

DERBY BOARD OF ALDERMEN REGULAR MEETING

DERBY CITY HALL – AUGUST 31, 2006 - 7:00 P.M.

MINUTES

The Honorable Mayor Anthony Staffieri called the regular meeting to order at 7:03 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Anthony Szewczyk, Joseph Bomba, Kenneth Hughes, Matthew DeBarbieri, Scott Boulton, Ronald Sill, Dennis Devonshuk (arrived at 7:10 p.m.)

Absent: James Benanto, Beverly Moran

Also Present: Philip Robertson, Interim Finance Director
Lt. Eugene Mascolo, Derby Police Department
David L. Kopjanski, Building Inspector/Zoning Enforcement Officer
Philip A. Hawks, Fire Marshal
Ronald J. Culmo, Director, Public Works Department
Kelly Curtis, Fire Commissioner, Derby Fire Department
Laura Wabno, Town & City Clerk
Carolyn Duhaime, Board of Apportionment & Taxation, Greenway Trail Cmte.
Joseph T. Coppola, Corporation Counsel
Martin Hubbard, President, Board of Education (arrived at 7:39 p.m.)

ADDITIONS/DELETIONS/CORRECTIONS AND ADOPTION OF AGENDA

Mr. Hughes said he would like to add the following items to the agenda:

- #7. Public Portion
- #15. Department of Public Works Report for August 2006 – Director Ron Culmo
- #17. Derby Fire Department report for August 2006 – Commissioner Kelly Curtis
- #20. Permission to use Gazebo on the Derby Green September 9, 2006 by Dawn Hipler.
(Advised of insurance requirements, permission may be granted only if proof of liability insurance validated with Corporation Counsel and approved by Board of Aldermen.)
- #21. Discussion of Brick Courtyard surrounding Water Fountain at Greenway Trail Walkway.
- #22. Discussion of Formation of a Parks & Recreation Evaluation Committee.
- #23. Discussion and action of appointing the current Board of Aldermen Downtown Sub-Committee as the Road and School Bond Committee for the Road and School Bond Projects
- #24. Executive Session if Necessary
- #25. Request from the Capital Planning Commission to amend the 2006 Capital Plan

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

APPROVE MINUTES OF JULY 27, 2006 REGULAR MEETING

A MOTION was made by Mr. Hughes with a second by Mr. DeBarbieri to approve the minutes of the July 27, 2006 regular meeting as presented. **Mr. Sill abstained from voting as he was absent for the July 27, 2006 meeting. Motion carried.**

APPROVE MINUTES OF THE AUGUST 3, 2006 JOINT BOARD OF ALDERMEN/BOARD OF APPORTIONMENT & TAXATION SPECIAL MEETING

Mr. Hughes said he has one correction to the minutes: Underneath the title Board of Aldermen vote it says "A MOTION was made by Mr. Hughes with a second by Mr. Szewczyk DeBarbieri"

A MOTION was made by Mr. Sill with a second by Mr. DeBarbieri to approve the minutes of the August 3, 2006 Joint Board of Aldermen and Board of Apportionment & Taxation Special Meeting with the one correction. **Motion carried.**

APPROVE MINUTES OF THE AUGUST 3, 2006 JOINT BOARD OF ALDERMEN/BOARD OF APPORTIONMENT & TAXATION EMERGENCY MEETING

A MOTION was made by Mr. Sill with a second by Mr. DeBarbieri to approve the minutes of the August 3, 2006 Joint Board of Aldermen and Board of Apportionment & Taxation Emergency Meeting as presented. **Motion carried.**

PUBLIC PORTION

Rodger Birtwell, 8 Third Street, Derby, CT – There are two issues I think that the board should approach; one is 67 Minerva Street (inaudible) ripped up yard, garage tires, overgrown weeds and it just seems to be disintegrating. And I think in that case the owner should be held responsible. The second issue is in 1982 it was determined that there would be a shelter for battered women. It was established by – it's Spooner House. Subsequent to that it's been a shelter for the homeless; then it became a shelter for people recovering from drug abuse; then a halfway house for people who come right out of prison. Now it's a collection for the derelicts and the homeless from all the other communities in the Valley. Their lease has been up for over five years. This community has embraced these people for over twenty years. Other communities will not even tolerate them for a month and yet their lease in spite of the fact that it is outdated this is totally ignored, continually ignored. I think we should put a specific date in which the act (inaudible) could be served a notice to quit. There is no reason why the derelicts of other communities should come to Derby to urinate in the storefront doors – the doorways to the storefront boutiques. Unless we do something they're just going to continue milking this community while its other services – all its services – the social services, the schools, the police, the parks and all we're doing is inviting all the derelicts and the homeless from all the other communities to Derby. And we have enough problems. I strongly suggest that we ask or serve them a notice to quit and give them ninety days or a specific time in which this lease will be enforced. Thank you.

Mayor Staffieri – Just a point of information that I can fill in for you – I know they're having a groundbreaking for the new Spooner House that is either this fall or early spring. It's moving to Shelton. They had to do some fundraising to get the money; now they have the money. Now they're at the building phase.

Mr. Birtwell – I hope you're right but can they give us a specific date? This has been said before – this has been going on for over five years.

Mayor Staffieri – Well first they had to get the money to build it. Now they have the money and it is supposed to be built within a year.

Mr. Birtwell – Can we get a specific date?

Mayor Staffieri – I'm sure we can probably look into it. Mr. Hughes you had something else with regard to the blight.

Mr. Hughes – Yes Mr. Mayor just as a point of information we have 67 Minerva Street that we are recommending be put on the Blight List tonight.

Carl Yacobacci, 10 Lombardi Drive, Derby, CT – I would just like to address a couple of things from last month's alderman meeting. At the Board of Aldermen meeting on July 27, 2006 Rick Dunne, a member of the Redevelopment Agency, told the board "if we pass an ordinance limiting Eminent Domain it will not effect either the South Side of Main Street Project or the HALO Project at all. You are already under contract and committed to using the power of Eminent Domain in the Agreements that were passed by the prior Board of Aldermen. We will be sued for Breach of Contract if we refuse to use it in the way it is contemplated under that Agreement. It's that simple." This is for some of the members who weren't there at the last meeting. We had a discussion on the ordinance for Eminent Domain. That was said by Rick Dunne. Joseph Coppola, Corporation Counsel for the City of Derby also reiterated the same thing. In a memo from the Institute for Justice, which is an Eminent Domain organization out of Washington D.C., response from them was when they read the minutes was "this is an incorrect statement of the law. For over a century the U.S. Supreme Court and every other court across this nation made it clear that Eminent Domain is a fundamental and sovereign power of government. This means no government whether it is the United States or the smallest City in Connecticut can be forced by contract to use Eminent Domain against its will. For example just last summer in a federal case in Hawaii a federal judge rejected a suit by a private developer who sued Honolulu to force the City to honor its contractual promise to use Eminent Domain for private redevelopment. The court ruled that Honolulu has an inherent authority as a sovereign government to renounce its promise to use Eminent Domain once it decided that seizing the property was no longer in the public interest. The name of the case is Hoosang v. City and County of Honolulu. The City of Derby has the same authority as Honolulu and is well within its bounds to prohibit the use of Eminent Domain for private development. The developer would not be able to sue the City for money damages or force them to use Eminent Domain. Since the contract involved the implicit delegation of the City's sovereign power of Eminent Domain it is avoided and unenforceable." That was just a response to as some board members were saying that it was told that we would be sued if we don't use it if we pass an ordinance. This just refutes that with the court case and (inaudible) everybody to know that this has already been decided, it went to court. So if you decided not to use it the City would not be sued and it would not be held up in a court of law within this government – well the City (inaudible.) The other thing I just want to address a couple of issues – Mr. Coppola is using a lot of terms that we cannot contact the developer, talk to the developer. We had contacted the developer. You have here that it takes two people – we have talked to him;

it's not like we haven't. We haven't met anything that we've asked for. The one thing we said we said is the negotiation takes two people. We have sat down with the developer – I won't say anything about the exact contents of the meeting, but the developer has until this time and up until our last meeting about a week and a half ago he just declines to give us an offer to the property. Negotiations have to start with an offer. I have a property that is not for sale – they want to take my property or have my property – buy my property so they can build a development, which is fine. It's a free market they can offer anything. They still have not done that and said that they will not entertain giving us an offer – they just want to know and keep asking us “well what do you want?” We've already stated many times we want – we are (inaudible) free market system and they really want to buy us out relocate us in a similar building in a similar location, move our equipment, move our stuff and that's what we want. I just want to let you know that we have talked and we have stood steadfast on that. If somebody would like to buy my property I would appreciate them giving me an offer. I also know that the City has our appraisal for the last month – that Mr. Coppola said he would be sitting down with us to speak on that and we have not gotten a phone call on our appraisal. We have talked at the end of the last meeting (inaudible) waiting for some relocation funds – we've been talking with everybody as soon they call, we've opened our place to everybody. However, I think that the amount that you

Arlene Yacobacci, 10 Lombardi Drive, Derby, CT – Dear Mr. Mayor and members of the Board – I would like to refute some of the comments that were made at last month's Board of Aldermen meeting. First I would like to address Atty. Coppola's comments that we have misrepresented ourselves as what is actually going on. We have not misrepresented what is going on. The relocation agent has not listened to our needs and just sends us all a computer generated list even though our needs are different. According to the Relocation Plan, the staff is supposed to “continuously collect current information on the availability, costs and floor size of comparable relocation sites.” The staff is “whenever and as often as it is deemed necessary and feasible, studies will be conducted and data compiled relating to the various economic and growth potential factors of non-residential vacancies and building sites. The study will include such elements as property values, growth potentials, zoning ordinances, and other general economic information concerning individual sites and/or areas within the City and the surrounding area.” These studies relate to finding buildings for us to purchase and relocate. We have told you numerous times that we are not interested in leasing. We are interested in owning property. These studies were never done. Atty. Coppola said that the appraisals are in and he and the Mayor will be contacting us. It is now a month later and we have not been contacted. The developer has not “reached out” to us as you say. He still has not made an offer to purchase our property. Your comment that “apparently none of them (meaning us) have contacted the developer” is also incorrect. We have contacted the developer. Your comment “first you need eminent domain before you can abuse it” is way off the mark. Our first and only visit from a city official was to tell us that eminent domain will be used if we don't take the developer's offer. So eminent domain was used as a threat from the very start. The threat of eminent domain is like a gun being held to your head and then being told you have to take the offer because no matter what eminent domain will allow your property to be taken from you. Eminent domain has already been used for this project whether it was by this or a previous administration. Another comment that you made was that “I will turn that around to day any restriction of this municipality's statutory right to enforce eminent domain

is for the increase of any funds that the owner may want to get." This is another incorrect statement. We have all along asked to be made whole. We have been telling you that we need to stay in business, we need a building to operate out of, and we want to stay in Derby. How is this asking for more funds? We want to have replaced what the city is taking from us. Another comment that was made was "what you must realize is that we are contractually under obligation for two projects." Is it the developer telling you that he will sue the city? Nobody can force the city to use eminent domain. This is why cities and states are enacting meaningful legislation to protect private property rights. Another comment which you made said "we are a society of sacrifice of the few for the good of all." You then used the analogy of the young men sacrificing their lives overseas. The young men and women that are fighting for our country are courageously doing so as volunteers as we don't have a draft in place. I didn't volunteer to have my livelihood and my property to be taken away by eminent domain as your comment implied. Next I would like to address a comment by Mr. DeBarbieri about his grandparents. Your grandparents were not losing their property when their neighborhood was being developed. So their situation had nothing to do with eminent domain abuse. We have not spoken against progress but it is progress when you put the business owners out of business who have long supported the city. We have asked and are still asking to be included in the development. Now I would like to address the issue of land ownership. Right from the start Mr. Dunne stated that "the city may provide land and other incentives to facilitate relocation within Derby; existing businesses with appropriate use designations must be accommodated if they wish to remain within the zone." That was the January 4, 1000 Board of Aldermen meeting. The developer in October 2004 stated that "we're going to hope that rather than pay somebody for what they have we can find another spot to put them in, pay for their move, help them fix it up and offer them a deal here to come back into something better than they had." The Relocation Plan states "the careful and sensitive management of the redevelopment process will ensure availability of resources to accommodate displaces. The City must utilize all available resources in order to ensure that all persons and entities are relocated in accordance with this Plan and state and federal law." Resources as it is used in the Amended Preferred Developer Agreement refers to real estate when it refers to the DOT parcel as a "relocation resource" with respect to existing landowners. In conclusion, we were led to believe we would be part of the project. We were led to believe that the city would not put us out of business and that we would be treated fairly. We were led to believe that we would be relocated to where we would continue to own our property and enjoy the rights of property ownership as stated in our City Charter where inhabitants are allowed to purchase, hold and convey real estate. Unfortunately so far many city officials have turned their backs on us and have not done their due diligence. Thank you.

Mayor Staffieri asked three times if anyone else would like to address the board.

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

PUBLIC PORTION CLOSED

COMMITTEE REPORTS

Downtown Committee Meeting held August 1, 2006 (Tony Szewczyk) – Mr. Szewczyk informed the board members that they have seven properties to add to the Blight List. He

said he has had 42 properties reported to him for blight; although not all can be acted on as being blighted. He did note that there is a problem with the anonymous complaints since he cannot follow up should if have any questions.

A MOTION was made by Mr. Hughes with a second by Mr. DeBarbieri to add the following properties to the list of Blighted Properties: 199 Caroline Street; 39 King's Court; Lot 6 Map 7-10 (Derby Avenue); 67 Minerva Street; 192-194 Minerva Street; 310 Sentinel Hill Road; and 145-147 Mt. Pleasant Street. **Motion carried.**

DEPARTMENT REPORTS

- **Fire Marshal Report for July 2006 (Fire Marshal Philip A. Hawks)** – No questions raised – Report placed on file.
- **Building Department Report for July 2006 (Building Official/Zoning Enforcement Officer David L. Kopjanski)** – No questions raised – Report placed on file.
- **Blight Report for July 2006 (Building Official/Zoning Enforcement Officer/Blight Officer David L. Kopjanski)** – Mr. Kopjanski said he would like to clarify the property at 65-67 Minerva Street. He said the majority of the property and all of the property that is blighted is actually on Caroline Street but the property carries a Minerva Street address. He stated that 67 Minerva Street is the address for the former Lombardi Brothers, who in turned leased it out to Automotive Restoration. Automotive Restoration moved in and was operating illegally. They sought and were granted permission from Planning & Zoning and began operating legally. Then the owner of the building had problems and was arrested. Automotive Restoration decided it was time to leave and moved to Stratford. Mr. Kopjanski said the property is probably going to get worse before it gets better. He will send out notice to the property owner regarding the \$100.00/day fine that he will receive for everyday that the property stays in a state of disrepair. Mr. Kopjanski said if the owner and his attorneys decide not to spend any money on the property or if it is foreclosed on by a bank then we're just going to have to grin and bear it for a while.

Mayor Staffieri asked if the bank could be notified of the circumstances. Mr. Kopjanski said the bank should be notified by Corporation Counsel once the blight lien goes on. Anyone who is a creditor should be notified that a fine of \$100.00/day is being levied against the property. If the bank would like to avoid that maybe they will spend whatever money is necessary on the property. Mayor Staffieri said he is sure the bank would not like to incur any more costs.

Mr. Sill questioned the first two properties on the Blight List. It is his understanding that they were to be removed from the list and they would have to reimburse the City for any costs that the City incurred for the properties while they were on the Blight List. Atty. Coppola said the matter would have to come before the Board of Aldermen for a waiver. Mrs. Wabno said she would review the minutes of the past sub-committee meetings and report back to Mr. Sill.

- o **Police Department Report for July 2006 (Lt. Eugene Mascolo, representing Chief Andrew L. Cota, Jr.)** – Lt. Mascolo noted that Chief Cota will be leaving on or about the 29th of September (he has some vacation time) and that he would be assuming his duties. He said no one should hesitate to contact him should they need him. Report placed on file. The Mayor and Board of Aldermen members wished Lt. Mascolo well in his future position as Chief of Police.

REFUND OF EXCESS TAXES THROUGH AUGUST 23, 2006

Atty. Coppola said there is a name on the list that he recalls also being on a previous list. (Mrs. Wabno was asked to retrieve the prior lists.) Atty. Coppola reviewed the prior lists; there were no questions raised.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Sill to approve the Refund of Excess Taxes List through August 23, 2006. **Motion carried.**

ROAD BOND BILLS APPROVAL (RON CULMO, DIRECTOR – PUBLIC WORKS)

Mr. Culmo informed the board members that the road bond work is on-going. The City Hall parking lot was finished today. The drainage work on Cullens Hill Road has also been completed and it is ready to be paved. He said they are still waiting on plans from the City Engineer's Office pertaining to a section of drainage on Silver Hill Road. He said they anticipate having the roads completed by the end of October.

A MOTION was made by Mr. Sill with a second by Mr. Szewczyk to authorize the payment of the Road Bond bills as presented. **Motion carried.**

DEPARTMENT OF PUBLIC WORKS REPORT FOR AUGUST 2006 – DIRECTOR RON CULMO

There were no questions asked. Report placed on file.

PERMISSION FOR DERBY FIRE DEPARTMENT PARADE – SUNDAY SEPTEMBER 17, 2006

Mayor Staffieri asked Commissioner Curtis if he had any information regarding the parade. Commissioner Curtis said he has nothing to do with the convention. Mayor Staffieri said he knows the parade is to be held on Sunday September 17, 2006 beginning at Nolan Field in Ansonia and ending at the slab in Shelton. The parade is anticipated to run 2.5 hours.

A MOTION was made by Mr. Sill with a second by Mr. Szewczyk to authorize the Valley Firefighters to conduct a parade in honor of the 123rd Annual Convention of the Connecticut State Firefighters Association.

DISCUSSION ON MOTION

Mr. Hughes said he would assume that they have been in contact with the Police Department. Lt. Mascolo said the Police Department requested a Highway Use Permit for the parade and they received approval today. He said Lt. Lajeunesse has been working very closely with the parade committee.

Mr. Hughes read the letter from the Parade Committee into the record:

August 18, 2006

Mayor Anthony Staffieri
Derby City Hall
1 Elizabeth Street
Derby, CT 06418

Dear Mayor Staffieri;

In one month, September 15, 16, & 17, the Valley will be hosting the 123rd Annual Convention of the Connecticut State Firefighters Association. The highlight of this convention will be the large parade on Sunday, September 17.

We wrote to you and your Board of Aldermen back in February of this year and have met with you or your department heads on several occasions regarding this event.

To date we have not received any official letter indicating that permission has been granted to us for this event.

Sincerely yours, Charles M. Stankye, Jr., Chairman

FRIENDLY AMENDMENT TO MOTION

Mr. Hughes asked that the date of Sunday September 17, 2006 be added to the motion.

A MOTION was made by Mr. Sill with a second by Mr. Szewczyk to authorize the Valley Firefighters to conduct a parade on Sunday, September 17, 2006 in honor of the 123rd Annual Convention of the Connecticut State Firefighters Association. **Motion carried.**

Mayor Staffieri instructed Ms. Finn to contact Chairman Charles M. Stankye, Jr., in writing to inform him of the Board of Aldermen's decision.

DERBY FIRE DEPARTMENT REPORT FOR AUGUST 2006 – FIRE COMMISSIONER KELLY CURTIS

Commissioner Curtis informed the board members that two weeks ago they received a denial letter from the Matthies Foundation for two ATV's, which would have been used at Witek Park, Osbornedale Park and the Greenway. He said in the meantime the Storms Ambulance Corps did receive one from a smokeless tobacco company, which will serve as their medical rescue vehicle for the same three areas.

Commissioner Curtis then informed the board that the Paugasset Hook & Ladder Company would like to purchase and donate an ATV with a pump and a small tank and other assorted brush firefighter equipment to the City. He said the only thing that they would ask is for the City to cover the insurance. The Commissioner noted that they have put a lot of time and effort into this project and it comes from years of fundraising. He said he does ask that the Board of Aldermen and Board of Apportionment & Taxation not hold this against the fire department in future years. He does not want the City to depend on this generosity from each department. There is not as much money in the companies as everyone actually thinks.

Mayor Staffieri said the fire department should be commended for their heart being in the right place. They are taking the hard earned fund raising money and using it for the good of the City. He thanks the fire department for this gift and he certainly wouldn't hold this against the department. Mayor Staffieri then asked each alderman to make a comment.

Alderman Devonshuk asked Commissioner Curtis if he knows why the application was denied. Mr. Curtis said he was quite surprised – they were very vague. He noted that Jim Butler, Jr. has been writing a lot of grants for the department. Alderman Devonshuk said he agrees with the Mayor that it is a great offer and it is something that the board should approve.

Alderman Bomba said he hopes that the fire department knows where his heart lies. The Fire Department, Police Department and Ambulance Corps should have the best equipment available. It really shouldn't be a question – it is great that the fire department has shown where its heart is at.

Commissioner Curtis said although this piece of apparatus is for the Fire Department it is a donation from the Paugasset Hook & Ladder Company.

Alderman Szewczyk said he feels this is excellent and he commends the Paugasset's. He feels that we need more of that fraternalism between departments in the City. We need that type of volunteerism and enthusiasm in this town.

Alderman Hughes said it is a great, generous offer. He asked Commissioner Curtis if there is still a brush truck in operation. Commissioner Curtis said there is and it would remain in operation.

Alderman DeBarbieri thanked the fire department for all their work – the least that the City could do is insure it.

Alderman Boulton commended the Paugasset's for their donation. He asked Commissioner Curtis if any type of training and certification going to be needed to operate the vehicle. Commissioner Curtis said there is training that will be necessary for operation.

Alderman Sill said being a longtime member of the Paugasset's there is not a lot of money at the house. There is a Porchetta dinner once a month and numerous boot drives. He said there is nothing better to see than a purchase like this so that the people who donate that money can see where it goes to.

A MOTION was made by Mr. Bomba with a second by Mr. Devonshuk to accept the donation from the Paugasset Hook & Ladder Company of a new ATV and have it listed as new equipment under the City of Derby Fire Department and to be insured by the City.

Motion carried.

Commissioner Curtis informed the board that Hotchkiss Hose is going to be leaving Halloween bags downstairs for the public. He also wanted to stress that all the companies support anything that comes to them whether it is boosters, sponsoring sports teams, etc...

there have been thermal imaging cameras bought. He also noted that the Chief Driver for the Storms has resigned and Richard Mezzapel will be going back as Chief Driver.

APPROVAL OF ELEVATOR SERVICE CONTRACT

Mr. Robertson explained that back in late February, early March, John DeBarbieri included in a package to the aldermen a proposed elevator contract. He said that we have sought the company out and they have given a proposal of \$193.00 per month. This would cover service, repair, pressure tests, etc...

Mr. Hughes asked if we had ever inquired about having the Senior Center elevator placed on a service contract. Mr. Robertson said this is the first that he is hearing of it.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Bomba to approve the elevator service contract.

DISCUSSION ON MOTION

Mr. Szewczyk noted that maintenance is usually done by the elevator manufacturer. The maintenance is being handled by ThyssenKrupp and the manufacturer is Dover. He said ThyssenKrupp bought out the elevator division of Dover in 1999 so it is in fact the same company.

MOTION CARRIED.

PERMISSION TO USE GAZEBO ON THE DERBY GREEN SEPTEMBER 9, 2006 – DAWN HIPLER

Mayor Staffieri asked the Town & City Clerk, Laura Wabno, to explain this request. Ms. Wabno informed the board members that Ms. Hipler phoned her office to inquire about using the gazebo on the Derby Green September 9, 2006 for a wedding. Ms. Wabno said she explained to Ms. Hipler that permission would be pending proof of liability insurance and she gave her Corporation Counsel Coppola's telephone number. Ms. Wabno explained that if her request was approved that proof of liability insurance would have to be provided to the City at least five days prior to the event.

Atty. Coppola said there is also a release form that they would need to sign. There was a lengthy discussion amongst the members regarding insurance and these types of activities on the Green. Mr. Sill noted that we never asked for insurance before and he would hate to discourage people from using the Green. Mr. Robertson said he would contact our insurance company to see if they could provide us with a waiver. Atty. Coppola said the City does have insurance if someone were to get injured. He said the liability insurance is to protect the City against damages that they may inflict on the Green.

A MOTION was made by Mr. Sill with a second by Mr. Bomba to instruct Mr. Robertson to contact the City's Insurance Carrier regarding insurance requirements for the use of the Gazebo on the Derby Green September 9, 2006 by Dawn Hipler and to grant permission to Dawn Hipler to use the Gazebo on the Derby Green September 9, 2006 provided that she signs the Release Form from Corporation Counsel's office and abides by any requirements imposed by the City's Insurance Carrier. **Motion carried.**

DISCUSSION OF BRICK COURTYARD SURROUNDING WATER FOUNTAIN AT GREENWAY TRAIL WALKWAY

Mr. Hughes said Mr. Walsh has provided an email that is self explanatory. He also noted that Carolyn Duhaime, a member of the Greenway Trail, is present this evening should anybody have any questions. Mr. Hughes explained that this would be set up in the same manner as the tree donation program. Mr. McLiverty will create a special line item and account for the donations and then the Public Works department would install the patio. He believes the price for the bricks will be \$50.00 for the small bricks and \$100.00 for the larger bricks.

A MOTION was made by Mr. Sill with a second by Mr. DeBarbieri to authorize the Greenway Trail Committee to proceed with the Buy a Brick Campaign for the Greenway Trail. **Motion carried.**

DISCUSSION OF FORMATION OF A PARKS & RECREATION EVALUATION COMMITTEE

Mayor Staffieri said his administration has come across many problems since taking office. He said the Parks & Recreation Department is a very dysfunctional department. He said it is not due to their problem – it is due to the fact that playgrounds were never put under their supervision, budget, division or authority. Now we have Witek Park, the Onopiak Center, and the Greenway Trail. There is no set of rules or guidelines. Parks & Recreation is a very important entity to the City. It is where the citizens of our City get to enjoy some of the tax money that they pay. The Mayor said we really need to take it apart and put it back together. He then announced the new seven member Parks & Recreation Evaluation Committee:

- Jack Walsh (Mayor Staffieri said he would like Mr. Walsh to also serve as temporary Chair)
- Kim Kreiger (Board of Education)
- Carolyn Duhaime (Board of Apportionment & Taxation)
- Matthew DeBarbieri (Board of Aldermen)
- Dennis Devonshuk (Board of Aldermen)
- Ronald J. Culmo (Director Public Works)
- Philip Marcucio (Member of Public)

DISCUSSION AND ACTION OF APPOINTING THE CURRENT BOARD OF ALDERMEN DOWNTOWN SUB-COMMITTEE AS THE ROAD & SCHOOL BOND COMMITTEE FOR THE ROAD & SCHOOL BOND PROJECTS

Mayor Staffieri noted that the Building Committee and the Downtown Committee used to be two separate entities. The Road Bond Bills, School Bond Bills used to be approved by the Building Committee.

Ms. Wabno said the Downtown Committee is a sub-committee of the Board of Aldermen. The purpose of the committee is to weed out the information necessary in order to present an item to the full Board of Aldermen. Ms. Wabno said this process is not conducive to having the Road Bond and School Bond bills paid in a timely fashion. The suggestion would be to expedite the process and authorize the Downtown Committee to convene after the close of their meeting and meet as the Road & School Bond Committee to approve and pay the bills. This would be the same arrangement as the Board of Apportionment &

Taxation and WPCA. Some members of the Board of Apportionment & Taxation meet directly after the meeting as the WPCA.

A MOTION was made by Mr. Sill with a second by Mr. Devonshuk to empower the Downtown Committee to act as the Road & School Bond Committee to approve and pay bills presented under the bonds.

DISCUSSION ON MOTION

Mr. Devonshuk said this means that Lou Rogowski could come to this board and have invoices, etc...approved in order to expedite the process.

There was a discussion regarding whether or not a sub-committee could have the authority to approve payments. Mr. Sill said there used to be a Road Bond Committee, which was then dissolved. The bills then came before the Neighborhood Committee where the bills were reviewed and approved for payment. Ms. Wabno said a sub-committee would have to bring the items before the full Board of Aldermen; however if a Road & School Bond Committee was formed then they could approve the bills. Mayor Staffieri said this would be for the current approved projects where the monies have already been approved and the committee would just make sure that the correct money is being spent for the correct items and project.

MOTION CARRIED.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Szewczyk to amend the agenda and move Item #24 to Item #25. **Motion carried.**

REQUEST FROM CAPITAL PLANNING COMMISSION TO AMEND 2006 CAPITAL PLAN

Mr. Hughes informed the board that the Capital Planning Commission met earlier this evening. He said in the beginning of the year when the Capital Planning process began the Parks & Recreation Department came before the Commission with a dollar amount to replace the home side bleachers at Ryan Field. The cost was \$50,000 and the project was approved by the Capital Planning Commission. Throughout the process, and with assistance from Milone & MacBroom, they came across a new material that would be a lot stronger, more durable and would basically last a lifetime. If we were to install this material we would only be able to do half the bleachers due to cost. So at their meeting the Capital Planning Commission amended the Capital Plan to reflect that the \$50,000 would no longer replace all the bleachers in wood but roughly half the bleachers in aluminum. The commission members felt this was a better option for the long term. The bleachers are pretty unsafe – someone actually fell through them last year. Also, Milone & MacBroom has informed us that if we were to replace all the bleachers with wood they would no longer be code compliant – we would have to restructure the concrete support system. Parks & Recreation also agreed that this would be a better solution. The only downside to the matter is we cannot do all the bleachers. Mr. Sill said he sees it as a good start to the project. Mayor Staffieri agreed and stated hopefully we will be in the position to finish the project next year.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Sill to accept the Capital Plan as amended by the Capital Planning Commission on August 31, 2006.

DISCUSSION ON MOTION

Mr. Devonshuk noted that the sections have already been removed and we lost the visitors section last year; will we have a working bleacher system for the upcoming football season? Mr. Hughes said he doesn't believe the aluminum sections will be installed in time. Mr. Culmo said whatever sections are still remaining have been repaired. Mayor Staffieri asked how long will it take for the aluminum sections to come in? Mr. Hughes said we still have to go through the bid process; he does not believe that it will be done in time for football season. Mayor Staffieri asked if anyone has contacted the Board of Education to see about moving the home games to another school. Mr. Hubbard said they should have a sufficient amount of bleachers. He informed the board that he spoke to Jack Walsh the other day and Shelton is going to be lending some bleachers.

MOTION CARRIED.

APPROVAL LIBRARY CONTRACT (REVIEWED AT JULY'S MEETING) (EXECUTIVE SESSION)

Mayor Staffieri noted that this information was passed out at last month's meeting. A number of aldermen had questions and we will need to go into Executive Session.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Boulton to go into Executive Session at 8:30 p.m. inviting Corporation Counsel and Mr. Robertson for the purpose of negotiations regarding the Library Contract. **Motion carried.**

The Board of Aldermen came back into Regular Session at 9:04 p.m.

Mr. Hughes said the board has decided at this time to take no action on the Library Contract.

ADJOURNMENT

A MOTION was made by Mr. Sill with a second by Mr. Boulton to adjourn the meeting at 9:04 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