

DERBY BOARD OF ALDERMEN MEETING

DERBY CITY HALL – JUNE 29, 2006 - 7:00 P.M.

MINUTES

CASSETTE TAPE DID NOT RECORD THE OPENING REMARKS

The Honorable Mayor Anthony Staffieri called the regular meeting to order at 7:01 p.m. All rose and pledged allegiance to the flag.

Roll Call

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

Absent: Ron Sill, Dennis Devonshuk

Also Present: The Honorable Mayor Anthony Staffieri
Philip Robertson, Chief Administrator
Laura Wabno, Town & City Clerk
Keith A. McLiverty, City Treasurer (arrived at 7:15 p.m.)
Chief Andrew L. Cota, Jr., Derby Police Department
Philip A. Hawks, Fire Marshal
Joseph Coppola, Corporation Counsel (arrived at 7:30 p.m.)

ADDITIONS/DELETIONS/CORRECTIONS AND ADOPTION OF AGENDA

- Request from James R. Robinson regarding lost town line markers on Great Hill Road/Derby Neck Road.

A MOTION was made by Mr. Hughes with a second by Mr. DeBarbieri to add this item to the agenda and adopt the agenda as amended. **Motion carried.**

CASSETTE TAPE BEGINS RECORDING

PUBLIC PORTION

Brian Calvert, 37 Lewis Street, Derby, CT – If you don't mind I'll read a few things and I would like to ask a couple of questions if I may. I would like the Mayor and other representatives of the City to refrain from quoting figures that are not true in regard to the redevelopment here. It puts us people in a bad light; we're genuine and we deserve better I think. Please don't try to make a case by sort of making us look bad. The instance that I'm referring to and I hope it was a slip the Mayor was on the television saying "why should we give \$2 million to somebody whose property is worth \$500,000." I can only speak for those that I know Mr. Mayor or maybe you can elaborate but I don't think anybody has asked for \$2 million. Is that something that you can comment on?

Mayor Staffieri – It was just a figure of speech. There's been a lot of figure of speech by everybody and I was doing the same thing and I tried to make it as (inaudible) as possible.

Mr. Calvert – I understand and I know you're a (inaudible) person, however, you know being a small community we've heard it many times. Calvert they're asking for millions – you know it just puts us in a bad light. And I wanted to go on record, and if there's anybody from the press here nobody has really asked for \$2 million. I don't think anybody has asked for anything from the City at this point. And the City certainly hasn't offered us anything so if I can make that a matter of public record there have been no \$2 million requests by us. Now we've had two appraisal companies call us and I think they've been to some places – they'll be at my place tomorrow. They're going to look over the buildings; they're going to see what they're worth as far as their expertise tells them and I'm wondering gentlemen if and when these appraisals come back would these things be discussed in executive session? Because when you guys went into executive session to come up with what buildings you're going to take, how you're going to take them and the methods that you're going to use it was done behind closed doors with no records. Not necessarily you people but this particular board. And when those figures come back I would like us to have an opportunity to sit down in a closed session to talk with you before these are made a matter of public record. Is that possible?

Mayor Staffieri – Yes. The way the system is supposed to work is that when the appraisals are done that you will be called in to negotiate in a private manner that you wish – unless you want it to be out in the public.

Mr. Calvert – No we don't. Actually I'm at a loss as to why the City is even doing this. The City isn't going to be purchasing any property; the developer is going to be purchasing the property. So we're kind of at a loss as to why the City is involved and with the expense that is being incurred here. These people are telling me that each of them is \$3,500 they're telling me for an appraisal. That's \$7,000 per unit and then there's a \$40,000 bill for the other fellow who is going to do this. Whereas you could have saved all that money and let us sit across the table from Mr. Ceruzzi and his people (inaudible.) I would like the City fathers to show us some compassion. Be compassionate for the people who are being forced out. We're going to leave – you've seen our comments when we've been interviewed. We've always said we're willing to go – we're already packed. We know that we are not a part of this project. But we need some compassion – don't paint us to be the bad people. And I know Mr. Mayor you don't do it. Some how though it comes across as uncompassionate for us and I would like you to look into that. Treat us like we're brothers – we all live in the same town. I would like to mention that we reiterate our previous statement that the City step aside and let us negotiate with the Ceruzzi Organization. I've met Mr. Skolnick many times in many places in my life – he was a playground bully when he was younger and he'll always be that. I can handle playground bullies. I just can't handle his ten henchmen over here. One on one I think we can handle him and come to (inaudible) agreement and I promise you no \$2 million figures are going to be mentioned and that we're all quite willing or some of us are quite willing to sign a piece

of paper as to what our ends are. And you will find if you're nervous about if you let us negotiate with him that we're going to be asking for millions of dollars there's no need.

Mayor Staffieri – If I can just make a small comment – in times gone by we were told that nobody was being treated fairly. And in order to treat this fairly was for the purpose of hiring these two appraisal companies. So this way a fair market value would be determined and you would know where we had to go and there is no going lower – you have a basis to start. I just want to make a comment. It was done for all that was being said before election time that they're low balling – it's not even an appraised value. So we did all this to protect this. It was done for your behalf.

Mr. Calvert – And I appreciate that. But I'm a big guy and I can take care of myself. I would rather you ask me and said Brian would you prefer to sit across the table from this bully or would you prefer us to take care of it? And I would have taken the former rather than the latter. And I appreciate what you're doing and I think your intentions are honorable, however, I think you could have thrown us into this a little bit more. Call us – we're only across the road – we'll come up and talk with more than one of you or with all of you to discuss our concerns and our fears; because there are fears here. You might say what's he fearful of? We're fearful of our future of course. What we ask for is the right to negotiate across the table and to determine our own destiny as indeed that's what you're doing. You're negotiating for the destiny of the City – and we wouldn't deny you that. But we would ask that you give us the same right. I would ask a pointed question and if you can answer me – has the developer at any time said to this board, or to any other board to your knowledge, that he will withdraw from this project if eminent domain was not in the offering? Has that ever been brought up by the developer?

Mayor Staffieri – Not to my knowledge. Eminent domain is a tool that hasn't been really brought up. And people outside the negotiations have really brought that up more than – it's an avenue that the City doesn't really want to go that way.

Mr. Calvert – By definition and if they have not brought it up then they don't want to go that way either so why are we even bringing it up? And you know with deference to yourself it's been brought up I would say fifty to sixty times in this room and the room (inaudible) City Hall and in this very room Mr. Skolnick stood there one time and said we don't really want to go to eminent domain and shame on you people not one person said just a second sir – why are you saying that for – nobody corrected him. And that was past the public portion so we couldn't say anything. And so it has been brought up many times – maybe not by yourself, but by implication. And I appreciate what you're saying when you said it is the very, very, very – but it's the last – what's a very, very, very – we don't know. And if they don't need eminent domain or care about it then I would say gentlemen to withdraw it – that's what I would say. Later on and on the 27th you're going to get an opportunity I think to look at this ordinance that was presented. And I hope that you look upon it favorably. This way it takes the edge off of you. You take away that piece of ordinance that they don't want anyway, and you don't want to use anyway, so let's get that out of the way and you know we go from there. Just in case I brought, and I hope you would let me distribute these – one to each – I did give you these in January but I understand from some of the board

members that this ordinance was maybe misplaced. I have it here for your perusal. I'll be happy to give you these right now if I may approach you and this way before the next meeting (inaudible.) I hope when that time comes gentlemen you'll look upon it favorably and I'm so glad Mr. Mayor that you confirm that Mr. Skolnick I think is more amenable than we thought. He doesn't need eminent domain; he doesn't need your protection – and we certainly don't. Let us sit across the table from this guy. You will be pleasantly surprised I think. And we can talk to him face to face. We will come out normal – we're not looking to come out ahead, although making a few bucks is not a crime in this country – we just want to come out the same way. And maybe this property across the way there, which has been promised from Ceruzzi and yourself all the way through might come to fruition. What we're saying gentlemen is if you don't need eminent domain, he doesn't want eminent domain, let's take it out of the picture. And that I think is pretty much all I want to say. Thank you – and thank you for responding.

David Lenart, 173 Hawthorne Avenue, Derby, CT – Did we get added to the agenda for our request Mr. Mayor.

Mr. Hughes – You can be under community boards if you choose. But I did pass out the report I received from you.

Mr. Lenart – No not that – this is about the closure of the street.

Mayor Staffieri – You didn't see Laura?

Mr. Lenart – No you called her in the office so I...

Ms. Wabno – I called you twice.

NUMEROUS VOICES – COULD NOT DISTINGUISH.

Ms. Wabno – You can add it to the agenda now – it's not a special meeting – without objection.

Mayor Staffieri – Sure – without objection we would like to add item #16 – closing off part of Olivia Street from Fifth Street to Sixth Street on July 2, 2006.

Ms. Wabno – On behalf of the ambulance corps or the fire house?

Mr. Lenart – Fire House and Ambulance Corps – what we do for every year during the fireworks we have all the members of the fire house and we invite the other fire companies to all come to the Storms and we cook hot dogs and hamburgers and then stand out in front of the fire house to watch the fireworks. We've been doing this now for about five – six years and we just thought it would be easier and a lot safer for us and our families if we had that block closed just during the fireworks event.

A MOTION was made by Mr. Hughes with a second by Mr. DeBarbieri to add the closing off of Olivia Street from Fifth Street to Sixth Street on July 2, 2006 for the Storms Fire House and Ambulance Corps. **Motion carried.**

Arlene Yacobacci, 10 Lombardi Drive, Derby, CT – Mr. Mayor, Board of Aldermen – we have lived for the past couple of years under a great deal of stress and fear that we loose everything we have worked for. Some board members seem to have no problem throwing us out, bankrupting us and putting us out of business. We know we are not alone in this and we have met many people from all over the country that have been affected by the use and threat of eminent domain. In the wake of the dreadful Kelo decision almost half of the states have already banned or restricted the use of eminent domain. The U.S. Supreme Court left it up to the states and cities to deal with the eminent domain issue. Therefore, you the elected officials have the power to do this. Mr. Mayor prior to the election you stood up for us as a small business owner. We feel abandoned by you now. As you say we will get fair market value for our building – how nice. The City allows a blighted area and lets their own buildings cave in and fall apart. Do you really think that we will get compensated properly? We need a building to operate out of. We also have properties with plans to build so we need building lots. The City's responsibility should be to make us whole. Found us property to operate out of – find us building lots. We are not interested in renting. We want to stay in Derby and we do not want to be moved to Bridgeport or Waterbury. The relocation agent hasn't listened to our needs and we haven't been given a list of properties that are for sale or that meet our needs. There should be nothing coming out of our pockets if we are given like property. And yes the City has made promises to us as well as promises made by the developer Ceruzzi. Don't keep saying this is a problem that you inherited by taking office. You knew the issues and concerns of the downtown business owners and you genuinely showed concern prior to taking office. Please show that concern to us now. The developers' representative Mr. Skolnick has already made it clear that his driving force is greed. He is not sympathetic nor does he care what our concerns are. He has told us to our face that he doesn't care. He is not looking to make us whole and he doesn't care if we have to borrow more money even if we find like property. As the most recent Derby High Valedictorian challenged you to make this a place to come back to and raise our families please make this a place that people want to come to do business in. Thank you.

Dan Waleski, 21 Elm Street, Derby, CT – I think most of us here certainly have to sympathize with both these presentations in this regard. But the point that I would like to make is redevelopment in Derby is a serious problem as you're all aware. But I want to empathize that the problem is the City's making. The City has made those buildings deteriorate by not looking after them or looking after the owners of those properties. We certainly have a mess in downtown Derby and all I want to say is I think part of that mess falls on the City as the City could have done more to keep the street in better condition – they could have done more to keep the buildings in better condition. So I'm simply saying that part of the responsibility of this development is the City's fault. And not treating these people as well as they could have is also part of the City's fault. But I must paraphrase all of that because most of the neglect has been by the past administrations – not by this administration. So I just want to point out that there's a little bit to be said here on more than one side. Thank you Mayor.

Carl Yacobacci, 10 Lombardi Drive, Derby, CT – Just recently I was actually at a swim banquet and they had a presentation there and it just brought me to try to bring back some of what happened over the last year. And just looking around in my books and I found this and I just want to say remember when on June 8, 2005 Mr. Mayor you wanted to move the downtown businesses to the D.O.T. property stating we should a building in the same or better condition than we have now. Remember when in October 2005 you promised to stabilize Derby taxes in this (inaudible.) And remember when in the campaign ad you stated redevelopment was to be a blend of locally owned operations and national retailers. Remember when in November 2005 you backed up a \$2.5 million new building to be built on Main Street to be the start of redevelopment. And then remember when after November 2005 you would not go on record to back up our new building. And remember when after November 2005 there was no longer a blend of locally owned operations but just one developer to own all of the downtown. Remember when after November 2005 you agreed to help lobby the State to use \$45 million of our tax dollars to subsidize downtown development. Remember when in June 2006 you said the D.O.T. property was too costly to move the downtown businesses. Then remember when in June 2006 you said you would take our property by eminent domain rather than fair negotiations with the developer. Well I remember when Tony Staffieri, the one I knew, stood up for the Derby citizens, the businesses – rather than the big businesses. I just think a lot has changed over the last year. Thank you.

Mayor Staffieri – Thank you very much. You know things that you have said part of it is true, part of it is not true. Anyone else from the public.

Brian Calvert – At the Redevelopment meeting last month I asked those gentlemen if they could give me supportive documents to say why we could not be moved to the relocation area known as the D.O.T. property. I know Mr. Skolnick had told us many times he needed a magic wand – he didn't elaborate on that. He said the figures were out of whack – he didn't elaborate on that. We then heard from members of the Board of Aldermen and this other board that it costs too much – we can't do it, the figures are too high. But we haven't seen what it is based on. Are there any documents gentlemen – the board, as a matter of fact the Corporation Counsel is biting his fingernails – he said you caught me at a bad time I don't know what to (inaudible.) He didn't have an answer. Are there any supporting documents to say how much it would cost to develop part or all of that 32 acres? There's two beautiful things in this City – we're the smallest town in Connecticut, we've got sixteen acres right here and thirty-two acres down there. We should be getting excited – I wish we were – I wish we were getting excited. This nitpicking stuff with six people is bogging us down. My question is are there any supporting documents to say how much it would cost to put a road in and to put a couple of lots there to place some businesses as a precursor to developing that whole area.

Mayor Staffieri – Hopefully I can answer that question for you soon.

Mr. Calvert – So you feel that...

Mayor Staffieri – Hopefully we can give you an answer and put that to rest. Like I told you in previous conversations a major stumbling block is the railroad – being able to cross the railroad. Dealing with that is a separate entity in itself.

Mr. Calvert – In a little survey of my own I spoke to the Water Pollution Control person last year and asked him and he did concur what you're saying. It would need a major thing there. He said however what is there now could quite well support two or three or four businesses. He said it would not support a commercial venture. So if Mr. Ceruzzi could pop the road in, make a couple of acres there, put us over there – according to the Water Pollution Control people it would support a couple (inaudible.) So I think you could get ahead of the game. The guy's got the money, he's got the time, he has the initiative. I don't think it would cost that much. I don't know why his figures are out of whack – I estimate \$750,000 and my guess is as good as his at this point. So I would say gentlemen use him as a catalyst for developing this area. I think it's an ideal opportunity – you'll never see this again. The next time you talk about that you'll be talking about making original dollars from the City. Get this guy to be involved. They always promised that from the beginning anyway. Those are matters of record – they promised to do that. So I look forward to it. Do you have any idea of when this might be available sir?

Mayor Staffieri – No.

Mr. Calvert – I will say notwithstanding Mr. Yacobacci's remarks I have every confidence in you. I think you all know that I think public servants are just marvelous people. And what we say here is strictly business – there's nothing personal here. And I want you to know that and I do have every admiration for all of you and whatever happens in the future you're still going to be my chosen Board of Aldermen.

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

PUBLIC PORTION CLOSED

APPROVE MINUTES OF JUNE 15, 2006 SPECIAL MEETING

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the minutes of the June 15, 2006 special meeting. **Motion carried.**

COMMITTEE REPORTS

Downtown Committee (Tony Szewczyk) – Mr. Szewczyk said he would like to go on record and say that the type of blight that he is interested in is the type that can be photographed. He said he can't deal with noise, dirt bikes, etc... he suggests that be reported to the Police.

DEPARTMENT REPORTS

Philip Hawks (Fire Marshal) – Mr. Hawks said his report was submitted to the Town Clerk.

Chief Andrew L. Cota, Jr. (Police Department) – Chief Cota also stated that his report had been submitted to the Town Clerk. He said with regard to the request of the Storms

Engine Company to block off the road he has no problem with it. They are a responsible group and he cannot foresee any problems in granting the request.

APPROVAL OF "L" STREET AND MOHAWK AVENUE – BID

Laura Wabno, Town Clerk for the City of Derby informed the board that one bid was received on June 29, 2006 at 12:00 p.m. The sealed bid was then turned over to the Mayor and Corporation Counsel.

Atty. Coppola opened up the sealed bid, which was submitted by Griffin Hospital Services Corporation. He then read the requirements that were listed in the Request for Proposals:

- That such bid shall accept the property "as is"
- Shall not have a financial contingency
- Contracts to be executed within ten days
- Successful bidder must acknowledge that they will close within thirty days of acceptance of the bid

The bid amount is \$127,500.

Atty. Coppola said in accordance with the requirements for the submission outlined in the Board of Aldermen's request Griffin Hospital acknowledges and understands:

- That they must make a deposit of \$10,000 within five days of the notice of our acceptance of the bid.
- That the property is sold "as is."
- The property is subject to all easements of record. The right of egress and ingress if any and the rights and obligations as provided by law.
- That the transaction cannot be subject to financial contingency
- That the contract for sale is to be executed within ten days of acceptance.

Atty. Coppola said the appraisal that was submitted in May was for \$127,500.

Mayor Staffieri asked the board members if there were any questions. Ms. Wabno informed the board that one other individual picked up a bid packet, however it was never submitted.

A MOTION was made by Mr. Hughes with a second by Mr. Boulton to accept the bid from Griffin Hospital Services Corporation in the amount of \$127,500. **Motion carried.**

REQUEST FROM JAMES R. ROBINSON REGARDING LOST TOWN LINE MARKERS ON GREAT HILL ROAD/DERBY NECK ROAD

Mr. Robinson informed the board that years ago during the reconstruction of Great Hill Road and Derby Neck Road the Town Line Markers were removed. One occurred during the sloping operation, the other during a reclaiming operation. He said he remembers the markers being there since his property borders it. He hired Bob Peck and others to re-establish the markers – other individuals have hired other surveyors to re-establish them and it has become a conflict. Mr. Robinson said the conflict can adversely affect the City of Derby by a strip of land approximately 100' from the

Ansonia, Derby, Seymour Town Line cross lots to the Housatonic River at the Seymour/Derby Town Line. He said it would behoove the Board of Aldermen to have the City Engineer meet with the surveyors to re-establish the Town Line Markers.

A MOTION was made by Mrs. Moran with a second by Mr. Benanto to direct Corporation Counsel to instruct the City Engineer to review the records and contact Mr. Robinson for additional materials regarding this item. **Motion carried.**

CONTINUANCE OF ABATEMENT OF REAL ESTATE TAXES FOR 187 MINERVA STREET – LINCOLN SENIOR HOUSING, LLC

Mayor Staffieri called on Anita Coscia, Acting President of Lincoln Senior Housing, LLC to give a presentation to the board. Dr. Coscia said the Grand List that this pertains to is the installment of the Grand List for 2004 that would generate the bill from January 1st to June 30, 2006. Mayor Staffieri said this is from January 2006 until June 6, 2006 when they received their occupancy that is abated. Starting June 6 to July 1 they have to pay taxes. Mr. Hughes said he spoke to the City's Tax Collector, Cinda Buchter, and she wrote a letter explaining the figures. He passed out a copy of the letter to all the board members for their review.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Bomba to abate the taxes from January 1, 2006 until June 6, 2006. **Motion carried.**

FEE WAIVER REQUEST – MANGIONE PROPERTIES, LLC – ZONE MAP CHANGE AND ZONE TEXT CHANGE – TED ESTWAN, CHAIR, PLANNING & ZONING COMMISSION

Mr. Hughes said he has researched this matter and he also received a letter from Ted Estwan, Chair of the Planning & Zoning Commission that he would like to read into the record:

The setback requirements in the current I-1 Zone doesn't allow the type of building that they are requiring, although the use does. The Change that they are requesting to a B-2 Zone fits the setback requirements but doesn't allow for the use. The Planning & Zoning Commission suggested to the applicant that they apply for a zone change to a B-2 Zone. Most of the existing surrounding properties are already designated B-2, which makes this proposed change a nice fit. The Planning & Zoning Commission also suggested they apply for a Zone Text change to add a contractor's building as a Special Exception Use. This way it is not a permitted use everywhere in the B-2 Zone.

Mrs. Moran said this item came up at the Zoning Board Appeals meeting and was denied although she doesn't remember why.

After a brief discussion the board decided they would like to TABLE this item until it could be further reviewed with Mr. Estwan. Mrs. Moran said she would also like for this item to be researched under the Zoning Board of Appeals and the reason for their denial.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Bomba to **TABLE** this item until it could be further reviewed with Mr. Estwan and also reviewed with the Zoning Board of Appeals. **Motion carried.**

REFUND OF EXCESS TAXES PAID THROUGH 6/21/06

A MOTION was made by Mr. Hughes with a second by Mr. DeBarbieri to approve the refund of excess taxes paid through 6/21/06 as submitted by Tax Collector Cinda Buchter. **Motion carried.**

TRANSFER OF ONE (1) OLD POLICE VEHICLE TO THE CIVIL PREPAREDNESS UNIT – CHIEF/DESIGNEE

Chief Cota said this vehicle was requested by Vin Vizzo. Instead of auctioning off the vehicle it would be transferred to the Civil Preparedness Unit. Mayor Staffieri said he feels there is already enough vehicles on the road. He said if Mr. Vizzo should at least decommission a vehicle that he already has if he is asking for a replacement. The board members suggested that Mr. Vizzo be asked to attend the next meeting to provide further input on this item.

A MOTION was made by Mrs. Moran with a second by Mr. DeBarbieri to **TABLE** this item until Mr. Vizzo is able to attend the meeting. **Motion carried.**

PARKING GARAGE LIGHTING UPDATE (UNITED ILLUMINATING)

Mr. Hughes said this item needs to be TABLED. He informed the board that the Chairman of the Parking Garage decided to put the lighting out to bid.

EAST GREEN IMPROVEMENTS (ACADEMY HILL) – MARCUCIO GARDENS, LLC

Philip Marcucio, owner of Marcucio Gardens, LLC, is present this evening. Mayor Staffieri noted that the revitalization of the Green has been discussed in the past. The trees are old and dying – the overall condition of the Green is in disrepair.

Mr. Marcucio inventoried the trees on the Green and to rate their condition. He feels that we should start to slowly replenish the trees on the Green. He then read into the record the letter he sent to Mayor Staffieri:

Dear Mayor Staffieri,

I would like to present a project to replant part of the East Derby green. As you may know, many of the large trees at this green should be replaced.

I am suggesting a list of trees I feel will benefit the people of Derby for generations to come. They will be a mix of shade trees and flowering trees.

The plan is to have these trees donated in memory of someone. The tree will be planted by Marcucio Gardens at no cost. A plaque will be maintained in City Hall identifying the trees and where they are planted at the green.

Example: (Pin Oak) in memory of Jane Doe, 2006.

If feel this is a simple concept that would re-tree the East Derby green. I am presenting a sample of how the first phase should be planted.

If you have any questions, please contact me at Marcucio Gardens, 732-2063.
Sincerely, Philip Marcucio.

Mr. Marcucio also provided a small diagram with the proposed plantings. He said the proposed plantings would provide a pattern of color and shade throughout the whole area. He said once the trees are identified for removal he would ask that the Public Works Department be responsible for the removal. He stated that he is open to all suggestions. Mr. Hughes asked if Mr. Marcucio if he had ever approached the City in the past with this idea? Mr. Marcucio said he made a proposal approximately four years ago to the Neighborhood Committee; however nothing ever came to fruition. He said after approximately two years of calling he gave up. Mayor Staffieri asked City Treasurer Keith McLiverty, who resides directly across from the East Green, if the neighbors were in favor of this project? Mr. McLiverty said two and a half years ago this was first brought up – he said he distributed the information that Mr. Marcucio had provided at that time to the neighbors. The meetings kept getting cancelled and nothing was ever done. Mr. McLiverty said about six months ago a Weeping Willow tree fell and landed across Academy Hill Road closing the roadway for approximately six hours. He said if you were to talk to any of the residents up there they would welcome this opportunity.

The board discussed if the City should enter into a Tree Replenishment Program. If we did a little bit each year it would replenish itself in no time. Mr. Szewczyk asked if the cherry tree would be non-fruit bearing. Mr. Marcucio said it would be non-bearing. He said we should get 20-25 years from each tree. Mayor Staffieri said he feels this is a good plan. It would really be no cost to the City except for the labor of removing the old trees.

Mr. DeBarbieri asked how would someone donate the money for a tree. Mr. McLiverty said he would set up a "City of Derby Tree Replenishment Fund" which would be separate from the General Fund. All expenditures for the trees would be paid out of this fund. It would be a revolving fund so as money comes in trees could be purchased.

Mr. Hughes asked if it would be on a "First come, first served basis?" Mayor Staffieri said it would have to be.

Mr. Marcucio said the first proposed section is at the upper end of the Green. He envisions small plantings and perennials for the lower part.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Szewczyk to accept the proposal submitted by Marcucio Gardens, LLC.

FRIENDLY AMENDMENT TO MOTION

Mr. DeBarbieri would also move to establish a Tree Replenishment Program. Mr. Szewczyk seconded the friendly amendment.

DISCUSSION ON MOTION

Mr. Bomba said he feels this is a great idea and he is glad that Mr. Marcucio came forward with the proposal. He said he feels that it would be a great idea for the board members to donate money for a tree in honor of the City of Derby. Mr. Hughes noted that two firefighters killed in the line of duty yet there is not one place in the City that honors their memory.

MOTION CARRIED.

Mr. Marcucio said he would be honored to donate the first tree. Mayor Staffieri thanked him for his generosity.

REQUEST FROM STORMS FIRE HOUSE AND AMBULANCE CORPS TO CLOSE OFF PART OF OLIVIA STREET FROM FIFTH STREET TO SIXTH STREET ON JULY 2, 2006 FROM 7:00 P.M. TO 10:00 P.M.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Boulton to approve the request of Storms Fire House and Ambulance Corps. to close of Olivia Street from Fifth Street to Sixth Street on July 2, 2006 from 7:00 p.m. to 10:00 p.m.

DISCUSSION ON MOTION

Mr. Hughes said he assumes that the Storms would have to provide the same affidavit that the City requests from anyone asking for this type of closing. Atty. Coppola asked Mr. Lenart for his email address to facilitate this.

MOTION CARRIED.

Mr. Lenart invited the board members to feel free to attend.

EXECUTIVE SESSION (PERSONNEL MATTERS)

A MOTION was made by Mr. DeBarbieri with a second by Mr. Benanto to go into Executive Session at 8:20 p.m., inviting Corporation Counsel and Chief Administrator Philip Robertson, to discuss personnel matters. **Motion carried.**

Without objection the board came out of Executive Session at 8:57 p.m. and resumed regular session.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Boulton to accept the temporary leave of absence of Alan Schlesinger as Interim Finance Director. **Motion carried.**

A MOTION was made by Mr. DeBarbieri with a second by Mr. Boulton to approve the appointment of Philip Robertson as Acting Temporary Interim Finance Director until the return of Alan Schlesinger or the hiring of a replacement. **Motion carried.**

A MOTION was made by Mr. Bomba with a second by Mr. Szewczyk to approve the appointment of John DeBarbieri as a temporary administrator ten hours per week (Tuesdays and Thursdays – 5 hrs. each day) at \$20.00 per hour. **Matthew DeBarbieri abstained from voting. Motion carried.**

ADJOURNMENT

A MOTION was made by Mr. Boulton with a second by Mr. Benanto to adjourn the meeting at 9:00 p.m. **Motion carried.**

Respectfully submitted,

Patricia Finn
Recording Secretary

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