



**City of Derby
Board of Aldermen
January 26 2012**

Pledge of Allegiance The meeting was called to order at 7:00 p.m. by Mayor Anthony Staffieri. All rose and pledged allegiance.

Roll Call

Present: Barbara DeGennaro, Stephen Iacuone, Beverly Moran, Arthur Gerckens, Ronald Sill - BOA President, Scott Boulton, Carmen DiCenso and Kenneth Hughes.

Also present: Corporation Counsel Joseph Coppola, Street Commissioner Ron Culmo, Building Inspector David Kopjanski, Fire Marshal Phil Hawks, Fire Commissioner Kelly Curtis, OEM Director Charles Sampson, Director of Community and Economic Development Sheila O'Malley, Chief Jerry Narowski, Deputy Chief Scott Todd, Parks and Rec Director Dennis O'Connell, Tax Collector Cinda Buchter and Town Clerk Laura Wabno.

Absent: James Benanto.

There was a moment of silence for Edward Cotter Jr. and Louis Mattei.

The Mayor read the following into the record:

"I am here before you tonight to honor a wonderful resident and dedicated public servant; Edward J. Cotter Jr. We all mourn the passing of Ed Cotter Jr. realizing his legacy will live on forever in Derby. His contributions are numerous, but let me mention a few: his service first as a fire fighter, his service as a fire chief, his creation of the Storm Engine Co. Ambulance Corps. Each and every action of Ed has helped countless residents with emergency medical care and rescue services.

His dedication and innovation has saved so many lives. He had a positive impact on everyone he came into contact with. He organized the Valley Fire Chiefs Training School for the Naugatuck Valley assuring that the most modern techniques were used for the good of our community. He became a role model and trainer for generations after him. He learned his trade from his father who was captain in the Storm Engine Co. and his service in the Navy as a fire fighter during World War II.

His job as photo journalist at the Evening Sentinel allowed him to combine his ability to help others while documenting major historic events in the Valley. With all that, he still had time to volunteer as a little league umpire, organize many blood drives for the good of our community, and also served as Fire Commissioner and Civil Defense Director.

His service to the community lives on through his family. His daughter Ellen and three of his grandchildren volunteer with the Storm Ambulance Corp. as well as the Storm Engine Co. Tom Lenart was the former chief of the Storm Ambulance Corp. His grandson, Dave Lenart is the current chief of the Storm Ambulance and Rescue Corp. and a former member of the Derby Board of Aldermen. Grandson Tom

Lenart Jr. is an assistant fire chief in the Derby Volunteer Fire Dept. and granddaughter Bree is an EMT with Storms.

Ed has received many awards and commendations over the years, too numerous to recount. But there is one honor we can give him which will ensure his place in the memory and history of our City, his service to our community can be memorialized through the naming of a new recreation complex at O'Sullivan Island as the Edward J. Cotter Jr. Recreation Complex on O'Sullivan Island. I envision a boat dock, fishing pier, families having picnics, children running with joy, throwing a ball or flying a kite. What better honor can we give a man who has given so much to us. The man who created the fire service building on O'Sullivan Island. Future generations will come to understand how he has touched us all. They will know that we appreciated all that he did for the City through his dedication to the safety of people, his love of Derby, his love of family. I hope you feel the same way and join with me by memorializing Ed in a permanent and suitable way".

Additions, Deletions or Corrections to the Agenda - There is an addition of a waiver of a permit fee for Earthworks Excavating for the DOT road to be addressed after the Derby Day Duck Race signage placement.

Public Portion

Dan Waleski - 21 Elm Street. Most in town are wishing the new administration success and a gratifying experience. Some are somewhat apprehensive. Mr. Waleski stated building bridges and working for the common good and ultimate successes and accomplishments for the City and extends his best wishes to the new administration.

Joe Bomba - 6 Chestnut Dr. Mr. Bomba stated the executive sessions are reserved for issues that are currently in negotiation stage and legal issues such as the Derby Revolving Loan Fund. Executive Session is not intended for public discussion regarding blighted properties. The public has a right to know the discussion or decisions made regarding blighted properties in their community. Mr. Bomba respectfully asks any issues pertaining to blighted properties not including negotiations or legal issues be discussed on the regular agenda.

Anita Dugatto - 69 Elizabeth Street. Ms. Dugatto wishes the board would rescind the motion regarding dogs on the green. Ms. Dugatto would like to know an update. Also, Ms. Dugatto bought into the video for business owners for Derby. It has been a year and it has not been on the website.

Arthur Gerckens - Hawthorne Avenue. As a newly elected aldermen, Mr. Gerckens feels disrespected. He questions why Corporation Counsel is seated at such a prominent seat. Mr. Gerckens looked at the Charter and the Corporation Counsel is an official of the City of Derby. Yet, he sits next to the Mayor. Mr. Gerckens cannot see the public, and notices people talking when he is trying to make a point. Mr. Gerckens would like to make a motion to only have the elected officials sitting at the big table.

President Sill stated the Charter states the Board of Aldermen have the right to arrange the proceedings at the Board of Aldermen meeting.

Mayor stated the item can be sent to the Operations and Procedures Sub Committee.

Dan Waleski - Mr. Waleski appreciates the deep interest Aldermen Gerckens has given the subject and given the City. At 87, and attending City meetings since he has been 14 years old, and whose father has served on boards and commissions, the arrangement is something Derby has had for years and years and worked out very very well. The Mayor has opportunities to consult with the Corporation

Counsel saving a great deal of time. It serves a worthwhile purpose and likes seeing him sit there. The format and decorum is in force and the informality and rapport should be continued.

Anthony Staffieri - 17 O'Sullivan Road. Mayor Staffieri stated all past Democratic boards..... Mr. Sill you never made mention of anything..... the Chairman of the Board of Aldermen has always suggested in the past that Corporation Counsel sit at the table. Corporation Counsel is not here for a joy ride, rather to keep the City focused and do things correctly.

Arthur Gerckens - Mr. Gerckens feels looking at the face of the law is an imposing figure and could sway what the public wants to say.

Anthony Staffieri - Mr. Staffieri stated it comes down to making sure things are done correctly, keeping the City out of trouble, not out of political misuse. Mr. Staffieri stated the people may feel more intimidated by the board members that set the policies, not ones who guide us through the rough waters.

Carmen DiCenso - 7 Jeanetti Drive. Mr. DiCenso is a new member of the board of aldermen. Mr. DiCenso does not care where Corporation Counsel sits. Mr. DiCenso wants to hear the questions and answers between everyone, when the whispering goes on.

Mr. DiCenso also stated he was notified 25 hours prior to the Community Relations Sub Committee. He was scheduled to work that night. There was to be a regular schedule of meetings and did not receive one. Mr. Hughes is not the Chair of the committee and was not sure why he called the meeting. Mr. DiCenso feels the meeting was bogus and what transpired at the meeting should not be allowed.

Mayor Staffieri stated the City Clerk posted the time and place for the meeting.

Laura Wabno - City Town Clerk. Ms. Wabno stated it was a special meeting and was informed by Mr. Hughes and given a list of the properties to be discussed by the blight officers and the building department and followed the procedures for posting within a 24 hour notice.

Arthur Gerckens - Hawthorne Ave. Mr. Gerckens stated he will have a lot to say about the blighted properties.

Dan Waleski - Elm Street. Mr. Waleski stated if Mr. Gerckens has more to say about the item, the public will not have much of an opportunity to voice an opinion. If Mr. Gerckens has something to say, say it now or leave the item as suggested on the agenda.

Public Portion closed.

Approval of Minutes

November 17 2011

A MOTION to approve by Mr. Hughes with a second by Ms. Moran, all in favor, (Mr. Gerckens and Mr. DiCenso were not present at the meeting), **motion carried**.

December 3 2011

A MOTION to approve by Mr. Sill with a second by Ms. Moran, all in favor, **motion carried**.

December 15 2011

A MOTION to approve by Mr. Hughes, there is no second.....the minutes will be submitted to the clerk as unapproved....Mr. Sill asked if anyone has a problem with the minutes....Mr. Gerckens feels the

revised second draft of minutes.... the first draft had glaring errors causing him to correspond with Mr. Sill about some of the things. Some things have been fixed but, not all of them. The portion between Mr. Gerckens and Ms. O'Malley is missing information, The minutes seem like they were given an informed and thoughtful dialogue about the loan program and feels like it was anything but that. There were questions, lingering answers and pauses. When you read it, it looks like you were given a very detailed description of the loan program. There were no mention of the questions asked by Carmen or any of the responses. There was a mention at the meeting by Sheila who brought up names of the people who were delinquent and it is not in the minutes. Mr. Gerckens feels the loan discussion was homogenized to make it look like everything is fine and it seems like there was glaring missteps. Ten months or a year from now, if you look at the minutes, if the comments are not in there, they are useless to him.

Under the facility inspection report, the minutes need to be corrected. They incorrectly say the committee relations subcommittee, it should be the community relations subcommittee, but later on the minutes it stated Mr. Hughes will set up the committee meeting. That's not Mr. Gerckens recollection. Mr. Gerckens recalls the Mayor stated because of Mr. Hughe's experience, Mr. Hughes will chair the committee. The Mayor has the authority to appoint subcommittees but not the ability to name chairs. Mr. Gerckens prefers going back to the tape recording. Mayor Staffieri stated he did not appoint him, he asked the aldermen to consider appointing him as Chair because of his experience. During the meeting (community relations meeting), he was elected as Chair. He wasn't Chairman until then.

A MOTION by Ms. DeGennaro that the minutes be transcribed word for word from the tape recording for the December 15, 2011 meeting.

Ms. Wabno stated the recording secretary is not a professional stenographer, you would have to go to the Board of Apportionment & Taxation to bring in a professional stenographer.

Ms. DeGennaro believes under FOI, someone can ask for it to be.....Ms. DeGennaro is making **A MOTION** that the minutes (December 15 2011) from that meeting be transcribed to the best that they can be word for word in accordance with the tape recording and be presented to the board in writing for the next meeting, second by Mr. Gerckens, all in favor.....Mr. Hughes is not in favor, Ms. Moran recused herself as she was not present, **motion passes.**

Committee Reports: Community Relations - January 5 2012

Mr. Hughes stated the committee met on January 5th. There was no official Chair. Being as it was the first meeting of the new committee, someone had to contact the members. Laura Wabno posted the agenda. Once the meeting was held, a meeting schedule was set for the rest of the year and going into January 2013.

Mr. Kopjanski explained the blight process for the new members. He opened up the floor for questions on the process. Mr. Kopjanski had several additions for recommendations which the board voted upon. Mr. Kopjanski also had a list of properties recommended for removal from the blight list, which the board voted on.

The existing ordinance for vendor permits was presented as well.

Mr. Gerckens questioned the validity of the meeting as it was put up in a rush. The email was dated January 3rd at 11:34 that Mr. Hughes would want to schedule a meeting for Thursday January 5th. Mr. Gerckens replied that he would be available. A copy went to the Town Clerk on the 4th at 2:57 from Mr. Hughes asking if there was any luck with the agenda. A response from the Town Clerk that the agenda was all set at 3:03 emailed from the Town Clerk at 4:34 stated there was a meeting on January 5th at 6:30. Mr. Gerckens works out of town, City Hall is closed prior to and after his work. The minutes has so

much information missing and verbal exchanges. Mr. Gerckens asked who set the agenda. The Town Clerk stated she typed the agenda, Mr. Kopjanski set the agenda. Mr. Kopjanski stated he did not.

Mr. Gerckens stated there was no Chair at the time to set the agenda. Mr. Gerckens questions if Mr. Hughes was appointed Chair prior to the vote for the Chair, there is a problem with that.

The packet for the Gilbert Street property was not included in his packet. If it goes to subcommittee, all the packets need to go there.

Mr. Hughes explained how the subcommittee agenda is set. The blight issues come from Dave Kopjanski and are emailed to Laura who puts them on a standard agenda. In terms of 40 Gilbert Street ,that was talked about in subcommittee before Mr. Gerckens was an aldermen, probably two or three times.

In terms of Mr. Hughes not being the Chairman, there was a legal vote at the meeting....so in his opinion everything was done above board. Being volunteer, sometimes meetings are called in two days, that's how volunteer government works. He does the best that he can in terms of email, he spoke with Mr. DiCenso by phone the morning of, and Mr. DiCenso stated when he isn't available for meetings for schedules.

Mayor Staffieri stated he asked Mr. Hughes, with his past experience to get the meeting ready. Mr. Gerckens stated they would listen to the tape.

Ms. Wabno stated last April a gentlemen from FOI was brought in at no expense to the City and was offered to everyone. He has reviewed our minutes, and stated the minutes had more than enough. The minutes under FOI, only need to have the time it was called, the members in attendance, the motions, and any discussion on the motions. All the other information is summary from what the secretary puts in. If you were to come and say for the record, I would like this read in, the secretary has to take it verbatim and put it in the record, everything else is just a summary. Under the FOI guidelines, it was stated: the members, the place, time, motions, questions on the motions. The minutes are covered under all the FOI guidelines.

Add to Blight List:

108-110 Derby Avenue

A MOTION to add by Mr. Hughes, with a second by Mr. Boulton, roll call: Mr. Gerckens - no, Mr. DiCenso - yes, Mr. Sill - yes, Ms. Moran - yes, Mr. Hughes - yes, Mr. Boulton - yes, Ms. DeGennaro - no, Mr. Iacuone - no, **motion carries**.

81 Grove Avenue

A MOTION to add by Mr. Hughes, with a second by Mr. Boulton, roll call: Mr. Gerckens - no, Mr. DiCenso - yes, Mr. Sill - yes, Ms. Moran - yes, Mr. Hughes - yes, Mr. Boulton - yes, Ms. DeGennaro - no, Mr. Iacuone - no, **motion carries**.

10-12 Ninth Street

A MOTION to add by Mr. Hughes, with a second by Mr. Boulton, roll call: Mr. Gerckens - no, Mr. DiCenso - yes, Mr. Sill - yes, Ms. Moran - yes, Mr. Hughes - yes, Mr. Boulton - yes, Ms. DeGennaro - no, Mr. Iacuone - no, **motion carries**.

40-42 Gilbert Street

A MOTION to add by Mr. Hughes, with a second by Mr. Boulton, Mr. Sill would like to table the item until the executive session, since it is discussions and negotiations, it is legal for executive session, rather than

seeing it get shot down right now, I would say that we hold it off until the executive session.....Mr. Hughes rescinds his motion, Ms. Moran seconds it, all in favor, Ms. DeGennaro and Mr. Iacuone recused themselves, **motion carried**.

Remove from Blight List:

267 Caroline Street
182 Derby Avenue
200 Derby Avenue
37 Hawkins Street
196 Hawkins Street
44 Hawthorne Avenue
9-11 Hawthorne Avenue
121 Hawthorne Avenue
106 Olivia Street
94 Pershing Drive
9 Pine Street

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

Ms. DeGennaro would like the subcommittee have the ordinance looked at again and feels it is highly subjective. Mr. Kopjanski will have the facilities inspectors at the next meeting. Mr. Kopjanski stated the ordinance has been modified over the last four years several times to stay in compliance with state statute which changes periodically.

Department Reports:

Board of Education - no one present.

Cultural Commission Report - George Pudimat presented the Chairman of the Commission - Dani Soto. Derby Day will be June 16th. Mr. Pudimat would like to have the City waive the vendor permits. They are having trouble getting vendors due to the fact there is no provision for a one day vendor permit and will now be required to get a yearly permit. There are usually 25 to 30 vendors signed up by now, and there are no vendors signed up yet.

Mr. Hughes recommends the board waive the vendor permit fee for the Derby Day vendors. **A MOTION** by Mr. Hughes to waive the vendor permit fees for Derby Day for 2012 only, second by Mr. DiCenso, all in favor, Ms. DeGennaro is not in favor, Mr. Sill asked if the same regulations would still go through the Cultural Commission....Mr. Soto stated there is an employee who takes all of the vendors that come in, they have been using the same vendors for the past few years. It is not fair to them to spring the new guidelines on them, there is a packet that will state the next Derby Day these guidelines need to be required.

Mayor Staffieri stated the vendors will need to be approved by the Commission, so there will not be a free for all.

Chief Narowski stated there are two processes. There is the law and the administrative procedures. The ordinance has a specific process. They apply for a permit through the City Clerk, then it goes to subcommittee, then it goes to the Police Department for a background investigation, and then the Board of Aldermen. If you waive the fee, that is one thing. It will still be a long process. Once the vendor has a license to peddle, whether they pay for it or not, then the Cultural Commission can organize how they like. The process will have to be waived, to expedite this from taking months.

Chief Narowski sent the board a memo last July on this problem. Chief Narowski stated it is a bit bureaucratic, because the subcommittee gets the vendor permit, then to the police department, then to the Town Clerk and then back to the full board. For a single day permit, you can get the same effect sending through the police department, processing within a day or two and get the same background checks, etc.

The subcommittee will address this at their next meeting.

Public Works Report - Mr. Culmo stated the dogs on the green is still an issue. No one seems to care. The problem is still occurring on the greenway as well.

The businesses downtown did not clear their sidewalks after the snow storm. If there is a storm again, there is a procedure to have them arrested for not cleaning their properties.

Mr. Culmo wants it on record the department has equipment that is very old, vehicles over forty years old. There are many breakdowns. People are complaining because back streets weren't done until late in the afternoon, they have been mixing and matching trucks all over town, keeping the main roads clear until they got to some of the back roads at three or four o'clock in the afternoon. People have to be patient. Some of this equipment needs to be replaced.

Mr. Sill would like to have the dog issue on the next community relations subcommittee agenda.

Mr. Gerckens questioned the schedule for garbage and recycling on Martin Luther King Day. Mr. Culmo stated the City of Derby website lists the six holidays the trash collection has. The missed recycles or garbage on one day could be the truck broke down, and then they would double up the next day to try again. If there is a problem, the public works department can call the company.

Mr. Sill stated there is a sewer at the bottom of St. Mary's hill that needs repair.

Building Report - no questions on the report.

Facilities Inspector Report - no questions on the report.

Fire Marshall Report - Mr. Hawks informed Ms. DeGennaro he looked around and asked people about Prospect Street. No one could remember anything about a fire lane there. There are NO PARKING signs on the right side going up, still there. Mr. Hawks is asking the Fire Department for a list of all intersections and turns where they are having a problem with fire apparatus. When the list is compiled, Mr. Hawks will generate fire lanes to make it easier for emergency vehicles to get through the town.

Fire Department Report - Mr. Curtis thanked the Mayor for the kind words for Ed Cotter. Mr. Curtis read the following into the record:

"This memo is to inform you that as of this date the Derby Fire Department will be disbanding the Dive Team. After great deliberation, I have decided the liability outweighs the need for a Dive Team within the Derby Fire Department. Although there was interest within the department in years past, I feel the interest has dwindled most recently. There is annual training and certifications that is needed that the few members to not have the time to achieve, which does not allow the team to operate in a safe and effective manner. I stand by the feeling that the dive team is not a rescue team but a recovery team. There are area dive teams that train and practice regularly that will handle the issues that arise. I plan to collect the department owned equipment and see if there is any other agency within the town or the

area that can use the equipment. I will then come before this board to get permission to distribute it. The majority of the equipment was purchased from grants from Valley organizations, this means I would like to keep the equipment in the Valley. This is not an easy decision to make, but I feel it's in the best interest of the Derby Fire Department".

Office of Emergency Management - The department continues working on getting the money from Tropical Storm Irene. The emergency plans are being reviewed. Mr. Sampson recently received approval for sixty thousand dollars reimbursement for the January 11 2011 storm.

Parking Authority- no one present. The report is in the meeting packet.

Police Department - Chief Narowski outlined the department goals: continued aggressive efforts in crime reduction and suppression, aggressive enforcement of the root causes of crime - drugs, narcotics, etc. the kinds of things that build on crimes against persons and property, ensuring accurate reporting by updating policies and quality control techniques. There is a goal to increase patrol staffing levels, a goal to increase professionalism within the department with policy and procedure updates working towards state accreditation and capital project updates.

There are two surplus marked police vehicles that have been forwarded for auction. One was sold for over \$3,000.00, the other is currently at auction and is at \$3,600.00. This is much more than what the department has been getting in the past. The money comes back to the general fund.

The state put out a study on PSAP (Public Safety Answering Point) where 911 calls are received. They looked at all the municipalities to determine where they will consolidate the state with three call in centers. A lot of things were not considered in the study as far as manpower and staffing throughout all the police and fire departments. It is a totally unfunded mandate.

The department has entered into a memorandum of agreement with the federal government for potential acquisition of surplus military equipment. The department is looking at vehicles at no cost to the City for moving trailers, cones, equipment, traffic control devices, etc.

Ms. DeGennaro asked to have the police department report with the total number of arrests for next month.

Mr. Gerckens stated he was appalled at the article about a year ago regarding the dog facility. Mr. Gerckens would like to know what improvements have been made. The facility looks run down. Mr. Gerckens asked if the Chief would like the new police dog to be there for three or four days. Chief Narowski stated it is not a "POOCHEE PALACE", it's an animal control facility. The department put a Stop Kill Order into effect last year and they were not euthanizing as many dogs. It is a balance between quality of life, if you want to keep a dog and not be able to place it for five years, that is not quality of life, at the same time there are some animals are very vicious and they can't be placed. The efforts for placing animals have been media, rescue groups, used the internet, when it comes time for euthanizing the department reaches out again.

Thousands of dollars have been spent on the facilities with the help of public works, plantings, painting, structural updates, fence, mechanics, redoing the septic.

The City of Derby can't afford thousands of dollars to house these animals until they die of natural causes.

Refund of Excess Taxes Paid requested thru January 19 2012 - \$16,570.69

A MOTION to approve by Mr. Hughes, second by Ms. Moran, all in favor, **motion carried.**

Permission for use of the Derby Greenway for 5k Race - CT Roller Girls - June 10 2012

A MOTION to approve by Mr. Sill with a second by Mr. Boulton pending insurance release, all in favor, discussion....Mr. Hughes asked who will do the clean up, Ms. DeBenedetti stated their committee will, **motion carried.**

Permission for use of the Derby Greenway for 5k Race - Knights of Columbus - June 10 2012

A MOTION to approve by Mr. Sill with a second by Mr. Boulton pending insurance release, all in favor, **motion carried.**

Parks and Recreation Department - Proposed City Recreation Parks Closure during High Wind Speed

Mr. O'Connell wishes to set a safety standard for outdoor sporting events at the Parks and Rec facilities for postponement based on weather report involving wind. The commission would like to set a standard backed by the City to reinforce the commission's ability to make a safety decision. Mr. Sill recommended Mr. O'Connell draw up a resolution and present at the next subcommittee meeting.

Update City of Derby Revolving Loan Program

Ms. O'Malley addressed the board....with all due respect, Alderman Gerckens made reference to a presentation I gave last month to the BOA regarding the Revolving Loan Fund. I answered all questions, pointedly and to the best of my knowledge, but for legal questions which should be directed to legal counsel and asked in executive session.

Which brings me to my next point. I have worked with over 27 Corporation Counsels in my government career. Attorney Coppola is one of the best, most competent and brightest Corporation Counsels around. You should consider yourselves very fortunate to have him sitting at the table with you during these meetings. In addition, Denise Cesaroni is a highly competent, diligent and hardworking individual. You should consider yourselves lucky to have her as the Recording Secretary as well.

Attorney Coppola stated the item should be discussed in Executive Session.

One party is working on a payment arrangement. Assets have been improperly removed, and the repayment is in the best interest.

The other debtor is in the process of filing a bankruptcy and is in a holding pattern. The letter is from his counsel stating a Chapter 11 will be filed next Tuesday or Wednesday.

Mr. DiCenso wanted to know if there was any collateral. Ms. O'Malley stated there is personal guarantee and property collateral on both loans.

Mr. DiCenso wanted to know if the filing is a corporation or as a personal bankruptcy. If the debtor is not filing personal bankruptcy, then they are still on the hook. There is no bankruptcy confirmation at this time.

Mr. Sill read from a subsidy agreement...."Whereas, as a condition of making a loan to the borrower, the City requires that the borrower covenant to the City, that is shall remain in business in the City of Derby during the term of the loan. Any failure to remain in business in the City of Derby during the term of the loan shall constitute a default under the loan".

Ms. O'Malley stated during the re-payment of the loan, the business should remain in business (5 year repayment). We attempt to make collection on the loan. Some businesses go out of business.

Mr. Sill stated when the business went out of business, is when the agreement is null and void. Ms. O'Malley agreed.

Ms. DeGennaro would like Corporation Counsel to present confirmation of the bankruptcy filing, what type of bankruptcy was filed and then the board can ask Attorney Coppola to take the necessary steps if prudent, to get a relief from stay in the bankruptcy court if it warrants it. Ms. DeGennaro would like this discussed at next month's meeting in those terms.

Mr. DiCenso feels no more loans should be given out, until this situation is straightened out.

Attorney Coppola stated the loans are secure. Ms. O'Malley stated there is a 90% success rate with the loans. There is 75,000 available now with 8 businesses looking for funding.

Ms. DeGennaro would like to ask Corporation Counsel to see what procedures were used in the past regarding delinquent loans for the next meeting in Executive Session.

Resolution State of Connecticut Preservation Grant 2012 - \$3,500.00

"**RESOLVED**, That Laura A. Wabno City/Town Clerk of the City of Derby as the designee is empowered to execute and deliver in the name and on behalf of this municipality, an application and contract with the State Library for an Historic Document Preservation Grant."

A MOTION to approve the application to the Connecticut State Library Historic Preservation Grant Program for Fiscal Year 2012 in the amount of \$3,500.00 by Mr. Sill with a second by Ms. Moran, all in favor, **motion carries**.

Election Issue regarding Board of Apportionment & Taxation

Attorney Coppola addressed the board. Attorney Coppola attempted to reach out to a representative of the Democratic Party to discuss the concerns regarding the election of one of the members of the Tax Board.

If we have an asterisk as to how a member was elected, that means we have an asterisk to all of the votes and most importantly as to the budget itself.

Attorney Coppola attempted privately to reach out to ask for information to verify some of the information received. The correspondence ended up in the media.

Attorney Coppola now feels obligated to come before this board, as this board governs the charter and the issues that may be raised in future regarding this.

A certified name that was presented to the Town Clerk as a candidate for an office with the Tax Board was sent to the State Election Commission. The name was placed on the ballot and the name ended up winning a seat on the Board of Taxation. That person then retained counsel because there was concern as to what procedure was followed in order for that person to be on the ballot.

Attorney Coppola was contacted by more than one individual who thought the person they voted for was in fact the person that was elected and not his father. It was not a City issue with regards to the election, because the election laws were followed.

It became a City issue when the someone showed up and was sworn in, because now we have a physical person acting behind the name. That is why the inquiry was made to the representative of the Democratic Party on how that process was followed. Attorney wanted to reach out to the Tax Board of

how we could possibly correct any asterisks that may be appended to every vote from this day forward until the next election.

The charter clearly states that each party within 24 hours shall send their slate of candidates to the Town Clerk. The Town Clerk processes the documents and sends it to the Election Commission.

When we swear in a person to act in the elected position, we are then confirming that the person through the charter was properly nominated. The statutes are clear that the nomination of a person for a municipal office must follow the party rules. The party rules for the Democratic Party has a discussion of nominations, so on.

At that meeting, a particular person was nominated, but that person was not sworn in as an elected party and that person was not placed on the ballot properly. We have a person who was sworn in, when they weren't properly nominated. That is why it is a charter issue and not an election issue. The charter issues are governed by this board.

The last four or five years, this administration and various departments, and the tax board worked very hard to keep the taxes down to a certain level. We anticipated the next year or so, we would have a revaluation. This budget is one of the most important budgets in the last ten years and so will next year.

If there is a technical defect in the election process, it's cheaper to question any vote or any budget that's passed by the board by questioning how that member voted, rather than taking a tax appeal. There's many companies that will find it cheaper to question the voting process than to question their own appeal.

Mr. Sill stated the person is seated properly now, because the other person resigned. That person can act according to city charter. What happened in the process before, has been corrected by that person resigning. That person sitting on the board voting now is duly just.

An option is to have a directive to the Tax Board that there is an asterisk and should be wary of this problem with consideration on votes.

Mr. Iacuone feels Sr. was never unseated by section 5 of the Charter because the election was never validated. Attorney Coppola feels with that train of thought, you would leave the spot open and have a reelection.

Ms. DeGennaro referred to Section 4 a "Officers so elected shall hold their offices for a term for two years from the first Saturday of December next, succeeding their election and until their successors are elected and qualified.....

Mr. Gerckens opinion is....if there is an asterisk, then so be it.

Re-appointment - Commission on the Elderly Two Year Terms - January 31 2012 - Stacia Balko, Ron Sill, Marion Cafasso, Virginia Costigan, Shirley Erickson and Donald Klischer

A MOTION to approve by Mr. Hughes with a second by Ms. DeGennaro, all in favor, **motion carries**.

Re-appointment - Estuary Committee - Four Year Term - William Rohland

A MOTION to approve by Mr. Hughes with a second by Mr. Sill, all in favor, **motion carries**.

Derby Inland/Wetland - Appointment - Nelson Cummings, Alternate

Informational only. No action necessary.

Re-appointment - Parking Garage Authority - Five Year Term - Joe Moore

Informational only. No action necessary.

Re-appointment - Parks & Recreation Commission - Three Year Term - James Benanto and William Lynch

A MOTION to approve by Mr. Hughes with a second by Ms. Moran, all in favor, **motion carried**.

Zoning Board of Appeals - Appointment - Five Year Term - Joe DiMartino - Alternate

Informational only. No action necessary.

Permission for placement of signage - Boy Scout Troop 3 - Michael Calkins

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

Permission for signage placement for pending Derby Day Duck Race and use of the Greenway for 5k Derby Day Duck at Derby Days - June 16, 2012.

A MOTION to approve by Mr. Sill with a second by Mr. Gerckens, all in favor, **motion carried**.

Permit Waiver for Earthworks for DOT Road

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

Executive Session

40-42 Gilbert Street and Gilbert Street Project - Discussion and Negotiations with Property Owner Stephen Iacuone

Derby Cellular Tax Appeal Litigation

Enter into Letter of Agreement with (ANRG) American National Recovery Group, Inc., for collection of delinquent motor vehicle taxes.

A MOTION to go into Executive Session at 9:27 p.m. and invite Cinda Buchter - Tax Collector for the ANRG topic and Attorney Coppola by Mr. Hughes with a second by Ms. Moran, all in favor, **motion carried**.

A MOTION to come out of Executive Session at 10:21 p.m. by Ms. Moran with a second by Mr. Sill, all in favor, **motion carried**.

Discussion and Action

40-42 Gilbert Street

A MOTION to take no action pending a meeting with the full board and consultation with the City Treasurer, by Mr. Sill with a second by Mr. DiCenso, all in favor....Ms. DeGennaro and Mr. Iacuone recused themselves, **motion carried**.

Derby Cellular Tax Appeal Litigation

A MOTION to settle the tax appeal litigation based on the documentation provided in Executive Session by Mr. Hughes with a second by Ms. DeGennaro, all in favor, **motion carried**.

(ANRG) American National Recovery Group, Inc.

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

Adjournment

A MOTION to adjourn at 10:23 p.m. by Mr. Sill, second by Ms. Moran, 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.**