

DERBY BOARD OF ALDERMEN REGULAR MEETING

DERBY CITY HALL – SEPTEMBER 28, 2006 - 7:00 P.M.

MINUTES

Prior to commencing the meeting the Honorable Mayor Anthony Staffieri introduced Colleen Holt, Mayor for the Day. Mayor Staffieri said he met Colleen when he presented her with the Secretary of State Citizenship Award a couple of months ago. Mayor Staffieri said he was so impressed with Colleen that he asked her to be Mayor for the Day. Colleen is a freshman at Derby High School and was third in her class at Derby Middle School. Her favorite subject is geometry; she has also been dancing for twelve years. Colleen was also in the Middle School band and is currently in the High School band where she plays the bassoon, the alto sax and the baritone sax. Colleen's father is a retired police officer and her mom is the manager of the Irving School cafeteria. She is also very active in the Girl Scouts and also teaches dance. Colleen would like a career in law enforcement and is undecided on a college. Mayor Staffieri said Colleen is an individual that we should be very proud of. He extended congratulations to her parents for her great upbringing. On behalf of the City of Derby it is our honor to have Colleen Holt as Mayor for the Day.

The Honorable Mayor Anthony Staffieri then turned the regular meeting over to Colleen Holt, Mayor for the Day. Mayor Holt called the regular meeting to order at 7:10 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Kenneth Hughes, Ronald Sill, Beverly Moran, Joseph Bomba, Matthew DeBarbieri, Dennis Devonshuk, James Benanto

Absent: Anthony Szewczyk, Scott Boulton

Also Present: Philip Robertson, Interim Finance Director
Acting Chief 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
Keith A. McLiverty, City Treasurer
Laura Wabno, Town & City Clerk
Dr. Janet Robinson, Superintendent of Schools
Jack Walsh, Chair, Parks & Recreation Commission, Greenway Committee
Robert Novak, Executive Director, Derby Historical Society
Joseph T. Coppola, Corporation Counsel

ADDITIONS/DELETIONS/CORRECTIONS TO AGENDA

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

- #4.a - Public Portion
- #16. a – Greenway Update

- #24 - Waive Building Permit Fees for Sterling Opera House
- #25 – Appointment of Walter Nizgorski to the Zoning Board of Appeals
- #26 – Second Supplement Agreement with D.O.T. – RE: Canal Road Bridge
- #27 – Executive Session (If Necessary)

Mr. Hughes said he would like to make two corrections:

- #8 – It should read “8 Mountain Street” not “8 Mountain Road”
- #5 – Downtown Sub-Committee Report is for “September 2006” not “August 2006”
- #28 – Adjournment would now be #28 and not #27

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

APPROVE MINUTES OF AUGUST 31, 2006 REGULAR MEETING

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the minutes of the August 31, 2006 regular meeting as presented. **Motion carried.**

PUBLIC PORTION

Keith McLiverty, City Treasurer, 1 Elizabeth Street, Derby, CT – Madam Mayor I just distributed to all the board members three documents – one was the Standard & Poor’s announcement of the upgrade for the bond rating for the City of Derby; the second document was the official statement, which is an interesting document that I encourage all of you to read. It has various economic data and fiscal data as well as where population growths are, single-family incomes, median incomes, average incomes – it’s a great total document so I encourage you to read that it. And then just the presentation, which just kind of walks you through the rates we were looking at and the treasury and some other surrounding towns. Our rate of 3.85% was the lowest in Connecticut in the last six months and it actually beat some of the surrounding towns by as much as thirty basis points. So we were very successful and the market was timed right. One of the things I do encourage you to look at in the official statement and this is an interesting experience for the Mayor, the Mayor was part of the experience with the rating industry often people look at our town when they’re not from here in very different eyes than those that live here and I’ll give you a prime example. One of the items they spent a great deal of time on the phone with us was density and how we have so much population in such a small area. They talked about unemployment; they talked about single family homes; they talked about average median income in the household. And I know to a lot of people they say well that’s just statistics. We had to defend those statistics folks. We had to defend why employment was 1% above the average in the State of Connecticut. We had to defend the point that we’re trying to reduce density with the various projects going on in town. We talked about how the average income may go up depending on what the homes across Main Street sell for – that should bring the median income up. So when we talk about development and building officials and new developments it all plays a role folks. When we approve multi-family housing those things all affect us somewhere down the road. So I encourage everyone to try and step back once in awhile and look at our City from a different perspective; from someone who is not here fighting the fight everyday and looks at an indicator. And if you don’t have a good defensive it hurts us. And if we had a sound

rationale like we did it didn't hurt us. But I encourage you all to look at this document. I will be distributing this to all City officials (inaudible) copies will be available. And the Mayor I just want to thank him publicly we had a great presentation. They're very impressed with what's going on in town. But I want to point out one very key element in their rating – it was a solid strong A+. What that means is they did not hedge this Main Street development in giving us that rating. They gave us that rating based on the facts as they stand today. When Main Street happens that gives us more opportunity to go up in ranking. We were concerned about that. We didn't want the rating based on what may be happening in town and they didn't. They gave us on what has happened. So any future development, raising of the median income, (inaudible) of unemployment, more jobs, more commercial real estate – that's all going to help us the next time around. Thank you.

Carl Yacobacci, 10 Lombardi Drive, Derby, CT – Just want to respond to an article in the newspaper on the Greenway Trail – they're talking about lights and possible cameras on the trail, which I think would be great to have some safety but they're also talking about rather than just a camera for the police to monitor any activity something that would be like a web cam that the public could log in on and report. I would just say I think a camera would be good for the security in the areas but I don't think that everyone in the general public should be able to have access to a web cam on a public piece of property. I kind of think that's a violation of everybody's rights to have everybody calling in and things like that. I don't know how that would be monitored if somebody wanted to (inaudible.) But if it was just to be monitored by the police I think that would be a good thing. That's all I have to say.

Dan Waleski, 21 Elm Street, Derby, CT – I was very impressed by his presentation. As you know the Connecticut Magazine for the last five – at least five years, possibly more – has rated Derby always at the bottom of the list of towns that are about 10,000 in population. It has affected us in other ways in trying to get better transportation. We're the smallest city in the state; we don't have too much room for expansion. And some of these other things that have been promised to us over the years have never come to fruition and the town really isn't what it could be. And I agree fully with his remarks and that we should step back once in a while and take a look, an overall look, at the city and see what we can do. It's been a theme of mine for a long, long time and I'm glad someone else other than myself is mentioning the fact that the City can stand a lot of updating and improving and following through on some of the promises that have been made to us in the past. And I hope I have an opportunity to get a copy of your report; I'll certainly read it very, very carefully and I just hope you do that – step back and kind of look at some of these surveys. I had a chance to sit in on the Council of Governments meeting the other day and while I was waiting for the meeting to begin they had a book there on economic development put out by the State Department of Economic Development. It had a tremendous section in there on statistics of all sorts in regard to other towns in the state but it had a lot of statistics on Derby and I spent a lot of interesting moments in comparing Derby to some of the other communities in the state. I find it very revealing. I also found that Derby is wanting in quite a few categories and I suggest maybe take a chance to look at that down at Dunne's place. Thank you very much for this opportunity. And I thank you for bringing this to the citizens.

Arlene Yacobacci, 10 Lombardi Drive, Derby, CT – I'm here again, once again, to ask for the City's help in keeping us in the City, in business, and to follow its own Relocation Plan, which states that 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. Since the previous Corporate Counsel Atty. Buturla said the very last thing that is going to happen is the relocation, which is according to the Amended Preferred Developer Agreement, there's still time to please keep the businesses in business that have been loyal to this City. This can be accomplished by either accommodating us into the Redevelopment Plan or relocating us to like property within the City of Derby. Thank you.

Mayor for the Day Holt 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

SUB-COMMITTEE REPORTS

Downtown Committee Meeting) – Mr. Hughes gave a brief outline of the Downtown Committee meeting. He noted that it was a relatively short meeting. There were concerns raised and the committee wants to look into the issue of housing code enforcement, especially with the multi-family dwellings. There are also two properties that need to be added onto the City's Blight List.

A MOTION was made by Mr. Hughes with a second by Mr. Sill to add 49-51 Emmett Avenue and 12 Albert Avenue to the Blight List. **Motion carried.**

PUBLIC WORKS DEPARTMENT – SEPTEMBER 2006 REPORT (Ron Culmo)

Mr. Hughes thanked Mr. Culmo for cutting the grass around the ponds; it looks a lot nicer. Mrs. Moran thanked Mr. Culmo for aiding Mrs. Delfiano's. Mayor Staffieri said on John Street we are working out a solution with the Public Works Department and the City Engineer's Department regarding the drainage problem. Although the road won't be completed in time for winter at least the drainage problem will be addressed. Mr. Bomba stressed that is very important; we need to assure the people on John Street that something will be done over there. It is a terrible road and they deserve to have that road done. He said this has been a pet peeve of his since taking office and we need to keep on top of this problem. Mr. Sill also noted that it was a good job cutting down the trees on Route 34 by the Greenway.

PUBLIC WORKS DEPARTMENT – APPROVAL OF SIDEWALK REPLACEMENT – 21 STEPHEN STREET; 8 MOUNTAIN STREET; AND 160 HAWKINS STREET

Mr. Culmo said the sidewalks have all been completed and checked out. The calculations on the sheets represent the amount to be reimbursed to the property owners. Mr. Culmo said if someone does work on their sidewalk the City will pay a one-third the cost.

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the sidewalk replacement for 21 Stephen Street, 8 Mountain Street and 160 Hawkins Street.

DISCUSSION ON MOTION

Mrs. Moran said approval with the change to \$309.40 from \$1,500.00 for the Lafayette Club. Change was duly noted.

MOTION CARRIED.

POLICE DEPARTMENT ACTIVITY REPORT FOR AUGUST 2006 (Acting Chief Eugene Mascolo)

A/Chief Mascolo said he just wanted to make a few comments on their current activity report. It comments on routine criminal and motor vehicle activity in the City – the numbers are very low and they don't change a lot. He would like to propose a possible change to the Derby Police Department report. Instead of listing in detail some of the criminal activity items that really aren't a significant change from the last report he is proposing to make a change and would like to talk about some of the administrative, training, and management type things that they do in the department. It also lists significant criminal activity. He noted that they had a couple of significant drug busts last month and it is listed on the report. A/Chief Mascolo said he would be happy to hear any comments or suggestions that the board members might have.

A/Chief Mascolo informed the board members that Chief Cota's last day is tomorrow. He has assumed all of Chief Cota's duties and after tomorrow he will be Chief of Police.

❖ **NOTE: THE TAPE RECORDER STOPPED TAPING AT THIS POINT IN THE MEETING. ALL OTHER INFORMATION OBTAINED FROM RECORDING SECRETARY'S NOTES.**

BUILDING DEPARTMENT REPORT – AUGUST 2006 (David L. Kopjanski)

There were no questions asked. Report placed on file.

BLIGHT REPORT – AUGUST 2006 (David L. Kopjanski)

Mr. Hughes asked Mr. Kopjanski about the person who supposedly is living in a trailer on Hawthorne Avenue. Mr. Kopjanski said he spoke to the owner of the property prior to the meeting and he denied that someone was living in the trailer. This item will be monitored. Report placed on file.

FIRE MARSHAL REPORT – AUGUST 2006 (Philip A. Hawks)

There were no questions asked. Report placed on file.

REFUND OF EXCESS TAXES THROUGH SEPTEMBER 29, 2006

A MOTION was made by Mr. Hughes with a second by Mr. DeBarbieri to approve the Refund of Excess Taxes List through September 29, 2006. **Motion carried.**

OUTDOOR LIGHTING – DERBY GREENWAY – UI COMPANY

Additional Lighting:

- Placement next to Dike (Three (3) head mount)
- Greenway Parking Lot – Adjacent Parking Lot (Two (2) head mount)

Mayor Staffieri noted that the majority of the damage to the Greenway Trail is in the area under Route 8 near O'Sullivan's Island. One of the main reasons that this occurs is the lack of lighting, especially in the adjacent parking lot. He noted that the UI still has poles that used to be connected to the Fire Training School; we would only need to put light mounts

on those poles. The Mayor said he called UI and obtained prices for this work. He said we can vote on doing either the four or six poles. It was noted that we would need to add one pole to the trail. The cost for this would be \$500.00 to buy it out directly or \$12.00 for a monthly rental fee. The Mayor said he spoke with Rick Dunne at the Valley Council of Governments and this would be a reimbursable expense. Mr. Hughes said he would like to see all the lights done at once.

A MOTION was made by Mr. Sill with a second by Mr. Hughes to authorize the six lights for the Greenway Trail area.

DISCUSSION ON MOTION

Mr. Hughes asked how soon this would be done. Mayor Staffieri said they could get the lights within a couple of weeks.

MOTION CARRIED.

LIGHTING FOR GREENWAY FOUNTAIN – JACK WALSH

A MOTION was made by Mr. Hughes with a second by Mr. DeBarbieri to approve the light fixture for the Greenway Trail Fountain. ***Motion carried.***

UPDATE ON GREENWAY TRAIL – JACK WALSH

Mr. Walsh noted that the Greenway Committee met to review items for the Greenway Trail. As everyone knows we have recently moved the fountain to the entrance way to the Trail. He also noted that they committee has met to review the style of benches and trash receptacles to be placed on the Trail. He said there are two major concerns at the Trail – one is vandalism; especially graffiti. The other is dogs on the Trail. There are a lot of dog owners who do not clean up after the dog has defecated. Mr. Hughes said we need to find out the total breakdown of monies that are available for the Greenway Trail. He said he would like to have this information for next month's meeting.

DERBY HISTORICAL SOCIETY – “LEGENDS BY LANTERNS” TOUR (DERBY GREENWAY OCTOBER 20-22 AND OCTOBER 27-29, 2006)

Mr. Novak explained that the “Legends by Lanterns” tour scheduled for October 20-22 and October 27-29 is a major fundraiser for the Derby Historical Society. They are proposing holding three walks per night at 7:00 p.m., 8:00 p.m., and 9:00 p.m. The Greenway Trail will be lit by fifty pierced tin lanterns, which will provide adequate lighting for the tour. The walk will commence at the O’Sullivan’s Island parking lot to the dead-end circle on Hog Island. The group will then walk under the railroad trestle up the small hill to overlook East Derby then return to the O’Sullivan’s Island parking lot. The total distance of the walk is four-tenths of a mile. There will be costumed Historical Society volunteers replaying scenes from Derby’s history from 1651 to 1955 along the route of the walk.

A MOTION was made by Mr. Hughes with a second by Mr. DeBarbieri to authorize the Derby Historical Society use of the Greenway Trail on October 20-22 and October 27-29, 2006 for their “Legends by Lanterns” Tour. ***Motion carried.***

APPOINTMENT OF NICK SEREDNITSKY TO THE PARKS & RECREATION COMMISSION

Mayor Staffieri informed the board members that Mr. Cripps resigned his position; that is why there is an opening.

A MOTION was made by Mr. Sill with a second by Mr. Hughes to approve the appointment of Nick Serednitsky to the Parks & Recreation Commission. **Motion carried.**

ADDITION OF LEO DISORBO TO THE FACT FINDING COMMITTEE ON RECREATION

Mayor Staffieri noted that Mr. DiSorbo is a member of the Board of Education and is involved with Parks and Recreation. He asked to be placed on this committee.

A MOTION was made by Mr. Hughes with a second by Mr. Benanto to approve the addition of Leo DiSorbo to the Fact Finding Committee on Recreation.

DISCUSSION ON MOTION

Mr. DeBarbieri said he would like to abstain from voting. Mr. Devonshuk also abstained from voting. Mr. Bomba asked if the members of the Fact Finding Committee have been made aware of what their duties are. Mayor Staffieri said they have.

MOTION CARRIED with Messrs. *DeBarbieri and Devonshuk both abstaining from voting.*

WITEK PARK REPORT – DR. DWIGHT SMITH

Mr. Hughes explained to the board members that one of the conditions of the permit for Witek Park was the City had to engage in a long-term maintenance plan for the park. They have received a proposal from Dr. Dwight Smith, Chairman of the Biology Department at Southern Connecticut State University to complete the report. Mr. Hughes said the proposal from Dr. Smith is for \$1,500.00. He noted other prices ranged from \$5,000 to \$15,000. He said that Fred Columbo, Chair of the Inland/Wetlands Commission is very excited about the work that Dr. Smith has performed.

A MOTION was made by Mr. Sill with a second by Mr. Bomba to engage Dr. Dwight Smith to prepare the Witek Park Report for an amount not exceeding \$1,500.

DISCUSSION ON MOTION

Mrs. Moran asked where the money is coming from. Mr. Hughes said there is already a line item in the Witek Park budget for this expense.

MOTION CARRIED.

APPOINTMENT OF JOSEPH ROMANO AND JOSEPH PINTO TO THE DERBY HOUSING AUTHORITY

Mayor Staffieri noted that Joseph Pinto currently holds an elected position (Constable) which he is resigning from tomorrow.

A MOTION was made by Mr. Sill with a second by Mr. Hughes to approve the appointment of Joseph Romano to the Derby Housing Authority and to approve the appointment of Joseph Pinto to the Derby Housing Authority contingent on him resigning as Constable. Mr. **DeBarbieri abstained. Motion carried.**

RESOLUTION – “ELECTRONIC VOTING EQUIPMENT” – REGISTRAR’S OFFICE – LOUISE PITNEY

Laura Wabno, Town & City Clerk informed the board members that this is a directive from the Secretary of the State’s Office. All municipalities are required to abide by this resolution.

WHEREAS, the Help America Vote Act of 2002 has developed a uniform set of requirements for each voting system used in an election for federal office;

WHEREAS, included among the requirements of the Help America Vote Act is a provision that every polling place must maintain at least one voting machine created to ensure private and independent voting capabilities for persons with disabilities;

WHEREAS, the “IVS Voting System” has been recognized to be in compliance with the requirements of the Help America Vote Act, including the provision of accessibility for persons with disabilities;

WHEREAS, the Office of the Secretary of State of Connecticut has used federal funds advanced through the Help America Vote Act to purchase voting machines in compliance with this said accessibility provision of the Help America Vote Act, these being the “IVS Voting System”;

WHEREAS, the City of Derby is a municipality in the State of Connecticut;

WHEREAS, the City of Derby, through its elected officials and the employees thereof, is responsible for conducting primaries and elections, federal and otherwise, within its borders;

WHEREAS, the City of Derby, through its legislative body is responsible for providing suitable voting machines for use within its own municipality;

THEREFORE, the legislative body of the City of Derby hereby accepts ownership of the said “IVS Voting System” and will begin to use said voting machines with the election be held on November 7, 2006.

A MOTION was made by Mr. Hughes with a second by Mr. DeBarbieri to authorize the use of the “IVS Voting System” commencing with the November 7, 2006 election. **Motion carried.**

BRADLEY SCHOOL PLAYGROUND UPDATE

Mr. Walsh noted that the playground is closed during the day for safety reasons. He feels if there are safety issues then the playground should not be open at all. Mayor Staffieri asked if we have a report on what still needs fixing. Mr. Culmo noted that the swings and slide have been fixed. There is wood that needs to be replaced – he anticipates it would cost \$20,000 to \$30,000 to replace the wood. Atty. Coppola suggested discussing this item in Executive Session.

WAIVE BUILDING PERMIT FEES FOR STERLING OPERA HOUSE

Mayor Staffieri and Patty Finn informed the board members that the roof replacement project for the Sterling Opera House is scheduled to commence on Saturday, September 30, 2006. Bob's Up & Over Roofing was the low bidder for the project. They anticipate

completing the job over the weekend. After this project the remainder of the work scope, which is the repair and replacement of the cupolas, will then be put out to bid. Ms. Finn noted that the project is being funded by the HUD EDI 2006 Grant.

A MOTION was made by Mr. Sill with a second by Mr. Benanto to approve waiving the building permit fee for the Sterling Opera House Project. **Motion carried.**

APPOINTMENT OF WALTER NIZGORSKI TO THE ZONING BOARD OF APPEALS

Mayor Staffieri said there was an opening on the Zoning Board of Appeals. Mr. Bomba said he was glad that the Mayor is keeping up with openings on the various boards and commissions.

A MOTION was made by Mr. Sill with a second by Mr. Bomba to approve the appointment of Walter Nizgorski to the Zoning Board of Appeals. **Motion carried.**

SECOND SUPPLEMENTAL AGREEMENT WITH D.O.T. RE: CANAL ROAD BRIDGE

Ms. Finn informed the board members that this is just basic housekeeping. The project is completed and the second supplement agreement is needed for the final numbers for the project. There is no cost incurred by the City for this work.

A MOTION was made by Mr. Benanto with a second by Mr. DeBarbieri to authorize the Mayor to execute the Second Supplemental Agreement with D.O.T. regarding the Canal Road Bridge. **Motion carried.**

EXECUTIVE SESSION

A MOTION was made by Mr. DeBarbieri with a second by Mr. Bomba to go into Executive Session at 8:30 p.m. subject to adjournment, inviting Corporation Counsel, Mayor Staffieri, and Philip Robertson to discuss the Executive Session investigation. **Motion carried.**

Respectfully submitted,

Patricia Finn
Recording Secretary

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