

# City of Derby

## Board of Aldermen

### First Ward

Barbara L. DeGennaro, President  
Stephen Iacuone  
Beverly Moran

### Second Ward

Joseph DiMartino  
Arthur T. Gerckens  
Ronald M. Sill

### Third Ward

Scott M. Boulton  
Carmen T. DiCenso  
Rich Dziekan

### Board of Alderman Minutes September 26, 2013

#### **1. Call to Order.**

Ms. DeGennaro called the meeting to order at 7:04 PM.

#### **2. Pledge of Allegiance.**

#### **3. Roll Call.**

Present were Ms. DeGennaro, Ms. Moran, Mr. DiMartino, Mr. Gerckens, Mr. Sill, Mr. Boulton, and Mr. DiCenso. Mr. Iacuone arrived at 7:15. Mr. Dziekan was absent.

#### **4. Additions, Deletions, Corrections to the Agenda as presented.**

Ms. DeGennaro had a couple corrections and deletions. First correction is to Section 8a community relations. She made a motion to have it read "recommendation for blight designation for 9-11 Hawthorne avenue". Mr. Boulton seconded and the motion carried with all in favor.

Ms. DeGennaro motioned to move Item # 12 bid waiver for Alert Alarms City Hall security system and make it new #20. Ms. Moran seconded and motion carried with all in favor.

Ms. DeGennaro motioned to delete Item # 18a "Discussion regarding offer to resolve claims by D. Kojanski inviting members of the BOAT." Mr. Sill seconded and the motion passed. For the record there is no item 17 on the agenda.

#### **5. Public Portion.**

The brother of the owner of 9-11 Hawthorne Avenue wanted to discuss the property's blight list status, but will wait until this item comes up for discussion under Section 8a.

**Rob Hyder - 51 Franklin Avenue:** "Good evening everyone. First I'd like to acknowledge all the representatives of Derby Little League that are here this evening in support of our request to the Board this evening. Last week the Capital Planning Commission unanimously voted to modify their plan to reallocate \$13,000 to renovate Uluski Field. My involvement with Derby Little League began in January 2009 and over the past 4+years agenda items and countless discussions have taken place on the executive board concerning the renovation of our major league field. The field was in disarray and in desperate need of repair nearly five years ago and it's only deteriorated more to the point we are today. The stumbling block of this field renovations has been the water source of the field house which is supplied by a well. It is widely believed that if we were to install a sprinkler system on the field a city water line would have to be connected to the field house. Estimates of approximately \$25,000 were received for such a job and the top has subsequently tabled time and time again. In the meantime, the condition of the field continues to deteriorate and the players are now beginning to get injured. Two weeks ago I contacted

J&M Landscaping to look at our field on the recommendation of our friend from Shelton National Little League. I met with Joe Tirello of J&M Landscaping at Uluski Field the following afternoon. Mr. Tirello surveyed the field and conducted a pressure test on our water source. Mr. Tirello determined that the pressure on our well was enough to sustain approximately 10-15 sprinkler heads which is more than required to complete the job. Sprinklers would operate in the early morning hours which would give the well more than plenty of time to replenish its supply before the field house would be used later that day. Derby Little League received a quote from J&M Landscaping of \$12,960 to remove the existing surface of Uluski Field, install a new sprinkler system, bases, pitching rubber, home plate, and install new Kentucky Bluegrass lined with sod. It's my hope that tonight the Board of Aldermen will approve the Capital Planning Commissions request to reallocate the \$13,000 for this project and the safety of our children. In addition, I also urged the Board of Aldermen to approve the bid waiver so we can begin this project as soon as possible so the new sod can begin the peak growing season this fall. As you already know, if this is approved tonight, we'll still need approval from the BOAT which takes more time so we need this sod installed during the growing season to have the field ready for opening day in early spring. Again J&M Landscaping comes highly recommended from our friends at Shelton National Little League that just had three of fields resurfaced within the past year. I've seen before and after pictures of all three fields and personally visited all three fields and can attest to the high quality of workmanship. Mr. Tirello is here with us this evening should any members of the board have any technical questions pertaining to this project. The baseball playing children of Derby deserve a new safe field to learn the greatest game in world. So I appreciate your consideration. Thank you."

**Michael Hyder - 51 Franklin Avenue.** "My dad goes up to the field a lot and cleans the water off the field and my friend threw a ball to home plate and almost twisted ankle because of hole in the ground. And a pitcher from Prospect... there was a ground ball and it went off the lip of the grass and hit him in the mouth."

**Libra Malzonado - 4 Cedric Place.** "As a taxpayer of Derby and my son who plays baseball since he was 8 years old. I really would like this. I'm a taxpayer. This is something for our kids and we really should something about this field. I don't want to see my son hurt. I don't want to have his teeth broken with a baseball so we really should consider this. Thank you."

**Sam Ghalayini** - "I own Main Street Grocery & Deli in Derby and opened up a luncheonette on Main Street. We were told we could not put up any signs in front of our establishment to let our customers know we are open for business. I'm concerned about that. That is the only way our customers know we are open for business. We need your help. We need to be able to put a little something on our sidewalk letting people know yes we are here, we are open for business. All of our signs are removed. I drive around town and I see signs all over everywhere. For some reason just us mom and pop little places on Main Street. We cannot display a lotto sign in front of our business. Customers think they are closed and are driving by our establishment. We are losing business every single day. We are the little guys. We prosper, we hire local folks. We don't prosper we go out of business, we leave town. So I opened up two businesses in town in three years and I'm planning to open a third one, however, this is making it difficult for us to make a living. I already let go of two employees. No its starting to pick up again and I hired another employee and I can't advertise my business on the sidewalk." \* Aldermen asked him who told him this. "The building inspector. I was approached at my luncheonette. The man introduced himself, I introduced myself, said hi my name is Sam I own this luncheonette here and the corner store and he said this signed has to be removed. I said yes sir and grabbed the sign and brought it inside. He came in my luncheonette the next day looking for me. I was on my knees stocking up the soda. I said yes sir and he said that sign in front of the corner store has to go. I asked him politely if I could put the sign on the side of the building and at the end of the night I'll remove it put it in the basement cause I didn't have access to the basement at that moment. He was yelling at me. He got in my face. He said these signs have to go right now or I'm taking them. I said that's fine. I grabbed the two signs. I went into the store next door and put them there. Later on after I finished work, I went to the police department and filed a complaint. It's not acceptable. Things could have been done a little more professionally. I'm a hardworking man. I work 16 hour days in my business, I support the town, I pay my taxes on time. I deserve to be treated a little bit

better. It could have been done differently in the sense where he could have said look these signs right here are not allowed, come to my office, pull a permit. I would have been there 20 minutes later after I locked up my shop. There is no need for anybody... you know what, we all have bad days and I can't judge anybody until I walk a mile in their shoes but things could have been done a little differently. Thank you very much. I'd really appreciate if you guys helped us out. We are the little businesses. We are supporting the town the best we can. We are trying our best to bring people into Main Street. Thank you for your time."

Ms. DeGennaro – Mr. Sarmiento do you want to talk about that under your report.

Mr. Sarmiento – No I'll talk about it now. It's a zoning issue. It's a zoning violation. The events didn't quite go the way Sam described. I never went into his luncheonette. I never yelled at him. I never got in his face like he said. I think I am very professional. I happen to be a large man so I guess I could have been intimidating at times but it was handled the way it should have been. I asked him one day to do it. I stopped by the next day. I asked him to do it and he said he didn't have room for the signs so I told him I'd gladly take them for you and you can have CT State Lotto come and pick them up at city hall. They are zoning violations and they cannot be there. They are prohibited signs. They are A frames. It's in our ordinance.

At this time, the members of the board and Mr. Sarmiento discussed other options for business owners. Ms. DeGennaro suggested a meeting to discuss regulations that deal with allowable signs in different districts in the town.

**Pam Queen - 223 Seymour Avenue.** "I'm here also to support the proposal for the Derby Little League. As a lot of you know, I have four kids in the system and for the last 23 years my kids have been involved in the sports in this town and paid a lot of money to have them play and I cannot recall ever there being repairs up at that field. I remember when my husband and my brother coached and we've done was Rob has now been still trying to do after 23 years. It seems like we always have to fight for the kids to have safety. I've fought at Irving School for their playground. It's just crazy to me that the kids are getting hurt and we have to manage to come as a force to say you know we need help. The kids need help in this town and you know our program is growing again and we'd like to keep the kids coming. I would appreciate you guys considering helping the kids in Derby. Thank you."

**Fredrick Picroski - 216 Derby Avenue .** "I want to say a thank you for taking some action on the blight on my Street. 196 & 198 Derby Avenue has a lien on it. Secondly, I read on the Valley Indy that you are considering collecting car tax twice a year rather one big bill when the WPCA bill comes. I would encourage everyone on the board to vote for that and make the car tax a little easier to manage. I'll admit I'm not a very good saver and contributing to your \$47,000 in interest every year. Also, as far as the blight lien goes and the blight law there needs to be some revision. An old insult goes, but I'll cut some of it down, our blight laws like a dog chasing a car. As long as the car keeps on going everything seems fine, but now that we've got houses that the lien exceeds the value of the property we have to rethink our strategy. Otherwise we are going to have a bunch of slums that no one wants to touch because the market it's bad. It's my grandparents' economy now. It's not my parents' economy where you could buy something a little overpriced and in a few years turn a profit. It's not happening anymore. It might happen in the future but right now I'm not going to overpay on a house when I can go to some other town and buy a house. We've got competition. I've heard the Board ask why are other towns doing better with their blight than we are. Well maybe let's take a look at the other towns and see if they waive fees, etc. The point was brought up that, excuse me, my daughter brought up that right now we are punishing the house and we are punishing the property and anybody who wants to touch that property. When someone buys a house with a lien on it or whatever else the liens are supposed to be settled before the title transfers. We've got to do something when it comes to settling some of these liens etc. The mortgage and real money liens should be settled first, but we've got to be investor friendly, taxes second and the blight has to be last. If we don't get the blight lien paid and some is willing to fix up the house let's get it on the tax rolls. Right now what happened is with 198 Derby Avenue the car stopped, the dog has the bumper, now

what? We are going to lose any back liens, taxes and the foreclosure process is an expensive process. We're not in Mayberry here. Some people just don't care about the rules and the laws. Blight liens are exceeding the value of the property. Many houses today... my wife wants to move I'm looking at real estate. Many houses today are not even selling for their assessed value so to sit here and say well it's a \$200,000 house minus this minus that even if I fix up a house it might not ever really reach its value for a number of years and also a lot of our blighted house are sitting on non-conforming lots so what happens when someone comes gets one of those houses, k knocks it down and wants to build again? We're gonna have to come up with exceptions for some of these zoning laws or regulations so people will feel comfortable coming to Derby and say I have an opportunity to make some money or I don't have much money but I have an opportunity to move up in the world and have a nice house if I'm willing to put some money and elbow grease into a place. Thank you."

**Tara Hyder - 51 Franklin Avenue.** "Excuse my apparel, we just left my daughter's softball practice and came right here. I just want to thank you for considering helping to support Derby Little League, and I'd like to thank the Capital Planning Commission and Keith McLiverty for supporting it as well and I want to thank you for considering the bid waiver. Mr. Tirello has already put in a lot of hours. J&M Landscaping has already put in a lot of hours consulting with officials from Derby Little League and putting in a lot of groundwork and planning so hopefully this can go through tonight in a timely way so the kids can get the field up and running by spring."

## **6. Correspondence:**

### **a. Walnut Hill Community Church – Permission to use the Derby Greenway – Saturday April 12, 2014 – 2nd Annual Easter 5k Run/Walk 7:00 AM – Noon Pastor Walt Mayhew. ~Discussion/Action.**

Mr. DiCenso motioned to allow Walnut Hill Community Church to use the Derby Greenway. Mr. Sill seconded. Ms. DeGennaro added a friendly amendment that the Church contact the Police Department and Storm Ambulance as well as provide a copy of their liability insurance. Mr. DiCenso and Mr. Sill agreed. All were in favor and the motion passed.

### **b. Derby Cultural Commission – Permission to use the Derby Green Saturday October 26, 2013 for the start of the Haunted Lantern Tours and the Sterling Opera House as the finale. Discussion/Action.**

### **c. Derby Cultural Commission ~- Permission to use the Derby Green Sunday October 27, 2013 1:00 to 6:00 Annual Fright Nite. ~Discussion/Action.**

Laura Brezina, the new chair of the Cultural Commission told the board that it's basically going to be the same as past years, costume parade, haunted lantern tour, etc. Ms. DeGennaro welcomed her to the position. She asked what type of vendors they were looking for. Ms. Brezina stated that they are looking to invite Smoke & Bones and a pizza vendor. They'd like to get a food service permit and do the rest themselves to possibly raise a profit and do something bigger and better next year. Ms. Brezina is also requesting temporary restrooms at the base of green behind the plaza. Ms. DeGennaro advised her that she needs to contact building inspector, police department, the fire marshal, and the fire commissioner.

Mr. Sill motioned to allow the Derby Cultural Commission use of the Derby Green on October 26 and 27th. Ms. Moran seconded and the motion carried with all in favor.

### **d. St. Mary/St. Michael School – Permission to use Ryan Field – Annual student body Walk-a-Thon – Tuesday October 15, 2013 9:30 to 10:30. Linda T. Coppola. Discussion/Action.**

Mr. Gerkins motioned to grant permission for St. Mary St/ Michael's School to use Ryan Field. Mr. DiMartino seconded and the motion passed.

**e. Boy Scout Troup 3 Derby – Permission to use the Derby Green – Ed Strang Day – Sept. 28, 2013 - 9 to 3. Randy Ritter, Scoutmaster. ~Discussion/Action.**

Mr. Sill motioned to grant permission for the Boy Scout Troup 3 to use the Derby Green, Ms. Moran seconded and the motion carried with all in favor.

**f. Derby/Shelton Rotary - Permission for the placement of signage for the Derby/Shelton Rotary sponsored Shelton Day October 6, 2013. Placement September 27, 2013 – Removal October 7, 2013. Discussion/Action.**

Ms. Wabno stated that they'd like to put signs up at Whiskey's and Derby Shelton Bridge area.

Deputy Chief Todd advised the board that a placement of a sign on any state road is a violation of state traffic regulations. Mr. Sarmiento will research the regulations to find out how far back the signs would have to be and will report back to the Board.

Attorney Coppola suggested the board motion to approve the request subject to the zoning enforcement officer locating the appropriate placement.

Mr. DiMartino motioned to accept the sign placemen 8 feet from a state roadway and subject to Mr. Sarmiento finding out the state restrictions. Mr. Gerkins seconded and the motion passed with all in favor.

**g. City of Derby City/Town Clerk & Tax Collector – Permission to use the Derby Green on Tuesday October 22, 2013 at 7:00 PM. – 2nd Annual Derby Goes Pink Luminary Ceremony. ~Discussion/Action.**

Ms. Wabno forwarded a declaration to be read into record:

*Declaration*

- WHEREAS, breast cancer is the most common cancer in women, regardless of race or ethnicity; and*
- WHEREAS, women in Connecticut have the second highest rate of new breast cancers in the United States; and*
- WHEREAS, early detection through regular mammograms is the single best method of detecting breast changes that may be cancer, long before physical symptoms can be seen or felt, and that breast cancer deaths could decline further if all women age 40 and older received mammograms at regular intervals; and*
- WHEREAS, Griffin Hospital has, for more than 100 years, delivered the highest quality health care responsive to the needs of the communities it serves including the City of Derby.*
- WHEREAS, the Hewitt Center for Breast Wellness at Griffin Hospital offers leading edge technology, a team of highly trained physicians and staff, a comprehensive range of personalized breast care and wellness services to help detect abnormalities at the earliest stages; and*
- WHEREAS, the CITY OF DERBY supports the mission of the Hewitt Center for Breast Wellness to promote early detection of breast cancer and to provide state of the art screening, diagnostic and support services.*

WHEREAS, the CITY OF DERBY encourages private funding efforts to support the mission of the Hewitt Center for Breast Wellness.

NOW THEREFORE BE IT RESOLVED, that the CITY OF DERBY joins with The Hewitt Center for Breast Wellness at Griffin Hospital and *The Valley Goes Pink Campaign* for the month of October and declares *Tuesday October 22, 2013* as *Derby Goes Pink Day* and encourages all schools, libraries, City agencies and departments, businesses and citizens to help support this worthy cause and show your support and wear pink and spread the awareness of the importance of early detection in the fight against breast cancer. Further, the CITY OF DERBY supports those who are courageously fighting breast cancer and honors the lives of those lost to this devastating disease.

Dated September 26, 2013

\_\_\_\_\_  
ANTHONY STAFFIERI  
Mayor

She also stated that this event rose over \$600 last year.

Mr. DiMartino motioned to allow the use of the Derby Green on October 22. Mr. Sill seconded and the motion passed with all in favor.

**h. Derby GridIron Club - Permission for a Football Bonfire – Day before Thanksgiving – November 27, 2013 – Sal Frosceno. Discussion/Action.**

Mr. Sill motioned to approve the football bonfire request to be held the day before Thanksgiving. Mr. DiCenso seconded. Ms. DeGennaro amended the motion and added that the approved location of the bonfire is the picnic grove. No further discussion was held and the motion passed with all in favor.

**i. Centro Cristiano Tabernaculo – Anson Str. Youth Concert. Dennis Marroquin, Director. Discussion/Action.**

Mr. Marroquin explained they hold a bilingual church walk of faith every year, but because of recent violence on Anson they thought this year that the youth of that area, ages 10 to 15 years, would do a youth concert from 2-4:00 just to get out in the neighborhood and speak to the people about Christ. He also stated that the church cleaned the empty lot near Anson Street so they'd like to use that lot for the concert.

Ms. DeGennaro asked if Mr. Marroquin has contacted the police department yet. Mr. Marroquin said that he'd contact police after approval and that the mayor was supportive. He doesn't feel he'll need any police guidance since they never needed any assistance during previous walks of faith. If the Anson Street lot is not available they also could hold the event at 1 Lafayette Street. Ms. DeGennaro asked Chief Narowski is opinion on the event. Chief Narowski stated that as long as they don't impede pedestrian or vehicular traffic then it's fine. They have had no issues at previous events.

Mr. Sill motioned to allow the church to hold its concert as requested. Ms. Moran seconded. Mr. Iacuone amended the motion and added that the church provide a Hold Harmless Agreement for that event since it's being held on city property. The Board was all in favor of the addition and the entire motion passed.

It was determined that the board members were not all using the same agenda. All members were in favor of using the correct agenda which included "6j – Griffin Hospital – Valley Goes Ping signage. C Evans. Discussion / Action"

**j. Griffin Hospital – Valley Goes Pink signage. C Evans. Discussion / Action**

C. Evans requested that they put up lawn signs at the city green, entrances to greenway, and at the RT 34 & RT 8 connectors near Whiskey's.

Attorney Coppola stated that there are restrictions on signs on city green and not allowed.

Mr. DiMartino motioned to allow the signs. Mr. Sill seconded. Mr. DiCenso added that this would be pending the Mr. Sarmiento's findings on state regulations. Mr. DiMartino also amended the motion to say the signs are not allowed on derby green. The motion passed with all in favor.

#### **7. Approval of Board of Aldermen Minutes: Meeting Minutes of August 22, 2013.**

Ms. DeGennaro motioned to correct the end of page 5 "title searches" not "title searchers". Also include in that motion to correct bottom of page 16 to top of 17 regarding David Kopjanski motion indicated that at the end of my motion "may maintain Mr. Kopjanski's health insurance benefits for the 102 days and to be evidence by a written settlement agreement. Lastly page 17 under Sheila O'Malley employment contract. It should read "Ms. DeGennaro respects the fact that Ms. O'Malley is not here and we did "not" discuss her in executive session". Mr. DiCenso seconded, Mr. Boulton abstained, and the remaining members were in favor. The motion passed without further discussion.

#### **8. Committee Reports: Community Relations Committee:**

##### **a. Recommendation for Blight Lien Relief for 9-11 Hawthorne Avenue. Discussion/Action.**

The brother of the property owner explained to the board members that he doesn't understand why the property is being put on the blight list. He and his brother had pulled permits and were making the repairs to the house that the former building inspector, David Kopjanski. During the renovations, Mr. Kopjanski put a stop work order so they were not able to proceed with the repairs or clean up the property. He has not been able to speak with the new inspector prior to tonight's meeting. Mr. Sarmiento advised the board that there is now a bill because public works cleaned up the property. The owner claims he never received any letter stating they need to clean up the property after the stop order had been issued. Mr. Iacuone doesn't believe they should be responsible for the clean-up bill since they were never told.

Mr. Iacuone motioned to table this issue and in the meantime investigate bill. Ms. DeGennaro seconded and the motion passed with all in favor.

The property owners will be in contact with Mr. Sarmiento on how to proceed with the property in the meantime.

##### **b. Update on Derby Dog Park. Discussion/Possible Action.**

Mr. DiMartino discussed the need to form a committee to handle rules for the dog park. They are looking for approximately 5 members. Mr. DiCenso requested that the media put his contact information out to request help with dog park. Shelia O'Malley added that a lot of people volunteered their time. Public works, Mr. DiMartino and Sam Pollastro put in a lot of time. The members also discussed that even though it was never officially opened; people have been using the park. They discussed whether or not the park should be locked, but decided that wasn't necessary.

Mr. DiCenso motioned to form a committee to handle rules for the dog park and have the media put out a request for assistance. The committee would include Mr. DiMartino, Mr. DiCenso, and Mr. Harvey Finkle. Mr. DiMartino seconded and the motion passed.

##### **c. Confidential Report Involving Derby Tax Office. Discussion/Action.**

Mr. DiMartino said that corporation counsel sent a letter requesting the subcommittee make a two

member committee to investigate the disclosure of a confidential report. The subcommittee voted 3-1 to send it to the full board for consideration.

Mr. DiCenso said he doesn't like to be accused of anything and that when you use the word investigation it implies that one of the three board members in question did something wrong. He stated that he did not write that article. That article could have been to anyone's office. Anyone could have taken a picture of it. Mr. DiCenso thinks it's a witch hunt and another board member said he believes he knows who did it. He stated that if they are so sure they know who did it they should stand up and say it. Mr. DiCenso is not in favor of this at all.

Ms. DeGennaro doesn't believe we could accuse or investigate anyone regarding the release of the report since the document was not prepared or controlled by a board member. The document was prepared by corporation counsel and could have been disseminated anywhere.

Mr. DiMartino begs to differ that they were accused. He stated that it was that they did not hand the reports back. He said that nobody is accusing anybody, but unfortunately it got out. If somebody did it then they should man up and say they did it. If not, then let's move on.

Mr. Gerkins said there were a couple problems with this. He said that it seems like an ethics board issue and not a community relations issue. He stated that there is not a good history of paperwork here and that it seems like a witch hunt. Mr. Gerkins said he never heard him collect the reports and if he had, he would have vehemently refused. He said that his report is right where it needs to be in his filing cabinet.

Mr. DiMartino said that if everyone says no then no action is needed. He then motioned to take no action. Mr. Iacuone seconded the motion stating that too much time has been wasted on this issue and we should move on. There was no further discussion and the motion passed with all in favor.

#### **Operations & Procedures Committee:**

##### **a. Recommendation for a Two-payment Car Tax System. Discussion/Action.**

Mr. McLiverty reviewed his proposal for a two payment car tax system.

Mr. Sill thanked Mr. McLiverty for getting numbers together and battling this issue for over a year. He thinks it looks like a good thing for tax payers.

Ms. DeGennaro thanked Mr. Sill since it was his idea. She also thanked Mr. McLiverty, the tax office and Denise. Ms. DeGennaro then motioned that the car tax bills be made a two payment bill system for July and January and for the change to commence July 1, 2014 for car bills in the amount of \$100 or more. Ms. Moran seconded and the motion passed with all in favor.

Ms. Moran motioned reopen item #4 "Additions, Deletions, Corrections to the Agenda" and move items #14 and 15 before the department reports so the children could address their issues and go home. Mr. DiCenso seconded and the motion carried.

#### **9. Department Reports:**

##### **a. Board of Education.**

No one was in attendance to discuss the report.

##### **b. Cultural Commission Report. Introduction of new Chairperson.**

Laura Brezina explained there was no report since they have not had a meeting yet. Ms. DeGennaro

requested a copy of their financial report. Ms. Brezina said she is trying to get it all settled and will forward it as soon as she can.

**c. Public Works Report.**

**Household Hazardous Waste Collection Agreement – Nov. 2, 2013**

The board discussed the hazardous waste collection agreement that was presented by Mr. Culmo. Ansonia & Seymour MDC isn't doing the collections anymore; therefore a new vendor was needed. Clean Harbors Environmental Services, Inc. has contracted with the City of Ansonia to conduct their waste collection. They have agreed to conduct collections in Derby and Seymour as well pending the City of Derby agrees to split the bill 3 ways between the towns.

Mr. Sill motioned to participate in this clean up with Ansonia and Seymour and split bill three ways. Ms. Moran seconded and the motion carried.

**d. Building Report.**

The board discussed the building report. No action was needed.

**e. Facilities Inspector Report.**

The board discussed the facilities report.

Ms. DeGennaro requested the Mr. Sarmiento meet with Chief Cota and Mr. Moore to review the accuracy of the blight list.

No action was needed.

**f. Fire Marshall Report.**

The board discussed the fire marshal's report.

Mr. DiCenso asked if Mr. Hawks has the power to deem a building condemned. Mr. Hawks said no, but he can evacuate building if there was hoarding issue preventing people from exiting a building. If a building is structurally unsafe then it's a building code issue.

No action was needed.

**g. Fire Department Report.**

There was no discussion or action taken.

**h. Office of Emergency Management.**

**State of CT Dept. of Emergency Management & Homeland Security – Resolution.**

Ms. O'Malley stated that Charlie was not able to attend, but asked her to advise the board that he submitted the grant for generator.

*AUTHORIZING RESOLUTION OF THE*

*City of Derby, Board of Aldermen*

**CERTIFICATION:**

*I, Laura Wabno, the City Clerk of City of Derby, do hereby certify that the following is a true and correct copy of a resolution adopted by the Board of Aldermen at its duly called and held meeting on September 26th, 2013, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect:*

*RESOLVED, that the City of Derby may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and*

*FURTHER RESOLVED, that Charles Sampson, as Office of Emergency Management of City of Derby, is authorized and directed to execute and deliver any and all documents on behalf of the City of Derby and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.*

*The undersigned further certifies that Charles Sampson now holds the office of Emergency Mangement Director and that he has held that office since March 28th, 2011.*

*IN WITNESS WHEREOF: The undersigned has executed this certificate this 26th day of September, 2013.*

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*Laura Wabno, City Clerk*

Ms. DeGennaro motioned to adopt resolution with correction of gender. Mr. Sill seconded and the motion carried with all in favor.

**i. Parking Authority Report.**

The board discussed the parking authority report. No action was needed.

**j. Derby Police Department.**

There was no discussion or action taken on the report.

Mr. Sill asked if the police department could place a no parking sign at the end of Cedric Place. The resident can't exit the driveway when people park there. Mr. Boulton will make a recommendation to

Local Traffic Authority.

**k. WPCA – Update.**

Mr. Saccu updated the board members on WPCA projects. No action was needed.

**l. Derby Redevelopment Agency Monthly Report.**

No representative was in attendance. No action was taken.

**m. Corporation Counsel’s Monthly Update.**

Ms. DeGennaro asked for the status of foreclosure of blight liens. Attorney Coppola stated they are being appraised. Questions have come up about how to appraise a burnt out building. There are 7-8 military affidavits for individuals. He said in a month or two they’ll know what’s going to happen.

**n. Storm Ambulance Corps Monthly Report.**

There was no representative and no action taken.

**o. Parks & Rec.**

There was no discussion or action taken.

**p. Economic Development Department.**

**Revolving Loan Payment Update.**

**Community Development Block Grant – Conflict of Interest Policy. Discussion/Action.**

Mr. DiCenso asked about the status on Lucerrelli. Ms. O’Malley stated that she is waiting on bankruptcy report. Also, Bella’s has asked for another month.

Ms. O’Malley stated that the city is a recipient of federal funds for the housing rehab program. Federal government requires Conflict of Interest policy; which needs to be renewed annually.

Conflict of Interest Policy was read into record.

*City of Derby*

**CONFLICT OF INTEREST POLICY**

*It is the policy of Derby that upon receipt of an application to any Community Development Block Grant assisted activity from any Municipal employee that a review of potential conflict of interest will be conducted in accordance to CFR 24 part 570.611*

*As conditions of the review the Municipality will publicly disclose that a potential conflict of interest exists. The Municipality will obtain an opinion of local legal Counsel as to whether the situation may violate either local or state conflict statutes or rulings. The Municipality will determine if the applicant meets other applicable program requirements such as but not limited to income eligibility, benefit to low/moderate income households, fair market rent compliance, scope of work and procurements standards. The Municipality will certify to all of the above and also demonstrate that a system has been established to guarantee that no preferential treatment to the applicant has occurred, such as prioritizing the applicants, application on the waiting list. The Municipality will also submit a letter to Department of housing formally requesting a waiver from the conflict of interest.*

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Mayor

Ms. DeGennaro motioned to accept the policy as required for small city's rehab program. Mr. DeMartino seconded and the motion carried with all in favor.

**10. Refund of Excess Taxes paid through – September 13, 2013 - \$26,832.07 - Denise Cesaroni, CCMC – Tax Collector.**

Ms. Moran motioned to refund as indicated with correction of “Dempsey Virginia” to “Dempsey Vivian”. Mr. Boulton seconded and the motion carried with all in favor.

**11. Resolution for Connecticut State Library FY 2013 Grant. Laura A. Wabno, City/Town Clerk. Discussion/Action.**

Ms. Wabno advised the Board that city’s grant application was accepted in the amount of \$4,000.

Ms. DeGennaro read the resolution into minutes.

Certified Resolution

I, Laura A. Wabno (name), Town Clerk of the Municipality of Derby, do hereby certify that the following is a true and correct copy of a resolution duly adopted at a

meeting of the Town Council / Board of Selectmen / Board of Aldermen (select one) duly held and convened on the 26th day of September (month), 2013 (year),

at which a constituted quorum of the Town Council / Board of Selectmen / Board of Aldermen (select one)

was present and acting throughout, and further certify that such resolution has not been modified, rescinded, or revoked, and is, at present, in full force and effect.

RESOLVED: That Anthony Staffieri (name of MCEO), Mayor (title), is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for an Historic Documents Preservation Grant.

IN WITNESS THEREOF, the undersigned has affixed his/her signature and the town seal

this 26th day of September (month), 2013 (year).

\_\_\_\_\_  
Signature - Town Clerk

Laura A. Wabno

Name of Town Clerk (Type or Print Clearly)

Ms. Moran motioned to accept the resolution, Mr. Sill seconded and the motion carried with all in favor.

**12 Bid Waiver for Alert Alarms – City Hall Security System. Discussion/Action.**

Item moved to #20.

**13. Bid Waiver for application fee for P&Z and DIWA regarding - DOT Subdivision. Discussion/Action.**

Mr. Sill motioned to accept the bid waiver for application fee, Mr. DiMartino seconded and the motion passed with all in favor.

Ms. O'Malley also asked if the board would like to consider what the name of that street will be.

**14. Modification to the Capital Plan – Derby Little League Field Renovations. Keith McLiverty, Capital Plan Commission. Discussion/Possible Action.**

Ms. Moran motioned to modify the capital plan moving \$13,000 for the irrigation and improvements at the Derby Little League Field. Mr. Sill Seconded and the motion passed with all in favor.

**15. Request for Bid Waiver – J&M Landscaping for Derby Little League Field Renovations. Rob Hyder. Discussion/Possible Action.**

Mr. DiCenso motion to accept the bid waiver request for J&M Landscaping. Mr. DiMartino second. Mr. Gerkins expressed his concerns about the bid waiver asking if there was anyone else that could do the work. Mr. Sill and Ms. DeGennaro stated that they have already put in a lot of time, they were recommended by Shelton and the work could begin immediately. Mr. Hyder also stated that he had been on two of the fields that J&M did and they did beautiful work. Mr. Gerkins responded that he was sold and the motion passed with all board members in favor.

**16. Old Business:**

**a. Trash and Recyclable Collection and Disposal – Proposals. Discussion/Possible Action.**

Attorney Coppola presented draft of bid specs. Ms. DeGennaro thought it was a little more detailed for the last bid - a proposal form, pricing, units and specifically where the collection would be done, city property, condos, etc. Attorney Coppola stated that he intentionally left that out. The board decided they would like a final version before taking action. Mr. Iacuone also advised Attorney Coppola that the cans weight needs to be changed to up to 35 gallons.

No action was taken.

**b. Status of contact with owner of 33 East Ninth St. by Building Inspector/Sheila O'Malley: Per BOA Motion 7.25.13 and 8.22.2013, regarding Small Cities Rehabilitation Loan.**

Ms. O'Malley explained that about three weeks ago the owner had questions regarding eligibility and has yet to return the application.

**18. Executive Session:**

At 9:38 PM, Ms. DeGennaro motioned to recess for 2 minute break then go into executive session and invite Chief Narowski, Deputy Chief Todd, Mr. McLiverty and Sheila O'Malley. Mr. DiCenso seconded and the motion carried.

a. ~~Discussion regarding offer to resolve claims by D. Kopjanski inviting members of the BOAT. REMOVED~~

**b. City of Derby Police Contract. Discussion.**

**c. Tax Collector's Office Security. Discussion/Possible Action.**

At 10:36, Ms. DeGennaro made a motion to reopen the meeting, Mr. DiCenso seconded and the motion carried.

**19. City of Derby Police Contract. Discussion/Possible Action.**

Mr. DiCenso motioned to accept the Derby Police Contract as is, Mr. DiMartino seconded, Mr. Iacuone recused, Mr. Boulton was absent, and the motion passed with all remaining members in favor.

**20. Bid Waiver for Alert Alarms – City Hall Security System. Discussion/Action.**

Ms. Moran motioned to accept the bid waiver for Alert Alarms. Mr. DiCenso seconded and the motion passed with all in favor.

**21. Adjournment.**

Ms. Moran motioned to adjourn, Mr. Sill seconded and the motion carried.

Respectfully submitted,



Terri Kuskowski

*These minutes are subject to the Board's approval at their next scheduled meeting.*