifty feet of paper access to Mr. DeFilippo's lot. Mr. Hughes said you can't plant permanent trees on an area used for access.

Mr. Toburen – One of the proposals by Mike Joyce was to try and allow fifty feet of access to the Salvatore DeFilippo property and perhaps proposing a diagonal access versus going straight across. My reply was simply we were going to use this area for plants. So the more that we take away from the road the less we can do on our property for permanent plantings for blockage.

Salvatore DeFilippo, Sr., 3 Colony Street, Shelton, CT – I just got word you know in the newspaper the last article that this was happening and I wasn't here but I'm here now and after I got the word that I want to address the board, which is important to me. I have here a prepared statement that I want to respond to the board with what's happened and then I can get into I have a few maps that I want to introduce. And maybe when I through we can get a better light of what's going on on Mohawk Street.

Mr. DeFilippo's Statement:

Board of Aldermen, Mayor Staffieri, Griffin Health Service Corporation
Re: Abandonment of Mohawk Street and Mohawk Street Extension

I am very much opposed to the abandonment of Mohawk and Mohawk Street Extension for the following:

1. I own property abutting these streets for over thirty years and paid taxes on this property since to this date.

2. These streets this Board wants to abandon will cut off my entrance and exit to my property and diminish my property value next to nothing and also violate my Constitutional Rights in this matter of condemning property without just compensation and due process by those so called Giants and big money.
3. I have every intention of building and using this property in the very near future in harmony with the future development of the Griffin Hospital for professional use.
4. I have owned this property for many years since 1971, long before Griffin Hospital contemplated any expansion in this area. They just purchased newly acquired property in this area for expansion very recently as everyone knows.

Griffin Hospital approached me and inquired if I was interested in selling my property and my answer was no. I also replied also that I would maybe interested in swapping with a kind and likeable property elsewhere. I didn't receive any reply from the Griffin people to my suggestion. A short time later I received an offer from the Griffin people of an offer that I refused and informed them I wasn't interested in selling. A short time ago I read in the local paper that the Aldermen voted to sell Mohawk Street. I knew nothing of this action being considered by anyone.

At this point I believe the Griffin Hospital is attempting to use their influence and politics in order to force me to abandon my Constitutional Rights and have the City of Derby take the streets in front of my property, block my entrance and egress to my property with their money.

I also believe I am not being treated justly or fairly and the playing field is not level. Also at this time I would like to put the City of Derby on notice. I will defend this injustice with all I have at my disposal in spite of the politics and big money at the disposal of the Griffin Hospital, to insure my Constitutional are not violated and hope the City of Derby will protect these rights I am entitled by our Constitution.

Mr. Salvatore DeFilippo, Shelton, CT

Enclosures:

1. Map of Property dated November 1971, S. DeFilippo
2. Recent map of abutting properties and Streets of Development
3. Letter dated May 23, 2005 to then Mayor of Derby
4. Certified Mail Receipt 6/1/05

Mr. Hughes asked Mr. DeFilippo if he has ever inquired about building anything on the lot following the City of Derby Zoning Regulations. Mr. DeFilippo said he had an idea of putting a professional office building on the site; however he has not made an application. Mr. Hughes said the lot size is approximately 50' x 270' – he said he couldn't picture a building on the site.

Atty. Coppola read into the record the letter that Mr. DeFilippo placed as an enclosure to the above letter:

May 23, 2005

Mayor Marc Garofalo
City of Derby
1 Elizabeth Street
Derby, CT 06418

RE: Mohawk Street, Mohawk Street Ext., Griffin Health Services Corp.

Dear Mayor Garofalo:

I visited your office a few weeks ago and spoke with your secretary to request an appointment with you concerning the above referenced matter. As of this date I have received no reply.

I understand City Hall was in the process of relocating, however, development seems to be proceeding rapidly. Therefore, I am requesting that your office notify me of any and all prior changes that may be made on this Griffin Hospital project, which may affect my abutting property now or in the future.

I am also requesting that your office forward my request to notify me to the Derby Board of Aldermen and the Derby Planning and Zoning Commission concerning any and all changes to Mohawk Street and Mohawk Street Ext. as I would like to be part of this discussion.

I am available to meet with you at your earliest convenience. Thank you.

Very truly yours, Salvatore DeFilippo, Sr.

It was noted that the letter was also sent to the Board of Aldermen and Planning & Zoning Commission. The letter sent to the Mayor was sent by Certified Mail, Return Receipt Requested. A copy of the Return Card was also included with the correspondence. The letter was received by Ann DeVecchio, Mayor Garofalo's Secretary, on June 1, 2005.

Mr. DeFilippo noted that on all the maps there is no wording that calls these streets "paper streets." They are all referenced by their names. He stated that the streets could be paved and used. He said he is sure that he could erect a nice building on the site that would be in harmony with the surrounding area. Mr. DeFilippo said there is no need to get rid of a street, especially if it is going to block someone's ingress and egress. He said by getting rid of this street he would not have any access to Division Street, which would affect his property values. Mr. Hughes asked if there has been anything done to the property? Mr. DeFilippo said lately he has decided that he is going to do something with it; especially with the amount of taxes he pays on it.

Atty. Coppola said he would like to clarify to the board regarding some of the representations that Mr. DeFilippo said. Back in the '70's the surrounding parcels was

owned by other individuals, so at that time Mohawk would have been servicing those parcels and it would not have been appropriate to abandon it. Today, with the exception of Mr. DeFilippo's lot, all of the lots are owned by Griffin Health Services.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Boulton to approve to place L Street and a portion of Mohawk Avenue out to bid for sale. **Motion carried.**

AUTHORIZE PLANNING AND ZONING FOR AN 8-24 REPORT REGARDING ITEM #16 ON AGENDA

Atty. Coppola said the vote to place L Street and a portion of Mohawk Avenue out to bid needs to be referred to Planning & Zoning for an 8-24 report.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Bomba to authorize Planning & Zoning for an 8-24 report regarding item #16 with the conditions as presented. **Motion carried.**

PAT & LAUREL SORRENTINO – 446 NEW HAVEN AVENUE Requesting to close off 15 Shelton Street – Rte. 34 to Homestead Avenue (refer to Chief Cota or his designee)

Chief Cota explained that this has been an annual event the last few years. There have been no problems in the past. The Chief said he believes the request was for 2:00 p.m. to 8:00 p.m. The issue of liability was raised. Would the City's insurance be responsible? Atty. Coppola said conditions could be placed on the motion i.e., no alcohol on the street, time limits, etc...

A MOTION was made by Mr. DeBarbieri with a second by Mr. Bomba to close off 15 Shelton Street (Rte. 34 to Homestead Avenue) on July 15, 2006 with the condition that an Indemnification Clause be submitted to the City. **Motion carried.**

Mr. Devonshuk left the meeting at this point (8:15 p.m.)

LEASING PROPERTY TO HOUSATONIC LUMBER – REFER TO JOE MOORE

Mr. Moore said he is not speaking this evening as a representative of the Derby Municipal Parking Division. He informed the board members that in February 2006 Mayor Staffieri asked Mr. Moore to act as a Liaison to deal with Housatonic Lumber regarding the storage of lumber at the City's municipal parking lot on Main Street. Housatonic Lumber presently pays \$159.00 to the Parking Division to store lumber on the parking lot site (approximately 20 parking spaces.) Mr. Moore said he met with representatives of Housatonic Lumber to review this situation. He is suggesting moving the lumber from its present location and moving it to another City-owned parcel, which is near the current site (Map Attached.) It is on lower Caroline Street before you go under the underpass to the Water Pollution Control – there's a right hand turn and it is a little lot. It runs from Caroline Street all the way to Bridge Street. Housatonic is looking to occupy a small area of the parcel and they have said that they would clean the area up, level it off, and maintain the area until they would have to vacate. Mr. Moore said he met with Michael Joyce, from Milone & MacBroom, to review the situation. Mr. Joyce said if we were to move to this location we would need to get permission from the downtown developer to use the lot. Even though the City of Derby owns the parcel, the developer has first right to the property. Mr. Moore said he informed Mayor

Staffieri of this development. After discussions Housatonic Lumber would have to get into a Lease Agreement with the City of Derby on a month-to-month basis. This would be done as a safeguard since we are not sure when the downtown development is going to begin. Mr. Moore said they have already met with the developer for downtown and they have no problem with this as long as the Lease Agreement is on a month-to-month basis. He said if the Board of Aldermen approves the use of the property then the next step would be to go before Planning & Zoning for an 8-24 Referral. Mr. Hughes asked if this would have to go before the Redevelopment Agency. Mr. Moore said he asked that of Mr. Joyce who said he was not sure. Atty. Coppola said it would have to go before the Redevelopment Agency. Mr. Moore also noted that once the lumber is moved from the municipal parking lot Housatonic Lumber would like to rent 35 parking spaces for vehicles. Atty. Coppola said the municipal parking lot is in the redevelopment zone. Now that they are going to be moving the lumber to a City-owned parcel some of the conditions that should be considered are: Insurance; Maintenance; Clarification that they acknowledge that they are in the Redevelopment Zone; Vacating Clause; Redevelopment Agency does have jurisdiction to review; 8-24 Report must be received from Planning & Zoning; Downtown Developer must approve. Mr. Moore said Housatonic Lumber is aware of these stipulations and they are prepared to do whatever would be necessary.

A MOTION was made by Mr. Bomba with a second by Mr. Boulton to enter into a Lease Agreement (with the noted stipulations made by Corporation Counsel) with Housatonic Lumber to store lumber on City-owned property. **Motion carried.**

Mr. Szewczyk said it is a real pleasure working with Mr. Moscato, Mr. Moore and the rest of the parking division members.

REVOLVING LOAN APPLICATION – STAFFIERI & HUGHES, LLC CONNIES RESTAURANT

Mr. Hughes excused himself and left the meeting at this point. He turned the Chair over to the Mr. DeBarbieri.

Corporation Counsel asked Ms. Finn to give a brief overview of the Revolving Loan Program. Ms. Finn said the program began in 1996 with an initial Small Cities Grant from the State of Connecticut. Since 1996 loans have been given to nine businesses with amounts ranging from \$100,000 to \$20,000. The loans are for five years at 3%. The business owner also has the option of paying interest only for the first year of the loan. Loans can be used for start up costs, equipment, etc... The loans are secured with collateral that is spelled out in the closing documents. A requirement of the program is to create a new position for every \$12,000.00 loaned. There has never been a default on any of the loans. It is a very good program for the City to have. It aids in retaining businesses in town. The program is audited yearly by the City's accountants and bi-annually by the State of Connecticut. Ms. Finn said the process is aboveboard – that is why it is before the public this evening. She feels that the application is receiving undue criticism simply because of the names of the applicants. They are a business in the City and they should be granted the same respect and opportunities as other applicants.

Mr. Szewczyk said he finds the Staffieri family to be honest, hardworking people. However, he has made it a point that if there's something that is important or

controversial he would like to have a little bit of time to review this. He said he just received this today and he does not feel comfortable voting on this tonight. Mr. Szewczyk asked if there would be a problem if we tabled this tonight. Ms. Finn said it was no problem for her office. The only delay would be to the applicants who are very anxious to get their business up and running.

Mr. Sill said he would like to make a few comments tonight to the fellow Democrats who are in attendance. He would like to assure them that he is a Democrat. There is nothing underhanded being done here tonight. I have done my homework; I met with Patty for an hour reviewing this application. He said he has been on the board for twenty years and he has never turned down an application that has come from this office because he knows Patty does her homework and its done right. He said he respects everyone for coming down and although he is only one vote on this board he does take his role very seriously and he has no problem with this application and he hopes that no one has a problem with that.

A MOTION was made by Mr. Bomba with Mr. Boulton to approve the Revolving Loan Application to Staffieri & Hughes, LLC. **Mr. Szewczyk abstained. All in favor.**

ADDITIONAL LIGHTING UPGRADE TO PARKING GARAGE

Mr. Hughes returned back to regular session to chair the meeting. Mr. Moscato said he and Mr. Culmo have been in discussion with the United Illuminating Company regarding upgrading the eight light poles surrounding the parking garage from 250 watts to 400 watts. The increase in cost for this would be \$1,850 per year. Mr. Sill noted that it is particularly dark on the Roosevelt Drive/Third Street area.

A MOTION was made by Mr. Sill with a second by Mr. DeBarbieri to approve the additional lighting upgrade to the Parking Garage. **Motion carried.**

EXECUTIVE SESSION – SCRIVINS vs. DERBY, ET AL (LITIGATION BY COLLEEN FREEZE, ESQ.)

A MOTION was made by Mr. Boulton with a second by Mr. Benanto to go into Executive Session at 8:33 p.m. subject to adjournment, inviting Corporation Counsel and Atty. Freeze and Atty. Coyne for Scrivins vs. Derby, ET. AL. **Motion carried.**

Respectfully submitted,

Patricia Finn
Recording Secretary

/paf
Attachments

A TAPE RECORDING OF THIS MEETING IS ON FILE IN THE TOWN & CITY CLERK'S OFFICE