



**City of Derby
Board of Alderman
November 17, 2011**

Pledge of Allegiance The meeting was called to order at 7:00 p.m. by Board of Alderman President - Ken Hughes. All rose and pledged allegiance.

Roll Call

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

Also present: Corporation Counsel Joseph Coppola, Street Commissioner Ron Culmo, Building Inspector David Kopjanski, Fire Marshal Phil Hawks, OEM Director Charles Sampson, Police Chief Jerry Narowski and Administrative Assistant Phil Robertson.

Public Portion

No one from the public spoke. Public Portion closed. Ms. DeGennaro would like to reserve time to speak during the discussion of Gilbert Street as attorney for Mr. Iacuone.

Mr. Hughes stated this is a bittersweet meeting as we are losing three members tonight, two that have served for the last two years, and one who has served for the last six years. Mr. Hughes thanked them for their service.

A letter was read into the record by Mr. Hughes on behalf of the Mayor:

" Dear Ken, I would appreciate your reading this note to the Board of Aldermen meeting, on November 17, 2011.

For the past two years, we have been a member of a team. We disagree at times which is the beauty of our system. Tonight, three members of our team will be leaving us.

Joe Bomba is not only my friend but our friend. He has possessed an ability to speak from his heart and to present his views very directly. He has proven to be unafraid to take a stance on issues some might be less vocal. He has been an advocate of the people of Derby and dreams of a City better tomorrow than yesterday. His voice will be missed as an aldermen, but, I assume his voice will continue to be heard. Thank you for your service to the people of Derby Joe.

Joe DiMartino has become a stable deeply thinking voice of our team. To think of consistency, is to think of Joe. To think of a compassionate heart and a person of deep thought, you think of Joe. To think of one who never misses a meeting, you think of Joe. Joe, a union member of our Public Works Department, brought to this board a view needed which very much reflects the diversity of our City. Joe, I know you will continue to bring your stable and consistent views to me and I thank you for your service to our City.

Dave Lenart has brought to our team a history of public service. He has given us the perspective from an incredible and sophisticated mind. His life is one of public service and the people of Derby will miss his involvement as a member of the Board of Aldermen. I know his visits to my office will continue and his voice will continue to be heard. His service to the finest ambulance service in the Valley and those in need will continue. David, I thank you for being a member of our team, and for your dedicated service to the people of Derby.

It has been my honor to serve with you these past years. Your thoughtful suggestions, your actions, and your caring for the people we all serve will be sincerely missed. I look forward to your continued involvement.

Mayor Tony Staffieri

Mr. Bomba shared a few thoughts,

After six years, you all know that I am a man of very few words. I have lived in Derby my entire life, I am proud to have served as a member of the Board of Aldermen for the City of Derby. I consider it a privilege and an honor to have served the people of Derby. I am proud of what this administration has accomplished in the last six years and I am convinced even more now, that the path we are on is the right path.

I also believe in all the progress that the Mayor and the Redevelopment Agency has made with regard to downtown. We made difficult decisions, we corrected a number of problems and issues. We followed the proper steps so the City is not exposed and we have just recently approved a conceptual design which we could have approved in October, but waited because we had hoped, mistakenly, that it would not become a political issue. We will now begin negotiations for the timeline of the project.

I feel confident that the new board members will not hold up development and will not be obstructionists, but rather, help move along the development that is occurring on the south side of Main Street for the benefit of all the citizens of Derby.

Approval of Minutes

October 27 2011 **A MOTION** by Mr. Benanto with a second by Mr. Boulton to approve, all in favor, **motion carries.**

Additions, Deletions or Corrections to the Agenda - There is a new addition for a building permit fee waiver for Storm Ambulance.

A MOTION by Mr. Bomba with a second by Ms. Moran to approve the addition, all in favor, **motion carries.**

Committee Reports: Community Relations BOA Sub-Committee

Vendor Permit: Nichols Dog House - Rt 34 **A MOTION** to approve by Mr. Benanto, second by Mr. Boulton, all in favor, **motion carries.**

Blight List - 40 Gilbert Street

The item was discussed in subcommittee a few months ago and was tabled by the subcommittee. Correspondence was received from the blight officers asking for the item to be readdressed. There was concern the property is still blighted and it was used in the appeal process of other blighted property owners asking why there was inactivity in terms of being placed on the blight list.

Barbara DeGennaro - 51 Paugasset Rd. Business Address - 1 Thompson Pl - Derby Ct. speaking tonight on behalf of Mr. Iacuone.

Ms. DeGennaro removed herself from the aldermen table and spoke as a member of the public.

At the September 6 2011 subcommittee meeting, 40 Gilbert Street was discussed for the purpose of putting the property on the blight list. The action of the subcommittee was to table it, there was concern of the subcommittee with regard to the litigation, easements and negotiations with the property owner.

The house is uninhabitable due to the flooding in the Gilbert Street area. There was going to be discussion with Corporation Counsel to see what the status was with the easements in the area and negotiations. There was concern by some board members with the condition of the property, why it is in the condition that it is in, and it was tabled.

Now it is on the agenda. If there are complaints from the neighbors, Ms. DeGennaro believes it is the same neighbors this board acted upon last month who have construction issues there due to the flooding.

Ms. DeGennaro does not feel this is proper, there has been no information shared or negotiations with Mr. Iacuone at all. Mr. Iacuone has not had a response since November 2010. Ms. DeGennaro feels this was pushed because of a political issue.

Mr. Hughes stated the blight officer contacted him. A blighted property owner brought pictures of Gilbert Street to their hearing asking why this was not addressed. Mr. Hughes feels that by not adding the property to the list, puts the City's program in jeopardy. The appeal process is for instances like this where there are other questions or other situations surrounding the property and has to be settled out in the court system.

Mr. Lenart stated there was a Derby Avenue property that was brought to the subcommittee for blight earlier in the year. The committee tabled it due to extenuating circumstances. Later, it was determined to put it on the blight list, but the full board stated it would have to go to the committee first, as it was tabled there originally. The process is to go to the committee first and then to the full board.

Attorney Coppola stated the ordinance does not mandatorily require it to go to the committee. It is for the efficiency of the board of aldermen to have the committee iron out the details.

Mr. Iacuone feels he has been more than fair with the City trying to work this out. Mr. Iacuone had to move from the residence because of this. There have been other properties that have gone on the list, other properties in negotiations with the City, (ie: Feed Store not on the list, and is still in the same condition, because they are in negotiations with the City). Mr. Iacuone feels the City is remiss in there storm water issues, causing damage to his property and then putting his property on the blight list which is strong arming him into doing something with the City. It is not fair. The problem is being worked on and now with no warning it is on the agenda.

Ms. Moran has an email dated the 14th from Andy Cota. Ms. DeGennaro stated as a member of the board, and as an attorney for Mr. Iacuone has never received the email. Mr. Iacuone did not receive the email also.

Ms. Moran stated the email is not from the blight commission, it is from one officer.

Mr. Hughes is not forcing the issue, he was asked to present it for discussion.

A MOTION by Mr. Lenart to bring it back to subcommittee, second by Mr. Benanto, discussion.....

Mr. Bomba stated every month blight list recommendations are received, there is never an issue, never a property owner present, never an attorney present, it's a simple issue, there is an appeal process that you can go through, there is no snide thing happening here. Mr. Bomba has never seen an attorney jump up to defend a member of the board of aldermen. This is a serious conflict.....

Mr. Benanto stated he trusts the words of his colleagues on the committee to entrust properties being put on the blight list and he is not comfortable approving anything that didn't go through at this time as he hasn't for the last six years, that's why he is in favor of bringing it back to the subcommittee.....

all in favor, Mr. Bomba is opposed, Mr. Iacuone and Ms. DeGennaro recuse themselves, **motion carries.**

Permission for Derby/Shelton Bonfire - Picnic Grove

A MOTION to approve by Mr. Benanto, second by Mr. Bomba, all in favor, **motion carries.**

Fine: Courthouse Dogs (Vendor) per City of Derby Charter Sec 136.16

Since 2007, the business owner has not applied for a vendor permit from the City. He had in previous years. The permit from the Naugatuck Valley Health District was continued every year however. Another vendor in town brought it to the attention of the committee.

At that time, the Mayor went to the vendor informing him that he was in violation these past years and needed to get a permit. The owner came down and picked up the packet and brought it back to the police station, but never paid the fee. The vendor is currently operating without a permit.

The charter states there is a \$250.00 fine and a one year loss of permit privileges.

A MOTION by Mr. Lenart with a second by Mr. Hughes to fine Courthouse Dogs per City of Derby Charter, Section 136.16, discussion.....Mr. Benanto asked what other options there were.....Mr. Lenart stated the police can issue a citation....Chief Narowski stated the department would have to conduct an investigation and issue an infraction based on the City ordinance.....Ms. DeGennaro stated per Section 136.17, the permit cannot be revoked immediately until there is a hearing. Mr. Lenart withdrew his motion. Chief Narowski is on notice and will have the department follow up.

Department Reports:

Board of Education - no one present

Cultural Commission Report - no one present. Mr. Lenart stated several months ago the board requested a financial report. The board has not received anything, Mr. Hughes will check into the matter.

Public Works Report - Mr. Culmo amended his report regarding the Derby Green and the animal feces. The amount of feces has increased significantly.

Building Report - The Edge Fitness Center will open November 30, 2011. They have over 600 members signed up.

Facilities Inspector Report - no questions on report.

Fire Marshall Report - the difference this year versus past years regarding the bonfire is they cannot burn skids as per state law.

Fire Department Report - no one present.

Police Department - Chief Narowski will have the department make an investigation regarding the Courthouse Dog issue.

Office of Emergency Management - Mr. Sampson had a couple of recommendations following Hurricane Irene and Nor'easter Albert. In both cases, the City of Derby dodged a huge bullet. There were 40 instances of power outages from the snow storm. There were under 200 occurrences from the Nor'easter and Irene that came through.

The Middle School was opened as a shelter. When the Middle School was designed, Mr. Sampson sat on the committee on behalf of the Fire Department. The steel in the building was upgraded. The City of Derby has no recognized shelter in the State of Connecticut. The State funding of the school caused certain things to be cut out, which no longer allows the school to be used as a shelter.

Mr. Sampson presented a cost for a generator for the Middle School. The school has no backup power, even though there are four turbines there. The turbines are tied to the high school and serve as very limited power for the high school.

Everything with the Middle School is electric. If you try to wash your hands in the bathroom, or use toilets, it is all electric. It is not enough as an emergency shelter to provide basic power to serve as a Red Cross Certified Shelter.

Mr. Sampson presented a cost from VEECO who did the work on the City Hall generator for a generator for the Middle School which is approximately \$172,000.00. That would not include the reprogramming of the air handler system at the Middle School which would run approximately \$5,000.00. Mr. Sampson would like to move ahead with the project because in March Mr. Sampson would be able to apply for a \$50,000.00 grant. Mr. Sampson will also approach the Superintendent of Schools because there is a grant available through the State to make the school better and will cover some of the cost, which can be 2/3 of the cost of the project. Mr. Sampson is not sure if he can get matching funds from the State, he is still waiting for a letter from the State of CT to see if that can be used as part of the matching fund.

The City Hall generator is tied in, but has not been tested yet.

There are no telephone lines in the EOC (Emergency Operation Center). There is a contract with the State through AT&T to put three lines in.

Parking Authority- no one present.

Refund of Excess Taxes Paid requested thru November 9, 2011 - \$437.56

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

Non-Union full-time Administrative Personnel - Retirement: Vacation, Personal Days and Sick Days.

A typical city hall union employee is entitled to, upon retiring, payment of unused vacation, personal and sick time at 50%. It has been the same for non-union people.

Under Mayor Staffieri's administration, people who have been hired have had a contract where this is addressed.

In the case of Mary LaBranche who is retiring from the Senior Center, there is no contract.

As an example, when Mr. Robertson's position was created by the former mayor, Ron Sill moved as a motion with minutes, that ties the position to the City Hall contract in terms as vacation days, etc.

Ms. LaBranche, Mr. King and Mr. Cazzozi of the WPCA, Barbara Charlonis of the Mayor's office, David Kopjanski - Building Inspector does not have a contract, as does Suzanne Foster of the Senior Center have a contract or condition of the Board of Aldermen.

Mr. Robertson proposes to recognize what has been done over the years, that non-union people for the purposes of fringe benefits, retirements, benefits such as sick days, vacation days, etc. be tied to the City Hall union contract.

Ms. DeGennaro stated the issue is benefits of employment which is non union, there is no policy, nothing to implement, nothing to look at, she does not feel there is enough information to make a decision to give someone benefits and how it's going to affect anyone else in the City. This would be a great topic for the Operations and Procedures Subcommittee.

Ms. Moran feels it should go to subcommittee. We have to follow procedure.

Mr. Hughes stated raises have been linked to the City Hall contract.

A MOTION by Mr. Bomba to give coverage with union contract for all non-union full time administrative personnel, second by Mr. Hughes, discussion.....

Mr. Hughes sees Ms. DeGennaro's point of not having information in front of them, and also seeing Mr. Lenart's point to helping a long time employee, along with if they do tie this to existing contract, that contract was already approved by the Board of Aldermen and the fact of the matter is, giving this contract to subcommittee, it cannot be changed even if they wanted to.....

it would be a choice of do we want to link it through or don't we.....

Mr. Robertson stated the past experience is 2000, Mr. Presutto who was a non union superintendent where the Board of Aldermen passed a motion tying him to the City Hall contract.

Mr. Iacuone stated the language is within the pension, talking about sick time and vacation time and how it is handled. If she is paying into the pension, that language may actually do exactly what she is looking for. Even if she isn't retiring she is entitled to the pension plan which has language.

A MOTION by Mr. Bomba to give benefits in accordance with the union contract for all non union employees, second by Mr. Hughes, discussion.....Mr. Iacuone would like to send it to a special pension board meeting where he is positive there is language on the topic, there may not be a meeting scheduled with a quorum..... Mr. Lenart feels it was done in 2000 and past practice....all in favor.....Ms. DeGennaro and Mr. Iacuone are opposed, **motion carries**.

Recommendation for the hiring of a new Director of the Derby Senior Center

Mr. Robertson and Ms. LaBranche interviewed all potential candidates. Thirteen people were interviewed. The Mayor has suggested a potential candidate.

Attorney Coppola and Mr. Robertson are working on a contract for the recommended candidate. She has given notice to her present employer which is December 2nd. She will start on December 5th. She

has a degree in criminal justice with her major study being elder abuse. She, her husband and their children volunteer once a month at food shelters cooking and serving meals. **A MOTION** by Mr. Lenart with a second by Mr. Bomba to approve the hiring of the new director of the Derby Senior Center, all in favor, **motion carries.**

Building Permit Fee Waiver for Storm Ambulance

The Storm Ambulance occupies a small brick building next to the Storm Engine Company Fire House. The building is a City building, yet the ambulance company maintains the building and pays for utilities.

The atrack system has died, it is being replaced, A Quick Pick Crane company has donated crane services to lift the new unit to the roof, Even Mechanical of Ansonia is installing the unit at no cost. The Ambulance Company is looking to have the building permit fees waived.

A MOTION by Mr. Benanto with a second by Mr. Boulton to allow a permit fee waiver, Mr. Lenart recused himself, all in favor, **motion carried.**

Adjournment

A MOTION to adjourn at 7:56 p.m. by Mr. Bomba, second by Mr. Lenart, all in favor, **motion carried.**

Respectfully Submitted,

*Denise Cesaroni
Recording Secretary*

*******These minutes are subject to the approval of the Board of Aldermen at their next regular meeting.**