

DERBY BOARD OF ALDERMEN SPECIAL MEETING

DERBY CITY HALL – AUGUST 30, 2007 - 7:00 P.M.

MINUTES

The Honorable Mayor Anthony Staffieri called the Special Meeting to order at 7:00 p.m. All rose and pledged allegiance to the flag.

MOMENT OF SILENCE FOR JOSEPH AHEARN AND STATE REPRESENTATIVE RICHARD BELDEN

Mayor Staffieri asked that everyone remain standing for a Moment of Silence for State Representative Richard Belden and former Board of Apportionment & Taxation Chair Joseph Ahearn who both passed away last week.

Mayor Staffieri - Joe Ahearn spent many years serving the people of Derby as a member of the Board of Apportionment & Taxation. He also spent many years on the City's Pension Committee. Joe had a wonderful hobby – he often traveled to see his Notre Dame Football team play in Indiana. Born and raised in Derby we owe much to Joe for his years of service.

Mayor Staffieri – In my time in knowing Dick Belden I took an immediate liking to him; he was a kind man. A man who when he saw injustice he worked hard to correct it. Even though he didn't live in Derby nor did he officially represent Derby in Connecticut's General Assembly, he was always there for us whenever we needed his advice and support. Dick was the longest serving member of the Connecticut House of Representatives. He served with distinction for 28 years. He was born in Derby and like all of us no matter where he was Derby was his home. Shelton, Derby, the Valley and the complete State of Connecticut has lost a dear friend.

Mayor Staffieri then welcomed new board member John Boanno who replaced Dennis Devonshuk

Roll Call

Present: Kenneth J. Hughes, Joseph M. Bomba, Anthony Szewczyk, Matthew DeBarbieri, Ron Sill, Scott M. Boulton, John Boanno, Beverly Moran (arrived at 7:12 p.m.)

Absent: James J. Benanto, Jr.

Also Present: The Honorable Mayor Anthony Staffieri
Philip Robertson, Chief Administrative Officer
Sheila O'Malley, Economic Development Director
David L. Kopjanski, Building/Zoning/Blight Official
Ronald Culmo, Director, Public Works
Chief Eugene Mascolo, Derby Police Department
Keith A. McLiverty, City Treasurer (arrived at 7:35 p.m.)
Martin Hubbard, Chair, Board of Education
Leo Moscato, Jr., Director, Derby Parking Authority
Kathi Ducharme, Board of Education Member (arrived at 8:05 p.m.)
Joseph T. Coppola, Corporation Counsel

ADDITIONS/DELETIONS/CORRECTIONS TO THE AGENDA

Mr. Hughes noted that as this is a Special Meeting there are no additions to the agenda. There is one correction to the agenda:

- Item #20 – Parks & Recreation – should read “Clynch” not “Church”

PUBLIC PORTION

Arthur Navarro, 83 Old Orchard Road, Clinton, CT – For some reason – I have the flower business next to Krauzer's – for some reason I was omitted from this agenda – I'm not really sure. I was on for last week but omitted for this week. I did go to the subcommittee meeting and got that all settled. I was waiting for last week and then it got transferred to this one. Should I continue – I know this is a special meeting...

Mr. Hughes – You can continue – Mr. Mayor he will be under the committee reports. That's when we'll deal with it.

Mr. Navarro – Okay that would be great. Just to let everyone know who hasn't known me in the past I do sell flowers 365 days a year – 7 days a week including Christmas, Thanksgiving, whatever. I open gifts with my kids on Christmas and then I'm off to work. I haven't seen Thanksgiving dinner before 5:00 p.m. in fifteen years. My business here in Derby is not a hobby; it's part of my business. I have three full-time employees and basically rely on all of my businesses, including here in the City of Derby. When I sat with the subcommittee members I pretty much answered quite a few questions – we kind of hashed over a few things formally and informally. I would be glad to answer any questions now or when it comes up for a vote I would be more than happy to answer any questions then. I'm a terrible public speaker so I apologize but I will do my best. That's pretty much it. Thank you.

Arlene Yacobacci, 10 Lombardi Drive, Derby, CT – It's been brought up many times before about the agenda being very vague about what is to be discussed. Once again tonight there are items where the public does not know what to comment about until after the public portion is over. So how can you take possible action on something that the public has not been able to comment on? The next issue is the blighted building owned by the developer. Has the City collected any fines yet as there seems to be no activity on the site. And then the last issue that I have is I had previously asked about the right-of-way on First Street and now that the south side of Main Street is all graded when will the business owners be able to access the right-of-way? Thank you.

Harvey Finkel, 270 Shagbark Drive, Derby, CT – In regard to the agenda I noticed a selection of a committee on the property on the corner of Marshal Lane and Sodom. Being from that side of town I didn't know how one goes about serving the City of Derby. I would like to put myself forward to volunteer to serve on any committee that might be coming forward for that purpose.

Mayor Staffieri – At the end of the meeting if you can give me your name and phone number I will talk to you more about that. We want people to get involved.

Leo Moscato, Jr., Director, Derby Parking Authority, 34 Lewis Street, Derby, CT – I would just like to say since this is Mr. DeBarbieri's last day that he will be missed – your humor, your common

sense and your care for education and other issues in the City is commendable. Thank you for your service.

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 THE JULY 26, 2007 REGULAR MEETING

A MOTION was made by Mr. Sill with a second by Mr. Szewczyk to approve the minutes of the July 26, 2007 regular meeting as presented. **Motion carried.**

COMMITTEE REPORTS

- *Community Relations* – Mr. Szewczyk said it is slow but painful; but it's steady and sure. They are making progress on the Architectural Review Board, especially with the help from Ted Estwan, Chair of the Planning & Zoning Commission. He said they all seem to be on the same page. He did note that they are all in agreement that there does need to be guidelines regarding new construction in the City. Mr. Szewczyk said he has no problem with Mr. Navarro's application as long as all the paperwork is in order. Mr. Sill noted that the paperwork has been reviewed and all is in order.

A MOTION was made by Mr. Hughes with a second by Mr. DeBarbieri to approve the Vendor Application Permit for Art Navarro. **Motion carried.**

- *Operations & Procedures* – Mr. Bomba stated that the committee did not meet in July.

DEPARTMENT REPORTS

- **BOARD OF EDUCATION REPORT – JULY 2007 (Martin Hubbard, Chair, Board of Education)**

Mr. Hubbard passed along Dr. Robinson's apologies for missing the meeting. He noted that she is visiting her father who is ill. He said everyone should have received the minutes of the Board of Education meeting and asked if anyone had any questions.

Mr. Szewczyk asked when is the Board of Education going to purchase a new tape recorder. Mr. Hubbard said they have been battling this for a long time. Mr. Szewczyk noted that the price of a tape recorder is pocket change. Mr. Hubbard said he feels that they need a recording secretary attending the meetings. Right now the meetings are taped and the minutes prepared from the tape. Mayor Staffieri asked if anyone from the Board of Education could serve as recording secretary. If not, has anyone asked Laura Wabno for the list of names of individuals who prepare minutes for other meetings? Mr. Hubbard said there are plenty of names; however they will only prepare the minutes from a tape recording, not attend the meeting. He said he feels the length of some of the Board of Education meetings is a deterrent to getting a recording secretary to attend the meetings.

Mr. Hubbard said that Dr. Robinson would like to request time at the next Board of Aldermen meeting so that she and Dr. Boice could present and review the CMT Scores. He said the presentation should take approximately twenty minutes.

Mr. Hubbard noted that the schools opened yesterday with no problems. Mr. Hughes commented on the discipline and dress code policies that he has been hearing about. Mr. Hubbard said the last Board of Education meeting was quite involved; there was great collaboration between teachers, administrators and the staff regarding the issue of discipline and dress code.

Mr. Bomba said he is curious about the web site. Mr. Hubbard said the site has been built; however there has been nothing done for the past three weeks due to summer vacation conflicts. He said it will be ready to go once the person returns from summer vacation.

- **CULTURAL COMMISSION REPORT – JULY 2007**

There was no one present from the Cultural Commission. Report placed on file.

- **PUBLIC WORKS DEPARTMENT REPORT – JULY 2007 (Ron Culmo, Director)**

Mr. Hughes asked if anything has been done with the vegetation on the dike. Mr. Culmo said he has talked to Mr. Robertson and he is going to have it sprayed. Also, per instruction from the Army Corps of Engineers the trees also need to be removed.

Mayor Staffieri asked when was the last time the Army Corps of Engineers were at the site. Mr. Culmo said they were here about a year ago. Mayor Staffieri told Mr. Culmo to make sure that Sheila O'Malley is made aware of their next visit.

Mr. Sill asked about the progress with the street signs. Mr. Culmo said at the Board of Apportionment & Taxation meeting last week he was able to hire three more people, which will enable him to finish this project. Mayor Staffieri asked Mr. Culmo to check the sign in front of Altimari's – he noticed this evening that the pole is way down and the sign is all bent. Mr. Culmo said he would check on it. Mr. Bomba questioned whether the bulk pickup date is all set or is it a tentative date? Mr. Culmo said it will resume on Tuesday, September 11. Mayor Staffieri asked if there were other problems with people putting out items for bulk pickup. Mr. Culmo said there were several individuals who placed items out for bulk pickup without permission. He noted that most of those individuals either took the items back in or transported the items to the Transfer Station themselves.

- **BUILDING DEPARTMENT REPORT – JULY 2007 (David L. Kopjanski, Building Official/Zoning Enforcement Officer)**

There were no questions asked. Report placed on file.

- **BLIGHT REPORT – JULY 2007 (David L. Kopjanski, Building Official/Zoning Enforcement Officer)**

Mr. Hughes asked Mr. Kopjanski about the building behind us on Main Street. Mr. Kopjanski said the person has not responded and he is currently in a fine mode of \$100.00 per day, retroactive to the date of the initial blight notice unless he was able to prevail in an appeal, which he has not requested.

Mr. Szewczyk said he is noticing a lot more trash on the street, especially right after trash pickup, and he is wondering whether or not the City's trash service is partially to blame. He doesn't think that it is all caused by animals getting into the trash. Mr. Kopjanski said he thinks one of the problems is people placing their trash out too early for pickup. He said the City passed an Ordinance a few years back setting time limits as to how early the trash can be placed out.

Mr. DeBarbieri said he didn't see 133 Minerva Street on the Blight List. Mr. Kopjanski said he didn't put it on the list because he looked at the property and the only thing that he saw that could have counted as blight was a pickup truck camper top in the front yard. Mr. DeBarbieri said there was a vehicle there for a long time and the vegetation is usually pretty overgrown. Mr. Kopjanski said he would keep monitoring the site; however there was no unregistered motor vehicle when he was up there and the vegetation didn't seem any more unusual than the surrounding properties.

Mr. Sill asked about the sidewalk condition on Derby Avenue where the garage was removed. Mr. Kopjanski said he put the demolition contractor on notice as soon as it was brought to his attention. Seymour Demolition is the contractor of record. Mr. Kopjanski said he doesn't have any power to force them to fix the sidewalk. Mr. Sill asked who would take care of it. Mr. Kopjanski said he believes it would be the State of Connecticut. He said he's not even sure if Mr. Culmo has jurisdiction on Derby Avenue sidewalks. Mayor Staffieri requested that Mr. Culmo investigate and find out who's jurisdiction this is then Corporation Counsel Coppola can follow up.

- **FIRE MARSHAL REPORT – JULY 2007 (Philip A. Hawks, Fire Marshal)**

There were no questions asked. Report placed on file.

- **FIRE DEPARTMENT REPORT – JULY 2007**

There was no one present from the Fire Department

- **POLICE DEPARTMENT REPORT – JULY 2007 (Chief Eugene Mascolo)**

Chief Mascolo asked if anyone had any questions about his report. The Aldermen noted that it is a very good, informative report.

Chief Mascolo said he would like to take a moment to respond to a couple of items that have been in the paper and editorials in the Valley Gazette. He said there have been allegations that the department only has two patrolmen on the road; currently we actually have three police officers on the road at all times. He said they are short because they transitioned to a new scheduling program – rotating schedules. They have hired five new police officers who are presently training at the Academy. When they graduate from the Academy and get out of their FTO Program our baseline on the road strength will be four police officers. Chief Mascolo said an interesting thing to note though is the amount of staffing that a police organization fields on the road has a lot to do with police demand – how much crime there is. Crime in Derby has dropped by 50% since 1995. So with less crime you really don't need that many police officers. He said in 1990, when we had more police officers on the road, the average calls handled per officer, per shift were about 2.4 calls. Currently we handle about 2.8 calls per officer, per shift. Chief Mascolo noted that there are a lot of ways that police demand is judged – amount of crime, number of calls per service, average response time. He stated that Derby's average respond time over the last five years has dropped by about a minute. So crime has decreased by 50% and our response time has increased. Chief Mascolo said he feels Derby is a very safe community. He said the Connecticut Magazine article has gotten a lot of attention and it is not a very fair comparison. He said crime is about population density, the economy, and the demography. The Chief said that a recent Letter to the Editor stated that he mentioned that there weren't enough cops to patrol the Greenway, which is not what he said. He said he didn't have the police officers that would catch owners when they let their dogs defecate on the Greenway; that would take almost a permanent presence across the breadth of the Greenway. He said there have been 15 calls for service in the last six months on the

Greenway. Chief Mascolo said he cannot justify having a permanent presence on the Greenway. He said he has also been accused of not policing the Green. There have been 37 calls on the Green, which resulted in 4 criminal arrests and 11 infractions in the last six months.

Chief Mascolo asked if anyone had any questions. There were no questions raised.

Mayor Staffieri noted that he likes the report and he finds it to be very well laid out and very informative.

Report placed on file.

○ **PARKING AUTHORITY REPORT – JULY 2007 (Leo Moscato, Jr., Director)**

Mr. Moscato said everyone should have a copy of the Parking Authority report, which also includes their financial statement. He noted that all leases are up to date with contracted businesses and resident parking. He said they are also on target for the annual lease payment March 1, 2008 for \$24,346.00 for Access Control System and parking meters which they just purchased. He noted that it is a three year lease with a buyout of one dollar at the end of the three years. Mr. Moscato said with garage usage the parking arm at the garage is activated approximately 8,000 times per month. He said they anticipate another 20-30 cars from TEAM's expansion. He said he feels the Parking Authority has done a great job with local businesses. The meter enforcement officers are in full uniform as are the booth personnel. Mr. Moscato informed the board members that the lower Caroline Street lot has been cleared of lumber and re-landscaped with the help of Mr. Culmo and Public Works. He also noted that they have purchased proper meter hoods in the event that areas of the street need closing off. He asked if anyone had any questions.

Mayor Staffieri said there was a comment made in the paper about why there are no meters in the lower part of Elizabeth Street. Can you explain why there are no meters down there? Mr. Moscato said in reviewing old photos there were meters in the everywhere in the downtown. He did some investigating and found out that they were taken out in 1997. He noted that they have had no problems with meter enforcement, which helps to sustain the parking garage. Mayor Staffieri said he sees a big difference in the parking structure with how clean and lit up it now is.

REFUND OF EXCESS TAXES PAID REQUESTED AUGUST 14, 2007 – (Cinda Buchter, Tax Collector)

A MOTION was made by Mr. Hughes with a second by Mr. Bomba to approve the refund of excess taxes paid in the amount of \$2,724.59 as per the request from Cinda Buchter, Tax Collector. **Motion carried.**

APPOINTMENT OF COMMITTEE TO RESEARCH USES OF ONOPIAK PROPERTY – SODOM LANE

Mayor Staffieri said there have been requests from multiple citizens regarding this property. He noted that there are two trustees, David Kopjanski and Joseph Moore that Mr. Onopiak named in his Last Will. The Mayor said this would basically be a research committee as to what can be done with the property. He said he would like to put a member from the Board of Aldermen and the Board of Apportionment & Taxation on the committee. He will have the names for the next meeting.

LEUKEMIA & LYMPHOMA SOCIETY RESOLUTION

Mr. Hughes read the resolution into the record:

Resolution Recognizing September as Leukemia, Lymphoma & Myeloma Awareness Month

WHEREAS, blood cancers currently afflict more than 823,000 Americans with an estimated 135,520 new cases diagnosed each year, and

WHEREAS, leukemia, lymphoma and Myeloma will kill an estimated 42,310 people in the United States this year, and

WHEREAS, The Leukemia & Lymphoma Society, through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and the support for those that suffer from them, and

WHEREAS, The Leukemia & Lymphoma Society maintains two offices in the State of Connecticut to support patients with these diseases and their family members, and

WHEREAS, the City/Town of Derby is similarly committed to the eradication of these diseases and supports the treatment of its citizens that suffer from them, and

WHEREAS, the City/Town of Derby encourages private efforts to enhance research funding and education programs that address these diseases,

NOW THEREFORE BE IT RESOLVED, that the City/Town of Derby joins with The Leukemia & Lymphoma Society in designating the month of September 2007 as Leukemia, Lymphoma & Myeloma Awareness Month to enhance the understanding of blood related cancers and to encourage participation in voluntary activities to support education programs and the funding of research programs to find a cure for them.

A MOTION was made by Mr. Hughes with a second by Mr. Sill to adopt the resolution designating September 2007 as "Leukemia, Lymphoma & Myeloma Awareness Month" in the City of Derby. **Motion carried.**

BOY SCOUT TROOP 3 – USE OF DERBY GREEN ON SEPTEMBER 15, 2007 8AM – 2PM – “13TH ANNUAL ED STRANG DAY”

Mr. Hughes read the following letter into the record:

Dear Derby Board of Aldermen:

Boy Scout Troop 3, Cub Scout Pack 3 and Venture Crew 33 scouts would like to utilize the Derby Green for our 13th Annual Ed Strang Day event on Saturday, September 15 from 8AM to 2PM. We anticipate several hundred visitors throughout the day.

The annual event held in memory of recent Derby Hall of Fame inductee Edmund D. Strang, allows us to demonstrate our scouting activities to the public while working to recruit new scouts and leaders. Several of our scouts live in the downtown Derby area and we are hoping to recruit additional youths.

The events will include pioneering, camping, physical fitness, games, crafts, a cooking demonstration, first aid and CPR demonstrations. We hope to have a fire truck on display and we will also have a slide presentation of our recent trip to the United Kingdom and Ireland.

Like all Scouting related events this event will be covered by a million dollar insurance policy rider from the National Boy Scouts of America.

Please contact me at 732-0343 should you have any questions or concerns.

Yours in Scouting, Randy Ritter, Scoutmaster – BSA Troop 3 Derby High School

A MOTION was made by Mr. DeBarbieri with a second by Mr. Bomba to grant permission to Boy Scout Troop 3 for use of the Derby Green on September 15, 2007 from 8:00 a.m. to 2:00 p.m. for the "13th Annual Ed Strang Day." **Motion carried.**

PERMISSION FOR H.O.P.E. TO PASS WATER OUT ON THE GREENWAY SUNDAY, SEPTEMBER 9, 2007 (Leslie Everetts)

Mr. Hughes informed the board that he was contacted via email from Leslie Everetts who stated that her group would like to pass out free water on the Greenway on Sunday September 9, 2007 from 11:00 a.m. to 2:00 p.m. He said he questioned Ms. Everetts as to whether or not her group would also be handing out literature regarding her group. Ms. Everetts informed Mr. Hughes that no literature would be handed out, only water.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Bomba to grant permission to H.O.P.E. to hand out free water on the Greenway on Sunday, September 9, 2007 from 11:00 a.m. to 2:00 p.m. **Motion carried.**

PERMISSION FOR SPIRIT AND TRUTH WORSHIP CENTER TO USE THE GREENWAY ON SEPTEMBER 22 FROM 10AM – 4PM (Nuela Martinez)

Mr. Hughes said he received a letter from Nuela Martinez regarding this request. Ms. Martinez and Ms. Smithberg, from the Spirit and Truth Worship Center are present this evening to answer any questions from the board. Mr. Hughes asked what location would be used on the Greenway. It was noted that the area to be used is the parking area off of Caroline Street. They are requesting a small area for musicians from local churches to perform. The group would also be handing out free bottles of water to those walking on the Greenway. Mr. Hughes asked if they have a provision for electricity. Ms. Martinez stated that they would supply a generator. Mayor Staffieri asked Chief Mascolo if he had any concerns with this request. Chief Mascolo said he sees no problem with the request. Mr. Hughes stated that based on past practice they would ask that no literature be passed out. He said that a sticker can be placed on the water bottles with the name of the Church. Corporation Counsel said we would have to limit the hours, ask for insurance and have the group sign a release – the same requirements that we ask for on the Green.

A MOTION was made by Mr. Szewczyk with a second by Mrs. Moran to grant permission to the Spirit and Truth Worship Center to use the Greenway on September 22, 2007 from 10:00 a.m. to 4:00 p.m. Motion carried. **Motion carried.**

FRIENDLY AMENDMENT TO MOTION

Pending filing of the necessary paperwork with Corporation Counsel.

MOTION CARRIED.

BLIGHT OFFICER – DISCUSSION AND POSSIBLE ACTION

Mr. Hughes stated that this is something that has been talked about for quite some time. One of our issues when we first started running for office was cleaning up the image of Derby. One of the ways we did to tackle that was to clean up the blight around downtown. He noted that we now have a report on-line for citizens to report blighted conditions. It takes an awful lot of time to deal with issues of blight. David Kopjanski is pretty busy with his duties as Building Officer and Zoning Officer. Mr. Hughes said in doing research he discovered that back in 2000 there was an adopted Ordinance that allowed the Mayor to appoint up to two Facilities Inspectors. He said he is not sure why it was never filled.

Mr. Kopjanski noted that the Ordinance was created at the same time that the new Blight Ordinance was adopted with the understanding that the increased duties that were required for enforcement under the new Blight Ordinance would require some assistance. He said why the two positions were never filled is something of a political question rather than a needs question. He said for the last seven years the positions were never staffed.

Mr. Hughes said he asked Mr. Kopjanski to supply some information as to what his existing duties are and how much time per week he devotes to those duties; that information should be in everyone's packet. He said that he has also talked to Ansonia Mayor Jim Della Volpe. Ansonia has a part-time Blight Officer and Mayor Della Volpe said he wouldn't do without the Blight Officer. Mr. Hughes said basically the sole job of this person would be to drive around town and look for instances of blight. He said he has also included Ansonia's job description; it is \$12.50 per hour and 19 hours per week. Mr. Hughes said in FY '05 the City received \$38,000 coming from blight fines and liens. He said the opportunity is there for the position to be self-sustaining. He said he feels the hurdle is going to be getting by the Board of Apportionment & Taxation; however if we agree as a board to do it we should send it as a recommendation to the Board of Apportionment & Taxation. Mayor Staffieri said he feels it is a great opportunity and he can't understand why the position was never filled in the past. He said Mr. Kopjanski has too many duties now, with Zoning Enforcement being another area which will be discussed at another time.

Mr. Hughes then read the duties of the Ordinance that was adopted in 2000:

ARTICLE XXIII

Facilities Inspectors
[Adopted 7-12-2000]

§ 32-81. Appointment; duties; compensation

The Mayor may appoint up to two Facilities Inspectors whose duties shall be to inspect City facilities and roads to ensure that they are properly maintained and repaired, to inspect public works projects, to assist the Building Official in enforcing the City's anti-blight regulations, and to perform such other inspection duties relating to City property or facilities as may be assigned. The Facilities Inspectors shall work under the direction of the Mayor, the Building Official, and the Street Commissioner who shall prescribe their hours of employment and assign specific duties. The Facilities Inspectors shall be paid such compensation as the Mayor determines is appropriate, subject to the approval of the Board of Aldermen.

Mr. Szewczyk said he would add that the Facilities Inspector must be computer literate. Mr. Hughes said in Ansonia's job description it states that the individual operates such office equipment as calculators, computers and copiers. Mr. Sill said he feels that we need to fill these positions. Mr. Bomba agreed – it really is a no brainer and the position basically pays for itself. Mayor Staffieri asked Mr. Kopjanski if we should have one part-time position or two part-time positions. Mr. Kopjanski said he feels that we should have two; one for the east side of town and one that would handle the west side of town. There may be a time that an inspector might have a conflict then they could switch. He said he feels that there is enough work out there to get two part-time positions at first. He said as the blight abates the Facilities Inspectors could oversee public works projects and city-owned buildings. Mr. Hughes asked Mr. Kopjanski what he feels the qualifications of a Facilities Inspector should be. Mr. Kopjanski said they should know the town, the neighborhoods. Be able to prepare letters, prepare notices, follow timelines, capable of follow up work. They must have a reliable vehicle. They would have to have an even tempered personality. When you're citing people for violations it often becomes a stressful situation for all parties involved. Mr. Hughes asked about having a construction background. Mr. Kopjanski said he doesn't feel a construction background is necessary for citing blight. Blight is something that is seen – it's something that isn't part of the building code, it's not a building code or a fire code violation; it's an appearance violation – you know it when you see it. You need someone who has good rational judgment in that respect. You don't want somebody who's going to go too far overboard in citing people for blight but on the same token you don't want somebody who is going to be too lenient. Mr. Kopjanski noted that over-enforcement is as bad as under-enforcement. He said that you don't want the Blight Ordinance to be used as a weapon or a tool for "neighbor against neighbor." To get the City involved in order to promote some sort of a personal grudge or some kind of a vendetta that they might have with their neighbor or someone else. He said he has seen that happen in the past. Mr. Sill noted that just the fact that everyone knows that we now have these inspectors should be a positive thing for the City's image. Mr. Szewczyk said the only thing that he would be concerned about is elderly residents that might not have the means to take care of the blight. Mr. Kopjanski said that's one of the major challenges of the position – where are you going to set the bar; where are you going to set the standard. He said that the most important thing is once that bar is set it has to remain at the same height for everyone in town.

Mayor Staffieri asked the board what would be their pleasure. Mr. Hughes will approach the Board of Apportionment & Taxation to discuss these positions. Mrs. Moran said as a former member of the Board of Apportionment & Taxation she said she is not one to make new jobs after the budget has been set. We must think twice before we do this again. Mr. Hughes said he did discuss this with Alan Schlesinger prior to bringing this here tonight. Mr. Szewczyk said it does sound like the positions will be self-financing.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Szewczyk to bring these positions to the Board of Apportionment & Taxation for discussion and possible action. **Motion carried.**

FINES FOR EXCRETIA – DISCUSSION AND POSSIBLE ACTION

Mr. DeBarbieri read the following into the record:

This is the Annual Report of the Secret Aldermanic Poop Patrol Association. In responding to myriad claims from owners of canines that the recent spate of walk-by poopings were due to a very few malicious pet owners, we decided we had better do our research to figure on how to best deal with this imminent health and footwear damaging issue. This secret subcommittee consists of Alderman Bomba and I and we first agreed that we had to know what kind of crap

we were dealing with. So we walked the Derby Green and made the best use of our municipal volunteer time by actually counting piles of dog feces on the Derby Green.

To our nauseation we stopped counting at 30. Although our study was incomplete, we felt that this would be enough to show that we weren't imagining the problem. Plus, we were starting to feel ill. Our course of action was clear. These were not the actions of rogue canine pooping agents; this was a deliberate attempt by the dog owners of Derby to ruin the one good pair of sandals I had left! We were outraged and we plan to act outrageously! We will bring in a special SWAT/HAZMAT team to collect all the feces and cross check DNA from dogs and owners. Due to the size of some piles, we were unsure of the species source on some of those land mines.

Our plan of action and recommendation to the full board is to ban all mammals from the Green. We will catch and release all the squirrels and other critters as well and release them on the Greenway, where happily, since the success of the temporary ban plan we enacted, that facility currently has a deficit of dangerous defecations. We only found 2. We will redistrict the animals from the Green back to the Greenway to encourage a consistent level of crap for all our citizens to enjoy.

We hope our forward thinking plan will be a model for other agencies to use when they come up against a load of crap they can't seem to get rid of. We will also be banning people as the cigarette butts, discarded food wrappers and smashed liquor bottles severely outnumbered the dog piles. This is a foreboding omen of messes yet to come. We feel the best way to protect our Green is to cordon it off permanently behind Plexiglas and protect it from the worst, most irresponsible animal of all: the citizens.

Folks, this report was meant to be tongue-in-cheek for two reasons. One, we are wasting way too much of this Board's time trying to legislate around the fact that there are several, not just a few, irresponsible pet owners out there. If you don't want us to legislate your personal habits clean them up in public or let your dog crap in your own yard. Secondly, smash your booze bottles, stub out your butts and empty your trash bins at home. Common areas are for everyone's enjoyment and no one can do so if an irresponsible contingent refuses to respect the unspoken code of picking up after yourself. This is not and never was about dogs; it's about people not respecting one another. And that is also something that has gone on in this town for far too long.

Mr. DeBarbieri said it really is a shame and it's not about the dogs; it's about caring for other people. We need to turn this around quickly. Mayor Staffieri said it is disrespectful when a dog owner doesn't accept the responsibilities of being a dog owner. He said he owns a dog and he accepts the responsibility of his dog. Mr. Hughes asked Chief Mascolo about the fine amount. Chief Mascolo stated that the fine is over the threshold for a mail-in; it's a court appearance required. \$99.00 or below is an infraction – you can mail this fine in. Above that amount authorizes a custody arrest and requires an appearance in court to respond to the charges. The Chief also noted that they did speak to the Prosecutor about this and the Prosecutor encourages bringing people in for this. Mr. Bomba said we banned dogs for a six month period on the Riverwalk for doing the same thing. When the ban was lifted there does seem to be more people awareness on the Riverwalk and maybe this could happen for the Green. Mr. Hughes said he believes the people are starting to police themselves. Mr. DeBarbieri said perhaps we should think of a temporary ban for the Green and bring it up at the next meeting since it worked so well on the Greenway Trail.

A MOTION was made by Mr. DeBarbieri with a second by Mr. Szewczyk to approve the fine of \$200.00 for any owner, keeper, walker or rider violating Section 56-10 of the Derby Ordinances.

DISCUSSION ON MOTION

Mr. Hughes wanted it on record that the fine would be City-wide not only on the Green or Greenway Trail.

MOTION CARRIED.

ADULT ORIENTED USE – DISCUSSION

Atty. Coppola informed the board that Mr. Hughes contacted him a few weeks ago regarding the lack of any ordinance that would regulate adult oriented businesses. He said in looking into this there is a wide gamut of the type of ordinances that you can have. He has selected basically three formats, which everyone should have in their packet. There is one set from the City of Norwalk, the City of Orange and one from the Town of West Hartford. Atty. Coppola said that Mr. Kopjanski did receive a letter of a possible location for one of these types of businesses. He said we cannot regulate it to where it cannot operate – that's unconstitutional – but we can regulate how they operate. Atty. Coppola said all three of these ordinances are very extensive and requires review by the Police Department and Building/Zoning Departments. Mr. Sill said he feels that it is our responsibility to be pro-active. Atty. Coppola noted that Orange has some great language in their ordinance. He said if the board wants to pass an ordinance it is worth taking the time to review and discuss. Mr. DeBarbieri said it really is a slippery slope and it deserves a lot of attention. You can't prohibit it – it is a free country. Mr. Hughes suggested also sending the information to Ted Estwan, the Chair of Planning & Zoning, for his board to also review.

A MOTION was made by Mr. Bomba with a second by Mr. Sill to **TABLE** this matter for this evening and have the information sent to Ted Estwan, Chair of the Planning & Zoning Commission, for his board's review and input. **Motion carried.**

ENERGY EFFICIENCY LIGHT PROJECT

Mayor Staffieri said in the past we voted to seek a grant from UI where they subsidize the refitting of lights and other electrical equipment. At that time the company hired by UI had assumed that City Hall was up to par with electric grade efficiencies. They revisited City Hall and found that not to be the case. We will now have to extend that previous contract to include City Hall. The cost of the contract is \$31,964.00 with UI paying \$12,786.00 leaving a balance of \$19,178.00, which will be paid back interest free over the next three years. Mayor Staffieri said when the notes are paid off in three years the City will realize a savings of almost \$24,000.00 a year total. Mayor Staffieri said coming from an electrical background he was dismayed that City Hall was not up to par in energy efficiency.

A MOTION was made by Mr. Szewczyk with a second by Mr. Bomba to amend the contract for the Energy Efficiency Light Project to include City Hall. **Motion carried.**

VENDOR APPROVAL SPIRIT HALLOWEEN SUPERSTORE – SPENCER GIFTS

Mr. Hughes informed the board that the vendor for this application is concerned about timing. He said Spencer Gifts is a nationwide chain and he is going to set up in a storefront at 49 Pershing Drive, the former home of Tommy K's Video for Halloween. Mr. Hughes noted that the background check and all the paperwork came back fine.

A MOTION was made by Mr. Bomba with a second by Mr. Sill to approve the Vendor Permit for the Spirit Halloween Superstore/Spencer Gifts at 49 Pershing Drive. **Motion carried.**

Mr. Hughes noted for the record that the vendors this evening were the first ones to pay the \$200.00 for their vendor permits. He also stated that Mr. Navarro said it is about time that we raised our fees.

PARKS & RECREATION – WILLIAM CLYNCH (D) REPLACE BEVERLY MORAN

Mayor Staffieri informed the board that Bev Moran resigned from Parks & Rec and he has appointed William Clynch to replace Bev. The Mayor said that William Clynch, known as "Red" is a very active involved person who has shown a great interest to be on Parks & Rec.

A MOTION was made by Mr. Sill with a second by Mr. Bomba to approve the appointment of William "Red" Clynch to the Parks & Recreation Commission to replace Beverly Moran who is resigning. **Motion carried.**

EXECUTIVE SESSION – DISCUSSION OF PENDING LITIGATION; PERSONNEL ISSUE

A MOTION was made by Mr. Hughes with a second by Mr. Boulton to go into Executive Session at 8:30 p.m., subject to adjournment, inviting Corporation Counsel Coppola and Chief Mascolo to discuss pending litigation and a personnel issue. **Motion carried.**

Respectfully submitted,

Patricia Finn
Recording Secretary