

**DERBY BOARD OF ALDERMEN
REGULAR MEETING**

DERBY CITY HALL – December 17, 2009 – 7:00 P.M.

MINUTES

The Honorable Mayor Anthony Staffieri called the public hearing to order at 7:02 p.m. All rose and pledged allegiance to the flag.

The Mayor asked for a moment of silence and spoke of former Mayor Richard Grande and Frank "Chico" Zalenski.

Roll Call

Present: Barbara DeGennaro, Stephen Iacuone, Beverly Moran, James Benanto, Joseph DiMartino, David Lenart, Joseph Bomba, Scott Boulton and Ken Hughes, President.

Also Present: Sheila O'Malley - Director of Economic and Community Development, Henry Domurad - Finance Director and Corporation Counsel - Joseph Coppola.

Additions, Deletions and Corrections to the Agenda. A MOTION by Mr. Hughes to add approval of Derby Middle School invoices, reappointment of Kelly Curtis as Fire Commissioner - Discussion and Action and reappointment of Joseph Coppola - Corporation Counsel - Discussion and Action. A MOTION to approve the additions by Mr. Sill, second by Mr. Bomba, all in favor. **Motion passes.**

Public Portion

Jill Garofalo - 509 Roosevelt Drive. Ms. Garofalo is here tonight to represent her family in regards to the Roadside Memorial item. There is a memorial dedicated to her son Tim. Her son died March 30, 2004. She has not heard of any problems at the site. She would like the people to know what she was told by the Board of Aldermen. She was told the issue would be tabled, because it would make too many people angry. In a letter to the aldermen she asked that her son's memorial be allowed to remain as it is and make sure it complies with any safety issues. She was told the memorial would be grandfathered in. She is asking the aldermen to let it remain.

Frederick Picroski - 216 Derby Avenue. Mr. Picroski was part of the memorial for Claudia Woodford on Derby Avenue. He agrees the glass on the sidewalk can be an issue. There are a lot of other areas on Derby Avenue that is making dangerous situations. Other states have memorials that stay up for years. He would like the memorials to stay and have respect for the family.

Marc Garofalo - 95 Academy Hill Road. Mr. Garofalo wanted to know if the work done at Witek Park had the proper permits from Inland Wetlands and DEP. He asks to have the costs associated with the movie to be double checked. He feels the agreement with Shelton regarding the landfill is a disservice to the City. There is no justifiable reason to close the landfill. The street commissioner has never been involved in this. The protocol for issues with personnel is to go through the union steward, the street commissioner and then the Mayor.

Dan Waleski - 21 Elm Street. Mr. Waleski said the landfill has been a problem for years. He believes if there had been cooperation with the opposing political party something could have been worked out. This shows a lack of cooperation by responsible citizens in town.

Anita Duggato - Ms. Duggato wanted to know if there will still be bulk pick up, will Shelton charge extra for that and is this a temporary or long term agreement.

Marc Garofalo - 95 Academy Hill Road. Mr. Garofalo said there has been inconsistencies with the posting of the agenda. Sometimes they are on the website, sometimes they are not. He asks the board of aldermen to pass a motion to make it a requirement to have it posted. The City did adopt electronicvalley.org as the official website of the City. It should be adhered to.

There being no one else from the public to speak, public portion was closed.

Approval of Minutes - Special Meeting - Nov 19, 2009

A MOTION to approve by Mr. Bomba, second by Mr. Boulton, all in favor, three abstentions - Ms. DeGennaro, Mr. Iacuone and Mr. DiMartino. **Motion carried.**

Committee Reports - Community Relations

Recommendation for the Blight List:

1. 269-271 Caroline Street
2. 310 Silver Hill Road
3. 7 Fifth Street
4. 8 Derby-Milford Road

A MOTION to add the properties to the blight list by Mr. Hughes with a second by Ms. Moran, all in favor. **Motion carried.**

Recommendation payment of \$1,579.65 to Milone/McBroom for work at Witek Park - Discussion/Action. Mayor Staffieri said the work was approved by Inland Wetlands and the City engineer.

A MOTION to approve by Mr. Hughes with a second by Mr. Bomba, all in favor. **Motion carried.**

Recommendation of Payment to McManus Construction for work at Witek Park pending receipt of bill from Ron Culmo, Discussion/Action

A MOTION to approve by Mr. Hughes, second by Mr. Bomba, all in favor. **Motion carried.**

Recommendation of Approval of Vendor Permits:

1. Humpty Dumpty Ice Cream - J. Kewalis
2. Nichols Doghouse - Richard Nichols

A MOTION to approve by Mr. Benanto, second by Mr. Boulton, all in favor. **Motion carried.**

Presentation of Ordinance - Roadside Memorials - Discussion - Date for Public Hearing.

Mr. Hughes said there is no vote on this tonight, the purpose is to set up a public hearing date.

Mr. Hughes read the proposed ordinance into the record: Be it ordained by the Board of Aldermen of the City of Derby: Roadside memorial: a roadside memorial is the placement of materials as a tribute that commemorates a person who died in a tragic event on a public sidewalk, roadway or right of way. Public sidewalk, roadway or right of way: Shall only include public sidewalk, roadway or right of way owned and maintained by the City of Derby. Findings:

The Board of Aldermen of the City of Derby intends to respect the wishes of those who have lost friends or relatives in tragic events. The Board has a responsibility to regulate the use of the public sidewalk, roadway and rights of way in such a manner to provide safety for the public. Therefore, the Board of Aldermen is required to balance both safety and sensitivity in its policy relating to roadside memorials. Roadside memorials can be a physical impediment as well as a source of distraction to motorists and thus pose a danger to road and sidewalk users. Members of the public who erect roadside memorials may be putting themselves and others in danger in the process of doing so.

Regulations: the placement of a roadside memorial shall be allowed along a public sidewalk, roadway or right of way owned and maintained by the City of Derby for a period not to exceed ninety (90) days beginning anytime within 30 days after a death due to a tragic event as long as:

1. the roadside memorial does not cause unsafe conditions for passing motorists, pedestrians, or for people maintaining or visiting the roadside memorial, as determined by the Street Commissioner,
2. the roadside memorial and those visiting and/or maintaining the roadside memorial comply with all other applicable laws,
3. the roadside memorial does not contain unattended candles, glass or other sharp objects,
4. the roadside memorial shall also have no dimension exceeding 3 feet in length, width, height or depth,
5. the roadside memorial shall leave at least three feet of clear width for pedestrians on any public sidewalk in the City,
6. the roadside memorial shall not encroach upon any roadway in the City,
7. the roadside memorial shall be removed 90 days after it has been on display.

The City may remove the roadside memorial prior to the 90 day period for failure to comply with applicable laws. If the City determines that a roadside memorial is out of compliance with applicable law, the City shall make reasonable efforts to contact those responsible for maintaining the roadside memorial and will notify them of their failure to comply. If the roadside memorial is not removed in 90 days after its erection, the City shall remove any remaining items from the roadside memorial site and shall keep the items for 30 days to allow the person/s placing the roadside memorial to retrieve the items. Nothing in this provision shall prevent the City from removing a roadside memorial immediately in response to a serious threat to public safety. Items not retrieved within 30 days will become the property of the City and may be disposed. If any roadside memorial, or any structure whatsoever, or any inscription to be placed on same, shall be determined by the City to be offensive, the City shall have the right to remove, change or correct the offensive or improper object or objects.

There was discussion in favor and of those not in favor of the ordinance. A public hearing will be set for the next Board of Aldermen meeting. **A MOTION** to hold a public hearing at the next Board of Aldermen meeting by Mr. Hughes, second by Mr. Boulton, all in favor. **Motion carried.**

Department Reports

Board of Education - no one present.

Cultural Commission - no one present.

Public Works - Mr. Culmo presented his report. Mr. Culmo said bulk pick up service will remain the same.

Building Report / Facilities Inspector Report Mr. Kopjanski presented his report.

Fire Marshall Report - no one present.

Fire Department Report -

DFD Policies and Procedures Manual Revision - Kelly Curtis. Mr. Curtis presented revised rules and regulations. **A MOTION** to approve by Mr. Hughes with a second by Mr. Bomba, all in favor.

Motion carried.

Police Department - Deputy Chief Narowski presented his report. The department will need to purchase 2 new vehicles. The evidence room has no deficiencies. The department recently purchased a reverse 911 system. The shoot house has been delivered. Detective Stanko has been accepted into the FBI National Academy.

Parking Authority Report - Mr. Moscato presented his report. The parking authority has been averaging 60,000 a year. When first started they averaged between 8,000 - 10,000. There will be no parking tickets issued two weeks prior to Christmas.

Refund of Excess Taxes as requested 12/3/09 \$1,790.72 - Cinda Buchter

A MOTION to approve by Mr. Bomba with a second by Mr. Lenart, all in favor. **Motion carried.**

Reappointment of Darrell Cotter - Derby Housing Authority - 11/30/09 thru 11/30/14.

A MOTION to reappoint by Mr. Benanto, with a second by Mr. Bomba, all in favor. **Motion carried.**

Appointment of Sabatino (Sam) Pollastro, Jr. - Alternate - ZBA - 12/31/09 - 12/13/14.

A MOTION to reappoint by Mr. Lenart, second by Mr. DiMartino, all in favor. **Motion carried.**

Inter-Municipal Agreement with the City of Shelton and the City of Derby

Mayor Staffieri presented the price sheet from Shelton. Mr. DiMartino requests checking the hours of operation.

Warner Brothers Pictures, WB Studio Enterprises, Inc. and Captive Productions, LLC are requesting permission to use "City of Derby seals, logos, insignias, police seals, logos, insignias, etc., Derby Police vehicles and uniforms" for the production of a motion picture currently entitled "PRISONERS" and in any sequels. Discussion/Action

Mr. Hughes read a letter from Captive Productions, LLC into the record:

Dear Mayor Staffieri,

This confirms that you have granted permission to Warner Bros. Pictures, a division of WB Studio Enterprises Inc. on behalf of Captive Productions LLC permission to use City of Derby seals, logos, insignias, police seals, logos, insignias, etc. including those appearing on Derby provided police vehicles and uniforms (separate fee arrangement for city resources provided to the production) the "Prop") in, and in connection with our feature motion picture, (the Motion Picture) currently entitled "PRISONERS", directed by Antoine Fuqua (King Arthur, Tears of the Sun), and in any sequels which may be made, and in connection with the distribution, exhibition, advertising and

other exploitation of the Picture by Captive Productions LLC, its assignees and licensees, in all media whether now known or hereafter devised, in perpetuity throughout the world.

You understand and agree that Captive Productions LLC owns all rights in and to the Motion Picture and that you will make no claims or demands based upon the above mentioned use. You represent and warrant that you are the owner, or the authorized representative of the owner, of the rights herein granted, are authorized to execute this letter of consent, and that no third party permissions are required. You are granting this consent for no compensation, but you understand that Captive Productions LLC may rely on this consent if it elects to include the above material in the Motion Picture. Neither this letter, nor the request for this letter, is intended to diminish Captive Productions LLC's right to use that material if and to the extent it would otherwise be permitted to do so by applicable laws. This supersedes any previous agreement or contrary provision contained in any document relating to the use of the Prop.

Ms. O'Malley explained Warner Brothers Production is the distributors. Alcon Entertainment and Captive Productions LLC are the producers. They want to use the Derby CT, the Derby CT police department shield and logo of the City. That is separate from the production company. The Mayor and the president of the Board of Aldermen asked for some assurances. The executive producer sent a letter that the City of Derby or any of its residents not be portrayed in any negative way.

Mr. Hughes read that letter into the record:

Dear Tony,

We would like to take this opportunity to thank you for all of the meetings, kind cooperation, and time you have extended to us.

Our movie "Prisoners" can be best described as a "thriller" along the lines of Clint Eastwood's 2003 Academy Award winning movie "Mystic River". The movie will be released in theatres by Warner Brothers and will be rated PG-13.

"Prisoners" is about two families, who live across the street from one another. These lifelong friends are thrust into turmoil when their two youngest daughters go missing. The movie centers on the family's desperation in finding their children with the help of their neighbors and local police force; especially one police detective. It is a tense journey throughout with many plot twists along the way in which they are ultimately successful in finding the girls.

I'm writing this letter not only to thank you for your's and Mayor Lauretti's help so far, but also to assure you that in no way is your town, local police or residents of the town depicted in any negative way in the script. On the contrary our characters concern and dedication in finding the children is a major aspect of the story and their ultimate success is how it ends.

As we have discussed in the past, we will be using many local vendors to make this movie. This will include lumber and materials to build and dress our sets. Housing our crew of 150+, which will be great for local businesses such as restaurants, laundry services and all other amenities people need when they are on location. Over the course of filming, we will be employing from the Naugatuck Valley extras for the film nearing 750 people. I'm sure that aside from being a "new" and "different" experience, it will also prove to be beneficial to the area.

We have talked about the fact that during the filming we would request some help and cooperation of your police department. This would include traffic control and help when certain

instances arise. We would expect to cover all costs related to such use and would hope to discuss a specific schedule of our filming in regards to where we want to be and when.

We had also discussed the use of badges, seals and uniforms. Upon further review, the town will not have to provide us with those items. We will utilize our costume department for the outfits that will be used.

Once again, thank you for your help thus far. We look forward to making a great movie and having Derby be an integral part in front and behind the camera. Please do not hesitate to contact our offices if you have any questions or concerns with regards to production.

Ms. O'Malley said it would be beneficial for them as long as it remains in a positive light to use Derby CT in a major motion picture. She is asking for the board's consideration of the copyright of it.

A MOTION to approve the December 3, 2009 letter from Warner Brothers as read by Mr. Hughes by Mr. Bomba with a second by Mr. Benanto to approve, all in favor. **Motion carried.**

Motion to allow the Finance Office of the City of Derby to proceed with securing lease financing for two new dump trucks that should be delivered in the month of January 2010 from Nutmeg International Trucks Inc. The face amount of the lease will be for about \$266,181.00. Additionally, the Board of Aldermen authorizes the Mayor to execute any and all documents of effectuate the transactions. -

A MOTION to approve by Mr. Lenart, second by Mr. Iacuone, all in favor. **Motion carried.**

Discussion and possible action on installing energy saving capacitors on Derby City Hall's roof top air conditioning compressors.

The Tax Board passed this item at their meeting pending approval from the Board of Aldermen. There was a discussion regarding the life expectancy of the capacitors.

A MOTION to table by Ms. DeGennaro to get the information and understand it better, second by Mr. Iacuone, all in favor, Mr. Hughes is opposed. **Motion carried.**

Derby Middle School Invoices

A MOTION to approve FIP Construction for \$1,028,579.00, GNCB for \$766.00, Milone and McBroom for \$916.25 and Dept of Police Services for \$992.60 and \$480.00 by Mr. Hughes, second by Mr. Lenart, all in favor. **Motion carried.**

Mr. Domurad has found the information for the capacitors. **A MOTION** to reopen the item based on receiving additional information by Mr. Iacuone, second by Mr. Lenart, all in favor. **Motion carried.**

A MOTION to approve a five year contract warranty by Mr. DiMartino, second by Mr. Lenart, all in favor. **Motion carried.**

Reappointment of Kelly Curtis as Fire Commissioner

A MOTION to reappoint by Mr. Lenart, second by Ms. Moran, all in favor. **Motion carried.**

Reappointment of Joseph Coppola - Corporation Counsel

A MOTION to reappoint by Mr. Lenart with a second by Mr. Bomba, all in favor. **Motion carried.**

Adjournment

A MOTION to adjourn at 8:27 p.m. by Ms. Moran with a second by Mr. Lenart, all in favor, **motion passes.**

Respectfully Submitted,

*Denise Cesaroni
Recording Secretary*