

DERBY BOARD OF ALDERMEN MEETING

DERBY CITY HALL – JANUARY 25, 2007 - 7:00 P.M.

MINUTES

The Honorable Mayor Anthony Staffieri called the regular meeting to order at 7:05 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Kenneth J. Hughes, Beverly Moran, James J. Benanto, Jr., Dennis J. Devonshuk, Ronald M. Sill, Joseph M. Bomba, Scott M. Boulton, Anthony Szewczyk (arrived at 7:15 p.m.)

Absent: Matthew J. DeBarbieri

Also Present: The Honorable Mayor Anthony Staffieri
Philip Robertson, Chief Administrative Officer
Keith A. McLiverty, City Treasurer
David L. Kopjanski, Building Official/Zoning Enforcement Officer
Philip A. Hawks, Fire Marshal
Chief Eugene Mascolo, Derby Police Department
Chief Charles Sampson, Derby Fire Department
Kelly Curtis, Fire Commissioner, Derby Fire Department
Louise Pitney, Democratic Registrar of Voters
Leo P. Moscato, Jr., Chair, Derby Parking Authority
Carolyn Duhaime, Board of Apportionment & Taxation
Joseph T. Coppola, Corporation Counsel

ADDITIONS/DELETIONS/CORRECTIONS AND ADOPTION OF AGENDA

Mr. Hughes said he would like to make the following changes:

- Delete – Item 12.a – Approval of Department of Public Works Employees Contract
- Add – Item 4.a – State of the City Address (The Honorable Mayor Anthony Staffieri)
- Add – Item 23 – Finance Committee Appointment of Joseph Szewczyk
- Change Adjournment from Item 23 to Item 24

A MOTION was made by Mr. Bomba with a second by Mr. Boulton to make the noted changes and adopt the agenda as amended. **Motion carried.**

STATE OF THE CITY ADDRESS – The Honorable Mayor Anthony Staffieri

Good evening everyone. I have to tell you it has been an absolute honor being Mayor of our beloved City of Derby. Who would ever think a boy born in Abruzzi, Italy, with my first sight of America being Ellis Island, the son of Paolo and Concetta Staffieri, coming to this city at age 7, would ever become Mayor. A year ago we were given the honor

by the people of Derby to lead their City. It was an awesome responsibility and we have responded with an awesome year. An awesome year, yet it has been a very trying first year. What many don't realize is we have spent so much of our time doing things that should have been done years ago. We inherited many problems from the previous administration, many contracts, many bills unpaid, many unsettled lawsuits, many things pushed aside rather than dealt with, two Preferred Developer Agreements, both of which must be followed based upon law and proper management. From entering City Hall the day I was sworn in, to this wonderful office, only to find all the computer hard drives had been professionally wiped clean of all information, and back up information stored on tapes had been removed from City Hall. When you begin with past information having been destroyed, your job is far more difficult but the people of our beloved Derby deserve the ultimate of efforts and that, I can assure you, they have received. As I think of those things we have dealt with in the past year, you will be surprised at what I think is our greatest accomplishments – the spirit of working together – Democrats, Republicans, Unaffiliated voters. We have put our partisan interest away and have all worked on behalf of all the people of Derby as we should. Those people I have appointed to different commissions and boards have been appointed based on their competency, their willingness to work together and their love of our city. They have all done well in my estimation and I ask them to continue their work and join with me to continue to make our city not only the smallest city in our state but also the best. Rick Dunne, Henry Domurad, Ron Sill, Ted Estwan, Keith McLiverty, Mike Kelleher, Joe Moore, Phil Marcucio, Leo Moscato and Jack Walsh, democrats and unaffiliated voters joining me to make our city the best. So many more I should mention but will not due to time. We have put our party affiliation away on behalf of our city. Washington DC should learn to follow Derby's example. Ken Hughes, the hours and hours he gives to our city is incredible. Each and every member of this Board of Aldermen, you give our city so much of your time and your expertise. All the appointed boards, I can't mention each and everyone but you all have done our city proud with your effort. I give you all my heart felt thank you not only from me but for each and every citizen of Derby. Look out across Main Street. Within weeks you will no longer see what was being referred to as bombed out Baghdad. It was our city's disgrace and why others allowed it to remain for so many years is beyond my comprehension, but it will soon be gone. We inherited a Preferred Developer Agreement and are working hard with them to replace the disgrace with a unique concept of a mixed use modern city center. One with housing, with retail, with office space, and public areas for everyone to enjoy the gift. The gift of two rivers joining. A gift that created Derby as the birth place of industry for this country. Our parking garage was a disaster. It had no organized leadership or any direction. It now has a thriving authority with dedicated citizens giving of their time and skills. It is safer, cleaner, and you can now find it with its new neon sign. It is a perfect and needed beginning to a modern and thriving downtown. We now own the Onopiak property on Sodom Lane. We have cleaned up the property and now seek a state grant to begin making the property into a nature preserve as Mr. Onopiak could only dream. Witek Park was long in completing. With the great help and expertise of Ken Hughes, the smallest city now has the two best soccer fields in the State. How about our City Seal? Not only is it the most beautiful of city seals in Connecticut but look at it. In a small picture it depicts our history. Our two rivers joining together, with industry nestled within. I believe in spirit. I believe in a positive attitude and I think the seal illustrates our spirit and our positive attitude. Our City Hall represents the people's

house. The people's house now has plantings around it along with lighting. We now have signs telling everyone this is their building. We have a parking lot not filled with pot holes and soon our Derby seal will fly next to the American flag. You may not notice it in the winter but so many people have called City Hall remarking on how clean our downtown streets are now kept and how public works weeds the sidewalks. A small thing but one never taken care of by those who have come before us. Griffin Hospital wanted to build a world class cancer center. The people of Derby and the Valley deserve a world class cancer center. We jumped in and overcame all the obstacles by calling key people and committees together and by taking positive action to make it happen. Again, with the attitude of spirit, we installed a webcam on the people's building so they could monitor the demolition of our bombed out Baghdad. An ex Derby resident now watches the demolition proceedings live from Israel. To date the webcam site has had 13,000 hits. For years the Army Corps of Engineers has been telling Derby to fix our flood gates. For years it was not done. Guess what? We did it and thank God all those years of no action didn't cause harm to our city. We took action by taking the Board of Education from rented space and moved them into a city owned building and saving \$6,000 a month. Better space, less cost. The previous administration planned on spending \$400,000 to bring the Board of Education to the basement of City Hall. I like our plan much better and we created the media center, which has been used by so many of our citizens. For years the city swimming pool had substantial problems and for years no one paid attention. We did and the pool has now been fixed. We have begun a process of repairing all our firehouses and upgrading their computer systems bringing them into the modern age and beyond. All those wonderful volunteers deserve the best and we thank them. Bleachers at Ryan Field have been deteriorating for years. We now have begun to replace them. We have finally implemented a program where our police will now replace their twelve year firearms with newer and safer guns, which they deserve in their effort of protecting our citizens. Our treasure, our Sterling Opera House, now has a new roof and this spring it will have the remaining sides fully enclosed with a million dollar grant from the State. The roofing contractor also replaced the roof on the gazebo on the Green as a thank you gesture and illustrating the Derby spirit. I have created a new Sterling Opera House Committee of incorporators. Once established, they will become a non-profit corporation to seek contributions and State and Federal Grants to further the restoration of our city treasure. We have many city owned recreational facilities. I have found the responsibility for these facilities to be scattered and confusing. To provide better coordination of our city recreational facilities, I have appointed a fact finding committee to report back to me with a plan as to how better to organize our wonderful resources. Just today I signed a contract with HUD granting the City \$34,710, which we will use to beautify our downtown. We have sought and received a grant to demolish the fire training school on the O'Sullivan Island. We are now in the process of asking help from our congresswoman, Rosa DeLauro, Senator Chris Dodd and Senator Joseph Lieberman for funds to completely rid the island of hazardous waste. The history of the island is vast and those responsible for the waste is equally as vast. With the full cleanup of the island, our O'Sullivan Island will become a park beyond your belief. As you know we have had a request for an historic yacht to become part of our island along with the ability to teach our younger citizens the history of our city and its two rivers. We have a city-wide Capital Plan, the first Capital Plan in five years. We have negotiated the first Library contract with its Union workers. A contract that should have been

accomplished long before we took office. We are about to conclude the negotiations of contracts with all three Unions. City Hall, Public Works and our Police Department. We have seamlessly moved from a former Chief of Police to a new Chief. We have negotiated contracts for our liability insurance and our cell phone provider saving money in both cases. We have new copy machines in City Hall at a cost of less than the maintenance of the old machines. You many have read recently about our Kmart Plaza. I have been working with the developers for a number of months and shortly there will be a formal announcement of the demolition of the present plaza to be replaced with a totally new plaza housing a major national retailer. I also have been working for months on a number of projects and expect the negotiations to continue and eventually lead to an announcement. These projects, when finalized, will not only provide our Derby with needed tax dollars but with jobs for those needing one. May I remind you of a night when downtown was filled with people, families with their children, watching one of the most spectacular display of fireworks. Another example of what I believe is so important, spirit and pride for our city. Wait until this years display, July 3, 2007. You will again feel that spirit and pride. Has Derby ever had an A+ bond rating? No, but because of all the positive things going on, we do now. And before I lose my voice, may I mention a little thing called our Greenway. We have the most beautiful Greenway in all of Connecticut. Phase I was finally completed after long last. Phase II is being completed and Phase III has begun. We recently began advertising for our design professional and with the \$1.4 million we will enlarge our beautiful Greenway giving citizens more opportunity for good health while seeing some of the most beautiful aspects of Mother Nature. We also will shortly have a computer camera system watching our Greenway for the protection of those who use it as well as to have an eye on those who abuse it. Again, from my heart, I must thank each and every member of each and every board. Their dedication and willingness to serve is a credit to our community and to their families. When I took office I said to myself I would never put off to tomorrow anything that should be taken care of today. As I stand before you, I know I have kept my word. To be elected to serve others is an honor. It is an incredible honor. In receiving and accepting that honor we have an obligation to serve with honesty, integrity and with the mental attitude we will always move in the direction of making our city government and the lives of its people better tomorrow than it is today. I believe we have, but pat yourself on the back only for an instant because here we go. Join with me in dedicating ourselves to make year two better than year one. It is our responsibility to the people of our beloved Derby. Join with me and let's show them there is better yet to come.

PUBLIC PORTION – NOTE TAPE STOPPED RECORDING AT THIS POINT – NOTES TAKEN FROM SECRETARY'S MINUTES AND WRITTEN STATEMENTS FROM MR. O'BRIEN

Scott O'Brien, 178 Shagbark Drive, Derby – I am once again before you to talk about this board's resolution to ban dogs on the Derby Greenway. As you all know the ordinance to enforce the ban was tabled pending the Greenway Committee's review of the recommendations made by myself and other dog owners. The Greenway Committee meeting is scheduled for early next week and we look forward to helping resolve the issues surrounding the Greenway. In the interim, I would like to call your attention to an incident which occurred on the Saturday morning following the last board meeting. One of the dog owners who spoke against the ban was detained by

the Derby police department for over thirty minutes in the cold after walking on the greenway with her dog. The officer was obviously instructed by his superiors to detain her because he was unsure of why he was detaining her, demonstrated by the need to call a supervisor to determine what to do next. To accomplish this, the department had four officers stationed on the greenway, two at either end and I will assume the supervisor roaming between, for a total of five officers. This brings multiple questions to my mind and hopefully yours as well. First, we were told by Chief Mascolo that the department did not have the manpower or the fiscal ability to increase patrols on the greenway, yet he had four officers and a supervisor on the greenway at 7:00 a.m. on a Saturday morning. Does this mean that we were misled and the department actually does have the manpower to patrol the greenway? I believe there are only four patrolmen and one supervisor per shift, so who was patrolling the remainder of the city? Or was it left unmonitored. How many of these officers were on overtime? All of which was to enforce a resolution not a law. The police department has been commissioned to enforce the laws that have already been enacted, not hypothetical or future laws, such as this resolution. Certainly Chief Mascolo is aware of this, which leaves room for the taxpaying citizens of the City of Derby to surmise that this misallocation of public funds and resources was retaliatory conduct in response to scrutiny for his part in misguiding this board, not actions supported by any or the applicable laws, of which there are none. The patrolmen were sent out into the field without adequate instructions, demonstrated by the need to call a supervisor to the scene to issue a simple summons. Is this a usual occurrence in the police department? I think we can all agree that any time our officers, whether police, fire, or EMS put on their uniforms and go out into the field they put themselves at risk. The most horrifying part of all this is that the department leadership would place these individuals and their family's welfare at unnecessary risk to enforce a resolution, not a law, and possibly do this for their own political gain not for the general public's benefit. This must be stopped. What can we do to protect our officers from their supervision? And this is the man that this board allowed to heavily influence the creation of the resolution to ban dogs. You can certainly see the lack of sound judgment and questionable practices. Just like Derby there are other communities who have benefited from the national recreational trails funding program, provided by the Intermodal Surface Transportation Efficiency Act of 1991. The Farmington Canal Heritage trail when complete will be 87 miles long, stretching from New Haven into Massachusetts. Not on one inch of that trail are dogs banned. The Old Putnam Railway Trail, which spans 48 miles from the Bronx border in New York into Putnam County has no ban on dogs. The Appalachian Trail travels a course of over 2,000 miles. Guess what – no ban on dogs. Riverside Park in New York City has a recreational path that goes from southern tip of Manhattan to the northern tip and there is no ban on dogs. Closer to home Shelton's river walk has no ban on dogs. What are we doing wrong here in Derby? Has there been any dialog with other communities in regards to how their sections of the recreation paths are patrolled and maintained? With the aid of the immortal words of the late former president Ronald Reagan, I say, Derby, tear down those signs and restore the rights and privileges of the law abiding, tax paying citizens of Derby and its surrounding communities. I urge you not to wait for any further meetings and get this done now, allowing Derby to move toward a new renaissance period, rather than pushing it backwards into a time more reminiscent of the Middle Ages and the tyranny of the inquisitions.

Leo P. Moscato, Jr., 34 Lewis Street, Derby – Mr. Moscato said he took great exception to what Mr. O'Brien just said. He noted that when he calls the Police Department that a patrol car rolls up in a minute. There is very good communication between the Police Department, Fire Department, and Public Works. He noted that when he was walking on the Greenway Trail a dog defecated on the trail and he told the woman to clean it up. He said the woman told him to go "F****" himself. He said that people are the problems; not the dogs.

Charles Sampson, (Chief of Derby Fire Department), 6 Commodore Hull Drive, Derby – Chief Sampson spoke about the repairs that are needed at the Bradley School Playground. He said approximately ten years ago "The Parents for a Better Playground Organization" along with Hotchkiss Hose Co. #1 raised funding to put a playground on this site. In working with several organizations and private businesses the funding was made available and the materials for the playground were purchased. He along with several Derby citizens and several firefighters from the Hotchkiss Hose Co. #1 came together for approximately three days and the playground became a reality. Chief Sampson then talked about the "Americares" organization. This organization helps the elderly and indigent make repairs to their homes on the first Saturday in May. This year the date will be May 5, 2007. The teams participating with this project must raise \$2,000. Volunteers are needed for this very important cause. He noted that two applications were received from Derby.

Dan Waleski, 21 Elm Street, Derby – Mr. Waleski said he would like to express his appreciation to Town & City Clerk Laura Wabno for having the Connecticut Veterans Wartime Service Medal/Service Member and Veteran Registry applications available at City Hall.

Scott O'Brien, 178 Shagbark Drive, Derby - In regards to school referendum, I sat here last month and listened to debate on the referendum. The main issues seemed to be giving as much say to the voters as possible and relieving the space constraints by the most economical means. You talked about a choice of three options, no new school, choice A and B. Well it would seem to me that if allow each voter two separate ballots, one for yes or no for a new school and then choice A or B, it would actually give each voter a greater say and you will not be splitting the in favor votes. If the majority of voters do want a new school, those who voted against it can still have a say in which option is chosen. My understanding is there has been difficulty attaining approval for new schools in Derby. Where I was raised in Brewster, New York they had a program which relieved the senior citizens of some of the cost of the school system. Our seniors have already put their children through school and would not see any direct benefit to a new school, so why would they vote for one. They are most probably on a fixed income, and with the rising costs of energy, healthcare and what not they are under more financial stress than ever before. Why should they be burdened with putting my children through school? I believe their school taxes should be reduced and stabilized. As a guideline, if they are greater than 62 and have been living in Derby for greater than 10 to 15 years. One of the troubling things that I heard was that each option involved a new building. With the new tax district to finance the downtown redevelopment and the recent reassessment of property all have seen their taxes increase. How can we accomplish new space and be more economical. I am not

sure how feasible this is any longer with the word of Lowe's possible coming to town, but there is a large retail space in the old Kmart shopping center, and that could probably be quickly converted to classroom space. The benefits: the building is already built. Renovation and or division of the space and the town does not own it but can least is, reducing overhead and maintenance costs. Most of what we require now and expand as needed. Instant discount because you will receive property tax on the building, money back in the town's pocket. The school system would see the benefits of more classroom space almost immediately not having to wait for construction to be completed. Also this would allow the town to better estimate the needs on the school system after the downtown redevelopment is complete, rather than finding out later that we need to expand again. I am not sure you would even need a referendum to lease space, possible to hire the required staffing. In addition there was talk of probably adding on to plan A. Would this be possible or feasible? The drawbacks: The loss of possible sales tax and retail in town. Traffic concerns on Route 34. If the old Kmart space is not available any longer then I would urge the town to look to other vacant space. 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

APPROVE MINUTES OF:

- ✓ November 20, 2006 Special Joint Meeting between the Board of Aldermen, the Board of Apportionment & Taxation and the School Building Committee
- ✓ November 20, 2006 Special Board of Aldermen meeting
- ✓ November 30, 2006 Regular Board of Aldermen meeting
- ✓ December 28, 2006 Regular Board of Aldermen meeting
- ✓ January 11, 2007 Special Board of Aldermen meeting

A MOTION was made by Mr. Hughes with a second by Mr. Boulton to approve the minutes of the November 20, 2006 Special Joint Meeting between the Board of Aldermen, the Board of Apportionment & Taxation and the School Building Committee; the November 20, 2006 Special Board of Aldermen Meeting; the minutes of the November 30, 2006 Regular Board of Aldermen Meeting; the minutes of the December 28, 2006 Regular Board of Aldermen Meeting; and the minutes of the January 11, 2007 Special Board of Aldermen Meeting as presented.

DISCUSSION ON MOTION

Mr. Szewczyk said that his comments in the January 11, 2007 Special Board of Aldermen meeting talk about insurance costs and the leasing agreements. He said his comments were about the cost of insurance on leased vehicles versus city-owned vehicles. This change will be noted for the record

MOTION CARRIED.

ELECTION OF BOARD OF ALDERMEN PRESIDENT – 2007

Mayor Staffieri stated that Ken Hughes has done an exceptional job as President of the Board of Aldermen. Mr. Bomba concurred noting that Mr. Hughes has given a lot of time and effort to make the City of Derby a better place. He really completes this board and he said it would be his honor to nominate Ken Hughes as President of the Board of Aldermen for 2007.

A MOTION was made by Mr. Bomba with a second by Mr. Sill (stating that it was his pleasure) to nominate Kenneth Hughes as President of the Derby Board of Aldermen for 2007.

DISCUSSION ON MOTION

Mr. Devonshuk said that he is looking forward to having Mr. Hughes lead the board into their second year. Mr. Szewczyk concurred.

MOTION CARRIED.

APPROVAL OF BOARD OF ALDERMEN 2007 MEETING DATES

- January 25, 2007
- February 22, 2007
- March 22, 2007
- April 26, 2007
- May 24, 2007
- June 28, 2007
- July 26, 2007
- August 23, 2007
- September 27, 2007
- October 25, 2007
- November 29, 2007
- December 27, 2007

All meetings will commence at 7:00 p.m. at the City Hall, Aldermanic Chambers (2nd floor) 1 Elizabeth Street, Derby, CT.

A MOTION was made by Mr. Hughes with a second by Mr. Benanto to adopt the 2007 Board of Aldermen meeting dates as presented. **Motion carried.**

APPROVAL OF BOARD OF ALDERMEN SUB-COMMITTEES

Mr. Hughes said last year the sub-committees were formed very quickly in order to commence work on all the outstanding projects in the City. He would like to propose two new aldermanic sub-committees:

❖ *Community Relations (Also the Road/School Bond Committee)*
City-wide development (not including redevelopment)
Blight and Zoning Matters

Members: Ken Hughes, Ron Sill, Anthony Szewczyk, Dennis Devonshuk)

❖ *Operations and Procedures*

Works with various City Departments, Personnel, Authorities, Boards and Commissions upon request.

Members: Joseph Bomba, Scott Boulton, Jay Benanto, Beverly Moran

Alternate to both committees: Matthew DeBarbieri

Mr. Hughes noted there would be four members on each board. The reason for this is if there was five it would be considered a full quorum of the Board of Aldermen. He stated that Mr. DeBarbieri volunteered to be an alternate. The board members agreed that by streamlining the process it would make for a more productive and effective process.

A MOTION was made by Mr. Sill with a second by Mr. Bomba to adopt the two new sub-committees as formed.

DISCUSSION ON MOTION

Mr. Devonshuk asked about the meeting schedules for the committees. Mr. Hughes said that would be decided on at the organizational meeting of each sub-committee.

MOTION CARRIED.

COMMITTEE REPORTS

Downtown Committee

Vendor Application Approval – Downtown Sub-Committee Recommendations:

- **Magic Kitchen – Derby Railroad Station** – Mr. Hughes noted that in November 2006 the Board of Aldermen approved this application with the condition that they seek a different location. The Magic Kitchen will operate at the railroad station on Saturday afternoons and all day Sunday when the Metro Cafe is closed on those dates.
- **Jim's Ice Cream** – Mr. Hughes stated that all the paperwork is completed and in order and it is the recommendation of the Downtown Committee to approve this vendor application.

A MOTION was made by Mr. Sill with a second by Mr. Szewczyk to approve the Vendor Application for Jim's Ice Cream. **Motion carried.**

- **Nicholas Dog House – Roosevelt Drive (Across from McConney's Farm)** – Mr. Hughes stated that all the paperwork is completed and in order and it is the recommendation of the Downtown Committee to approve this vendor application.

A MOTION was made by Mr. Bomba with a second by Mr. Szewczyk to approve the Vendor Application for Nicholas Dog House. **Motion carried.**

DEPARTMENT REPORTS

Public Works Department (Ronald J. Culmo, Director) - Mayor Staffieri stated that Mr. Culmo could not attend this evening's meeting. No questions were asked. Report placed on file.

Fire Marshal Report (Philip A. Hawks Fire Marshal) – Mr. Hawks said his report was submitted to the Town Clerk. Mr. Hughes asked Mr. Hawks about the outstanding violations at the old City Hall. Mr. Hawks noted that there are still outstanding violations that need to be rectified. He knows that there are still problems with the hand railings. The previous administration began working on the violations. Mr. Bomba suggested that Mr. Hawks tour the building again and report back to the full Board of Aldermen. Report placed on file.

Building Department Report (David L. Kopjanski, Building Official/Zoning Enforcement Officer) – Mr. Kopjanski stated that in addition to the December report he has also included the year end report, which is required by Ordinance. Mr. Devonshuk asked Mr. Kopjanski how the City fared this year versus other years. Mr. Kopjanski noted that the permits were a little less this year. Reports placed on file.

Blight Report (David L. Kopjanski, Building Official)-It was noted that there is a property still appearing on the Blight List that has been settled. Mr. Hughes said the property owner has already appeared before the Board of Aldermen regarding this matter. It was noted that this would be looked into and settled before the next meeting. Report placed on file.

TAPE RESUMED RECORDING AT THIS POINT

Police Department Report (Chief Eugene Mascolo) - **NOTE: Report was not included in the packets mailed out to board members. Chief Mascolo noted that the report was delivered to Laura Wabno as requested.** Chief Mascolo reviewed his monthly report for the board. He noted that there are a number of categories in the report. Part of the report contains items for the upcoming budget period, which they have begun work on. The Chief commented on the decrease in crime the past month. He stated there was an increase in motor vehicle accidents, which he attributes to holiday travel. He said they are looking at reducing electricity consumption at the station by implementing more efficient lighting and motion detector switches. The Chief stated that he was in touch with the Board of Education and they are going to refer him to the vendor who they are using to get a proposal. He noted that the Board of Aldermen gave him the authorization to transfer some of the equipment from the old fitness room to Derby High School; that equipment has been delivered to the school and the police are waiting for their new equipment to be delivered. The Chief stated that when the time comes to dispose of city-owned property he must receive permission from the Board of Aldermen, which is not a problem. The problem occurs when they actually have to get rid of the property. He informed the board members that there is a company called www.propertyroom.com and they come and remove the equipment, which then goes to auction and then returns the proceeds back to the City. The Chief stated that Property Room.Com is available to come and speak to a subcommittee to

explain their program. He noted that currently at the police station they have bicycles, typewriters, computers (no longer serviceable) and this is a way to get some compensation back from these wares. Chief Mascolo said they are working in conjunction with the Public Works department on the upgrading of the stop signs in the city. He noted that they just allocated \$1,200 for approximately thirty stop signs. He also informed the board that they are in the process of hiring at least four patrolmen. He said they need two new patrolmen transitioned to the full time department and they will need two patrolmen to cover Chief Cota's retirement and the tentative retirement of Sgt. Donald Margiano. He stated that the Lieutenant's test is scheduled for February 21st and the Sergeant's test will need to be scheduled after that. The Chief said they are making good progress with contract negotiations; they are meeting again on February 3rd. Chief Mascolo then discussed the dog ban on the Greenway Trail. He noted that there was some confusion over what charge to use initially; that is now cleared up. Although there is not an ordinance in place the authoritative body for the City has made a decree that dogs are not allowed on the Greenway. The Police Department will ask anyone on the Greenway Trail with a dog to leave. If they do not comply with that request they will be issued a summons for disorderly conduct. Chief Mascolo said they are working with the school district on the "Juvenile Review Board." The Board is a committee made up of the community and it can entertain juveniles referred to the juvenile justice system for minor criminals. He said the juveniles would appear before the "Juvenile Review Board" and they would be diverted from the criminal justice system, who conducts oversight of the program, and they would get community service for a number of programs. They would still receive some type of consequence for their behavior and it would keep them out of the criminal justice system. He noted that there still needs to be work on this program and that it would also lay the groundwork for our "Youth Services Bureau." He also noted that the school district made a request to put together a team of narcotic dogs to assist with locker searches at the High School. He said the key issues there are they don't go to the school unless the Board of Education asks for their help and once they are there they will work with the school on the consequences. The Chief said he wanted to clarify this point since it was stated that no one would be arrested. He noted there may be a severe situation that an arrest would have to be made, however they will be working with the school.

Mayor Staffieri noted as a point of clarification that this is not being done because the City of Derby's school system has a drug problem. This is a preventative measure that other cities and schools do. This is done so any potential troublemakers have second thoughts.

Chief Mascolo said there was some concern with bringing this to light before the searches commence. He said they are looking for the deterrent so that there are no drugs in the school. The Chief also stressed that this is being done not because there is a problem; it is being done as a deterrent.

Mr. Szewczyk asked the Chief with the hiring of the new patrolmen will more cars be needed?

Chief Mascolo said the same amount of people will be working – we will be able to rotate schedules and cut down on the overtime.

Parking Authority Report (Leo Moscato, Chairman)-Mr. Moscato read the following statement into the record:

Honorable Mayor Anthony Staffieri, Board of Aldermen –

The Parking Authority of the City of Derby is prepared to issue the following report:

As the Chairman of the newly appointed Parking Authority is it my pleasure to provide you with the following information. As of April 2006, we have assessed and completed major preventive maintenance work to the ramp garage. This work includes roof replacement on both stairwell towers, filling in of potholes, power washing the exterior panels to remove grime, power washing all decks to remove calcium chloride that produce residue from salt. All catch basins were cleaned for proper water drainage. Replacement of top level exterior steel stairs and newly painted space striping were completed. The Elizabeth Street stairwell has been refurbished; this included power washing, crack filler, and it was repainted. The biggest upgrade savings was due to the *Light the Night Program* offered by the U.I. Company. We purchased an additional 54 lights to properly flood our garage with acceptable lumens. Of the nearly \$30,000.00 cost we will reimburse the U.I. Company half of that amount in monthly installments over a period of three years at 0% interest.

Our video surveillance system was upgraded with new cameras at all entrances and exits. This new system allows us to record continuously through the use of a digital recording device. The landscape (on the Olivia Street side) has been manicured and will be maintained as needed. Our custodian continues to clean the interior and exterior facility including the street curbs on a daily basis. We have also purchased new rubbish containers for patrons to conveniently discard litter.

We are happy to report use of the garage has risen in the evening hours 300%. A newly installed neon sign hung on the corner of Thompson Place and Elizabeth Streets clearly directs patrons to the facility. A new personnel booth was positioned on the control system to replace the obsolete system for accurate revenue accountability. This new system went out to bid and ultimately will save over ten thousand dollars with the exact same system of the rival bid.

Due to constant malfunctioning of 30 year old parking meters, it was necessary to go to bid for new meters. These meters will be fit with an extremely attractive pole sleeve as shown in the picture enclosed. Both the access control system and meters are financed through a leasing company for a period of three years before ownership is then ours. Both leases will be paid for from monies generated from the meters itself.

An additional parking agent has been hired to enforce all parking regulations in the downtown vicinity.

Stacks of lumber that were stored in the municipal lot on lower Caroline Street have been removed to provide parking for Life Touch Studio, Housatonic Lumber and local merchants.

The Parking Authority is pleased with the renovations they have made to the Municipal Parking Garage. However, we are aware that we need to continue to analyze the restoration of this structure for future use.

We feel our downtown during day and evening is one of the most popular locations in the Naugatuck Valley. Therefore, it is necessary to provide businesses with an accessible place for patrons to park their cars in a convenient location. It is important to note the taxpayers of the City of Derby do not subsidize our parking facility. The Derby Parking Garage is maintained on the funds it generates from monthly parkers, daily parkers, contractual parkers, parking ticket violations, and money collected from meters.

Respectfully, Leo P. Moscato, Jr., Chairman; Joseph Moore; Anthony Szewczyk; John Moran; John Dorosh

Mayor Staffieri commended Mr. Moscato and his authority on a fine job. The garage now looks attractive for visitors to use. The business owners have also commented on how well the garage looks.

Mr. Sill stated that it is really nice to see such a detailed report. Mr. Hughes said it is important to note that all this work has been done within a year. Mr. Moscato said everyone has worked very hard to get us to where we are now. He also noted that they are going to looking at grants to further the improvements at the garage.

 **MAYOR STAFFIERI SAID HE WOULD NEED A MOTION TO ADD THE FIRE DEPARTMENT REPORT TO THE AGENDA.**

A MOTION was made by Mr. Hughes with a second by Mr. Boulton to add the Fire Department Report to the agenda. **Motion carried.**

FIRE DEPARTMENT REPORT (Fire Commissioner Kelly Curtis)

Mr. Curtis provided the board members with a copy of his report. On the front page of the report is a listing of all 2007 Derby Fire Department Officers. On the second page of the report is a list of names for Fire Police, which Mr. Curtis said by Charter he must present to the Board of Aldermen members. The six names are:

James McGuire – Co. #1
Ted Hawks, Jr., - Co. #1
Ray Allen – Co. #1
Mike McKnight – Co. #4
Robert Guluzzy – Co. #4
Peter DiDonato – Co. #4

Mr. Curtis noted that two of the six members are in their 80's. He said a lot of people don't want to participate.

Mr. Curtis said he would like to ask the City's permission to have the room at the Hotchkiss Hose Company, which was once the City Hall Annex turned over to the Derby Fire Department. He said the room has bounced back and forth between the City of Derby and the Hotchkiss Hose and has not been maintained by the City over the past several years. Commissioner Curtis said they would like to use the room for storage and a training area. He noted that the water and heating oil costs for the room currently come out of the fire department budget. He also stated that the furnace and air conditioning replacements as well as the door and window replacements are coming out of the LoCIP line item for the fire department. Mr. Curtis said he cannot remember the last time the City used the room.

Mr. Sill said whenever the City did seek to use the room it was usually too small and they ended up going in to the Fire House meeting room.

Mayor Staffieri said he feels this would be a good idea for a sub-committee to review with the Fire Department and come back and report to the full Board of Aldermen. It was noted that another reason the room was used for City meetings was due to the lack of handicap accessibility at the former City Hall.

Mr. Curtis then informed the board members that every year \$10,000 is put into capital planning for vehicle upgrades. He noted that the money has been used in the past for a new Chief's vehicle. Back in 2003 with the previous administration there was discussion with the Finance Board and the Board of Aldermen that a new Chief's car would be purchased. The vehicle was purchased in 2003. He said the vehicle before that purchase was ten years old and spent more time getting repaired. In 2003 it was suggested that a new Chief's vehicle be bought as a lease with a purchase of \$1.00 at the end of the four years. The last payment on the vehicle was made in June 2006. They would like to use the \$10,000 appropriation to acquire another Chief's vehicle while this vehicle is still holding value. He noted there are three options: there is an interest by the Fire Marshal's Office for the vehicle; Storm Ambulance for their "Fly Car"; or a trade-in. The Storms have offered \$7,500 to purchase the vehicle. The trade-in price is \$7,000. Mr. Curtis said he is not sure what the Fire Marshal's Office would offer. He said the costs of the truck with the lights and radio will come in a little over \$43,000.00; with the trade-in it would be approximately \$34,000, which would enable them to stay within the \$10,000 limit for the next four years. He said if they wait another year the cost of the vehicle will rise approximately 10%, the value of the vehicle will decline \$2,000 to \$3,000 and they will not be able to do a four year lease. He said he doesn't think it is feasible to wait another year. The \$10,000 has nothing to do with the Board of Apportionment & Taxation. The \$10,000 does not have to be used for a vehicle; however it is up to the Board of Aldermen how the money is to be spent. Mr. Curtis stated that Chief Sampson has put a lot of time and effort into gathering this information and can answer any questions that the board has.

Mayor Staffieri noted that Commissioner Curtis has presented some good options. It seems that this is a proper time to do something with this vehicle. He noted that the research that has been done to date on this subject is impeccable.

Commissioner Curtis noted that the previous Chief's vehicle was an S-10 Blazer. We held onto that vehicle for so long that by the time Gary Parker was appointed Chief he wouldn't use the vehicle because it wasn't dependable. The vehicle was being repaired more than it was being used. The vehicle really is used differently than any other vehicle. There is no time to warm it up when a call comes in. Mayor Staffieri said the time comes when you spend more money in repairs. Mr. Hughes asked Mr. Curtis what was the timeframe? Mr. Curtis said there really isn't a timeframe for a decision; however he would like to have an answer as soon as possible. Mr. Szewczyk suggested that the Fire Department work with one of the subcommittees and that the subcommittee make the decision for the entire board. Mayor Staffieri said that he feels between now and the next meeting a course of action can be decided on and that this is something the Operations & Procedure sub-committee can work on. Mr. Curtis told the members to feel free to contact either himself or Chief Sampson. Mr. Curtis also submitted a copy of the inventory list that the "TAC-51" vehicle contains. He also informed the board members that they finally have the painting problem at the Paugasset Hook & Ladder Co. straightened out and he would request that Mr. Sill view the work. He noted that a majority of the computers have been installed. He also has received six bids for the building repairs, which he will ask Gary Parker to review since he has done many bid reviews over the years. Mr. Sill also suggested that Mr. Curtis have Mr. Szewczyk review the bids.

Chief Sampson said he looks forward to helping the citizens of Derby. He said the Fire Department is going to look to take on new tasks as he stated earlier in the public portion.

Mr. Hughes stated that Corporation Counsel Coppola has pointed out that per the City of Derby Charter Section 21-6 we need to approve the appointment of the Fire Police members.

A MOTION was made by Mr. Hughes with a second by Mr. Benanto to approve the six names submitted by Commissioner Curtis for the Fire Police. **Motion carried.**

APPOINTMENT APPROVAL – RANDALL COLETTE – CONSTABLE (REPLACING JOSEPH PINTO)

A MOTION was made by Mr. Szewczyk with a second by Mrs. Moran to approve the appointment of Randall Colette as Constable replacing Joseph Pinto. **Motion carried.**

CONSIDERATION AND ACTION ON ONE (1) OR MORE RESOLUTIONS APPROVING APPROPRIATIONS AND BORROWING AUTHORIZATIONS FOR SCHOOL PROJECTS, ESTABLISHING THE PARTICULARS OF REFERENDUM VOTES ON SUCH RESOLUTIONS, AND AUTHORIZING THE PREPARATIONS AND DISTRIBUTIONS OF EXPLANATORY TEXTS IN CONNECTION WITH SUCH REFERENDUM VOTES.

Mr. Hughes asked the City Treasurer, Keith McLiverty, if he would like to comment on this. Mr. McLiverty said in accordance with the motion that was passed Tuesday evening two resolutions and two bond questions were drafted. The first question

addresses the 6th, 7th, and 8th new school on the current High School property for a total of \$28,000,000. The second question addresses the 7th & 8th grade free-standing building and an addition at Bradley School for a total of \$23,190,000. Both resolutions and the draft language for the ballot questions are in front of the board this evening. March 13, 2007 has been set for a referendum date. Mr. McLiverty said there are a series of resolutions that need to be adopted tonight and then the Board of Apportionment & Taxation will meet on Monday night to adopt. The information needs to be published in the newspaper no later than Tuesday, February 6, 2007.

A MOTION was made by **Mr. Hughes** to present the resolution entitled "Resolution Appropriating \$28,000,000 for Design, Construction, Furnishing, and Equipping of a new Grades 6 through 8 Middle School Facility to be located on the Derby High School site, and authorizing \$28,000,000 of Bonds, Notes, and Temporary Notes to Defray said Appropriation," for adoption, subject to the approval of the Board of Apportionment & Taxation and of the legal voters of the City.

RESOLUTION APPROPRIATING \$28,000,000 FOR DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF A NEW GRADES 6 THROUGH 8 MIDDLE SCHOOL FACILITY TO BE LOCATED ON THE DERBY HIGH SCHOOL SITE, AND AUTHORIZING \$28,000,000 OF BONDS, NOTES AND TEMPORARY NOTES TO DEFRAY SAID APPROPRIATION.

BE IT RESOLVED:

- a) That the City of Derby appropriate TWENTY-EIGHT MILLION DOLLARS (\$28,000,000) for costs in connection with: (1) the design, construction, furnishing and equipping of a new three-story, approximately 72,500 square foot, approximately 420 student capacity middle school facility serving the 6th, 7th and 8th grades to be located on the Derby High School site on Nutmeg Avenue in Derby; (2) related site and other improvement, and (3) the financing of the project appropriation. The appropriation may be spent for design, construction, acquisition and installation costs, related site and other improvements, equipment, furnishings, materials, technology infrastructure, moving, storage and other temporary relocation costs, utility installation and relocation, permit fees, survey and study costs, architect, engineering and other consultant fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project and its financing. The School Building Committee as approved by the Board of Aldermen for the project is authorized to determine the scope and particulars of the project and to reduce or modify the scope of the project, and the entire appropriation may be expended on the project as so reduced or modified. The City anticipates receiving a grant commitment from the State of Connecticut Department of Education for approximately 67.86% of the fully eligible costs of the project.
- b) That the City issue its serial bonds or notes, in an amount not to exceed TWENTY-EIGHT MILLION DOLLARS (\$28,000,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the City for the project to the extent that such grants are not separately appropriated to pay additional project costs. The

bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the City secured by the irrevocable pledge of the full faith and credit of the City.

- c) That the City issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWENTY-EIGHT MILLION DOLLARS (\$28,000,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision 1958, as amended. The notes shall be general obligations of the City and shall be secured by the irrevocable pledge of the full faith and credit of the City. The City shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.
- d) The Mayor and the Treasurer shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor and the Treasurer are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the City in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.
- e) That the City hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor and the Treasurer are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the City pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.
- f) That the Mayor and the Treasurer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

- g) That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.
- h) That the School Building Committee as approved by the Board of Aldermen for the project is vested with the following powers and duties: to approve design and construction expenditures for the project pursuant to contracts therefore duly executed by the Mayor, and to exercise such other powers as are necessary or appropriate to complete the project. Committee members shall not receive any compensation for their services. Necessary expenses of the Committee shall be included in the cost of the project. The records of the Committee shall be filed with the Town/City Clerk and open to public inspection during normal business hours. Upon completion of the project, the Committee shall make a complete report and accounting to the Mayor and the Board of Aldermen.
- i) That the Mayor, the Treasurer, the Board of Education, the School Building Committee as approved by the Board of Aldermen for the project and other proper officers and officials of the City are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and to obtain grants to finance the aforesaid appropriation.
- j) That this resolution is subject to the approval of the Board of Apportionment & Taxation and a majority of the legal voters of the City voting at a referendum to be called on this resolution.

A copy of this said resolution will be on record with the Town Clerk.

SECOND TO MOTION BY MR. BOULTON. MOTION CARRIED UNANIMOUSLY.

Mr. Hughes made a motion to present the following Resolution:

RESOLVED, that in accordance with Section 93 of the Charter of the City of Derby, the foregoing bond resolution be voted upon by the legal voters of the City of Derby at a special meeting to be held on Tuesday, March 13, 2007, between the hours of 6:00 a.m. and 8:00 p.m. at the normal polling places of the City.

FURTHER RESOLVED, that the question to be submitted to the voters shall be substantially as follows:

"SHALL THE CITY OF DERBY APPROPRIATE \$28,000,000 FOR DESIGN, CONSTRUCTION, FURNISHING, AND EQUIPPING OF A NEW GRADES 6 THROUGH 8 MIDDLE SCHOOL FACILITY TO BE LOCATED ON THE DERBY HIGH SCHOOL SITE, AND AUTHORIZE THE ISSUANCE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION?"

Those in favor of said bond issue will vote "yes," and those opposed to said bond issue will vote "no." The Town/City Clerk cause a notice of said referendum vote to be published and posted at least thirty days prior to the referendum date.

FURTHER RESOLVED, that the Town/City Clerk is authorized to prepare a concise explanatory text regarding said resolution, such text to be subject to the approval of the City's Corporation Counsel, and the Board of Aldermen, and to be prepared and distributed in accordance with Section 9-369b of the General Statutes of Connecticut, Revision of 1958, as amended.

SECOND TO MOTION BY MR. SILL. MOTION CARRIED UNANIMOUSLY.

A MOTION was made by **Mr. Hughes** to present the resolution entitled "Resolution Appropriating \$23,190,000 for Design, Construction, Furnishing, and Equipping of a new Grades 7 through 8 Middle School Facility to be located on the Derby High School site, and a Two Classroom Addition to Bradley School, and Authorizing \$23,190,000 of Bonds, Notes, and Temporary Notes to Defray said Appropriation, If the New Grades 6 Through 8 Middle School Facility Project is Not Approved by Referendum Vote of the Voters of the City" for adoption, subject to the approval of the Board of Apportionment & Taxation and of the legal voters of the City.

RESOLUTION APPROPRIATING \$23,190,000 FOR DESIGN, CONSTRUCTION, FURNISHING, AND EQUIPPING OF A NEW GRADES 7 THROUGH 8 MIDDLE SCHOOL FACILITY TO BE LOCATED ON THE DERBY HIGH SCHOOL SITE AND A TWO CLASSROOM ADDITION TO BRADLEY SCHOOL, AND AUTHORIZING \$23,190,000 OF BONDS, NOTES AND TEMPORARY NOTES TO DEFRAY SAID APPROPRIATION, IF THE NEW GRADES 6 THROUGH 8 MIDDLE SCHOOL FACILITY PROJECT IS NOT APPROVED BY REFERENDUM VOTE OF THE VOTERS OF THE CITY.

BE IT RESOLVED:

- a) That the City of Derby appropriate TWENTY-THREE MILLION ONE HUNDRED NINETY THOUSAND DOLLARS (\$23,190,000) for costs in connection with: (1) the design, construction, furnishing and equipping of a new two-story, approximately 50,000 square foot, approximately 280 student capacity middle school facility serving the 7th and 8th grades to be located on the Derby High School site on Nutmeg Avenue in Derby; (2) the design, construction, furnishing and equipping of a two-story, approximately 2,500 square foot, two classroom addition to Bradley School on David Humphreys Road in Derby; (3) related site and other improvements, and (4) the financing of the project appropriation. The middle school component of the project is contemplated to be completed substantially in accordance with conceptual drawings entitled "Proposed Stand-Alone", "Stand-Alone First Floor Plan" and "Stand-Alone Second Floor Plan" from the study entitled "Feasibility Study for the Derby Middle School" dated October 16, 2006, and prepared by DeCarlo & Doll, Inc. The appropriation may be spent for design, construction, acquisition and installation costs, related site and other improvements, equipment, furnishings, materials, technology infrastructure,

moving, storage and other temporary relocation costs, utility installation and relocation, permit fees, survey and study costs, architect, engineering and other consultant fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project and its financing. The School Building Committee as approved by the Board of Aldermen for the project is authorized to determine the scope and particulars of the project and to reduce or modify the scope of the project, and the entire appropriation may be expended on the project as so reduced or modified. The City anticipates receiving a grant commitment from the State of Connecticut Department of Education for approximately 67.86% of the fully eligible costs of the project.

- b) That the City issue its serial bonds or notes, in an amount not to exceed TWENTY-THREE MILLION ONE HUNDRED NINETY THOUSAND DOLLARS (\$23,190,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the City for the project to the extent that such grants are not separately appropriated to pay additional project costs. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the City secured by the irrevocable pledge of the full faith and credit of the City.
- c) That the City issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWENTY-THREE MILLION ONE HUNDRED NINETY THOUSAND DOLLARS (\$23,190,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision 1958, as amended. The notes shall be general obligations of the City and shall be secured by the irrevocable pledge of the full faith and credit of the City. The City shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.
- d) The Mayor and the Treasurer shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor and the Treasurer are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the City in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.
- e) That the City hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from

grant moneys) the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor and the Treasurer are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the City pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

- f) That the Mayor and the Treasurer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.
- g) That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.
- h) That the School Building Committee as approved by the Board of Aldermen for the project is vested with the following powers and duties: to approve design and construction expenditures for the project pursuant to contracts therefore duly executed by the Mayor, and to exercise such other powers as are necessary or appropriate to complete the project. Committee members shall not receive any compensation for their services. Necessary expenses of the Committee shall be included in the cost of the project. The records of the Committee shall be filed with the Town/City Clerk and open to public inspection during normal business hours. Upon completion of the project, the Committee shall make a complete report and accounting to the Mayor and the Board of Aldermen.
- i) That the Mayor, the Treasurer, the Board of Education, the School Building Committee as approved by the Board of Aldermen for the project and other proper officers and officials of the City are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and to obtain grants to finance the aforesaid appropriation.
- j) That this resolution is subject to the approval of the Board of Apportionment & Taxation and a majority of the legal voters of the City voting at a referendum to be called on this resolution.
- k) That this resolution shall not take effect if a majority of the legal voters of the City of Derby voting at a referendum to be held concurrently with the referendum

vote hereon approve the resolution adopted by the Board of Aldermen at meeting held January 25, 2007 appropriating \$28,000,000 for costs in connection with the new grades 6 through 8 middle school facility to be located on the Derby High School site and authorizing the issuance of bonds and notes to finance said appropriation.

SECOND TO MOTION BY MR. SZEWCZYK.

DISCUSSION ON MOTION

Mr. Devonshuk – Just a quick question – item K. on the second resolution I'm just looking for a comparison between the two. Is that supposed to be the same?

Mr. McLiverty – No they're not supposed to be the same. Remember the second question only is valid if the no's exceed the yes's on the first question. That's why "K" is in there.

Mr. Devonshuk – The other question is item A. in the second resolution actually puts in detail regarding the feasibility study, etc... so we don't call out that same detail in item A. of the original question.

Mr. McLiverty – That's a very good catch Dennis. Remember they don't have any conceptual drawings for the 6th, 7th or 8th so we can't reference drawings that don't exist. But we do have drawings for the 7th & 8th free-standing at Bradley – that's the difference.

MOTION CARRIED UNANIMOUSLY.

Mr. Hughes made a motion to present the following Resolution:

RESOLVED, that in accordance with Section 93 of the Charter of the City of Derby, the foregoing bond resolution be voted upon by the legal voters of the City of Derby at a special meeting to be held on Tuesday, March 13, 2007, between the hours of 6:00 a.m. and 8:00 p.m. at the normal polling places of the City.

"SHALL THE CITY OF DERBY, IF THE NEW GRADES 6 THROUGH 8 MIDDLE SCHOOL FACILITY PROJECT IS NOT APPROVED, IN LIEU THEREOF APPROPRIATE \$23,190,000 FOR DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF A NEW GRADES 7 THROUGH 8 MIDDLE SCHOOL FACILITY TO BE LOCATED ON THE DERBY HIGH SCHOOL SITE AND A TWO CLASSROOM ADDITION TO BRADLEY SCHOOL, AND AUTHORIZE THE ISSUANCE OF BONDS, NOTES, AND TEMPORARY NOTES IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION?"

Those in favor of said bond issue will vote "yes," and those opposed to said bond issue will vote "no." The Town/City Clerk cause a notice of said referendum vote to be published and posted at least thirty days prior to the referendum date.

FURTHER RESOLVED, that the Town/City Clerk is authorized to prepare a concise explanatory text regarding said resolution, such text to be subject to the approval of

the City's Corporation Counsel and the Board of Aldermen, and to be prepared and distributed in accordance with Section 9-369b of the General Statutes of Connecticut, Revision of 1958, as amended.

SECOND TO MOTION BY MR. SZEWCZYK. MOTION CARRIED UNANIMOUSLY.

CITY OF DERBY FLAG – DISCUSSION AND OPTIONS. POSSIBLE DECISION AND ACTION

The Board members reviewed the flag options that were presented.

A MOTION was made by Mr. Sill with a second by Mr. Bomba to adopt the City Flag which incorporates the black letters, the black rim and gold stars around the seal.

DISCUSSION ON MOTION

Mr. Devonshuk asked who designed the flag. Mayor Staffieri said it is the same person who created the City Seal – Maryann Feroce, who is the Derby High School Art Teacher.

TAX ABATEMENT: 250-255 MAIN STREET AND FIRST STREET – 2005 GRAND LIST

A MOTION was made by Mrs. Moran with a second by Mr. Szewczyk to authorize the Tax Collector to abate the 2005 Grand List taxes for 250-255 Main Street and First Street in the amount of \$1,880.09 on list #3487 and \$169.26 on list #3488. **Motion carried.**

REFUND OF EXCESS TAXES PAID THROUGH 1/18/07

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the refund of excess taxes paid through 1/18/07 in the amount of \$831.24 as submitted by Tax Collector Cinda B. Buchter. **Motion carried.**

FINANCE COMMITTEE APPOINTMENT OF JOSEPH SZEWCZYK

Mayor Staffieri informed the board members that Barbara Dybas has submitted her letter of retirement and that he would like to nominate Joseph Szewczyk to fill the position.

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the appointment of Joseph Szewczyk to the Finance Committee. **Anthony Szewczyk abstained from voting. Motion carried.**

ADJOURNMENT

A MOTION was made by Mr. Sill with a second by Mrs. Moran to adjourn the meeting at 9:13 p.m. **Motion carried.**

Respectfully submitted,

Patricia Finn
Recording Secretary