

City of Derby

Board of Aldermen

First Ward

Barbara L. DeGennaro, President
Stephen Iacuone
Felicia Monaco

Second Ward

Arthur T. Gerckens
Ronald M. Sill
David M. Lenart

Third Ward

David J. Anroman
Carmen T. DiCenso
Peter M. Olenoski, Jr.

Board of Alderman Minutes

Aldermanic Chambers, City Hall

1 Elizabeth Street, Derby, CT

August 28, 2014

1. Call to Order.

Mayor Dugatto called the meeting to order at 7:00 PM

2. Pledge of Allegiance.

Mayor Dugatto led the Pledge of Allegiance.

3. Roll Call.

Mayor Dugatto requested roll call. Present were Ms. DeGennaro, Mr. Gerckens, Mr. Sill, Mr. Anroman, Ms. Monaco, Mr. Iacuone, and Mr. Lenart. Mr. Olenoski and Mr. DiCenso were absent. Mr. Olenoski arrived at 8:31 PM.

A moment of silence was held for Michael Piscioneri and former alderman Al Norwood.

4. Additions, Deletions, Corrections and Adoption of Agenda

Ms. DeGennaro motioned to amend item 9.a. to read "and" after the word "application", Mr. Lenart seconded, and the motion carried.

Ms. DeGennaro motioned to add item 12.J.1. Bid waiver to purchase and install emergency 911 air conditioning per proposal 2390 from Perfect Temp. Mr. Lenart seconded and the motion carried.

Ms. DeGennaro motioned to add item 13.b.1. Amend 2014-15 capital plan with the addition of the Derby Police Department's request to add \$8290 by way of LOCIP. Mr. Lenart seconded and the motion carried.

Ms. DeGennaro motioned to amend item 14.a. to include another installation of a crosswalk on Chatfield near the Ryan Field ticket booth. Discussion /Possible Action. Mr. Sill seconded and the motion carried.

5. Public Portion

Karen Palange – spoke on behalf of residents of the hilltop area and Pleasant View Road. She said that WPCA wants to go into basements take measurements under the threat of being fined if the resident didn't allow them in and she has concerns about this tactic and what exactly they were researching. Mayor Dugatto said she appreciates her comments. Mr. Lenart stated WPCA members are here and she could speak with them after the meeting.

Mr. Harbinson of Shelton (business owner of I.D.A. on Roosevelt Drive) – spoke about item 15.b. His facility has a 525 panel array that has been operation since 2008 and generates all the company's electricity. He said one meter reads how much electricity is pulled from the grid and

another reads how much is pushed to the grid. Then you either pay for the overage or generate a credit. At the end of a solar year, if there is a credit remaining, the utility company pays you for the energy you've contributed.

Karen Palange – made an additional comment complimenting whoever is running the land fill. She said they are doing a wonderful job. She said that Mansfield Street was paved asked if Derby Milford Road going to be paved? She also asked about the paving of the short stretch between Prindle and Academy Hill; to which Mr.Defala replied "it was completed today".

6. Administrative and Appointments

a. Refund of excess taxes paid through August 20, 2014 - \$107.45 as recommended by Denise Cesaroni, CCMC, Tax Collector

Mr. Sill motioned to approve the refund of the excess taxes. Mr. Lenart seconded and the motion carried.

b. Authorize St. Joseph Church to place signs at 3 locations on City owned property for their annual picnic on Sunday, September 7, 2014.

Mr. Iacuone motioned to authorize the sign placement request. Mr. Sill seconded and the motion carried.

c. Authorize use of the Derby Green by Christian Center The Real Tabernacle for a "community movie night" on Friday, September 12, 2014 between 6:00 PM and 11:00 PM.

Ms. Monaco motioned to authorize the request. Mr. Anroman seconded. Mr. Iacuone asked if the board received an insurance certificate. The pastor said he will deliver it to the mayor's office. The pastor was asked how many people attended the last one. He said there were approximately 40-50 people in attendance. Mr. Iacuone motioned to amend the motion to include approval pending receipt of the insurance certificate. Ms. Monaco and Mr. Anroman agreed to the change and the motion carried.

d. Authorize use of Derby Greenway by Kids Walk for Kids with Cancer on Saturday, September 20, 2014 from 1:00 pm until 8:00 pm.

Ms. DeGennaro stated the time was different on the letter. Mr. Garofalo stated they are setting up a little early. Mr. Iacuone stated that they need a new insurance certificate. Ms. DeGennaro motioned to authorize the use of the greenway with the stipulation that they contact the police department and Storms and provide insurance. Mr. Sill seconded and the motion carried.

e. Authorize use of the Derby Green by Troop 3 Boy Scouts for Edmund D. Strang Day, Saturday, September 20, 2014.

Ms. DeGennaro motioned to authorize the use of the Green. Mr. Sill seconded.

Ms. DeGennaro and Mr. Sill rescinded their motions. Ms. DeGennaro motioned to approve the use of the Green for the Boy Scouts with the proper insurance certificate naming the city as insured. Mr. Sill seconded and the motion carried.

7. Approval of Minutes:

a. Special Meeting – July 8, 2014

Mr. Lenart motioned to approve the minutes, Ms. DeGennaro seconded and the motion carried.

b. Regular Meeting – July 24, 2014

Ms. DeGennaro motioned to correct the minutes with the change that under Item 6 h it state

she requested them to contact the police department not the fire department and under Item 16 she indicated that she would not be attendance for item e not f, Mr. Sill seconded and the motion carried.

c. Special Joint Meeting with WPCA – August 4, 2014

Ms. DeGennaro motioned to approve the minutes, Mr. Sill seconded and the motion carried.

d. Special Meeting – August 12, 2014

Ms. DeGennaro motioned to approve the minutes and correct Item 5 to state Day Pitney, Mr. Sill seconded and the motion carried.

e. Special Joint Meeting with BOAT – August 18, 2014

Ms. DeGennaro motioned to approve the minutes with the correct spelling of DeGennaro on page 9. Mr. Sill seconded and the motion carried. Monaco abstained

f. Special Joint Meeting with BOAT – August 25, 2014

Ms. DeGennaro motioned to approve the minutes, Mr. Anroman seconded and the motion carried.

8. Blight Committee

a. Recommendation to full Board of Aldermen to authorize Corporation Counsel to prepare an evaluation of all City liens on 46-48 Fifth Street.

Attorney Welch informed the Board that the bank is proceeding with foreclosure sale. No action taken.

9. Community Relations

a. Recommendation to authorize the Mayor to enter into a contract with Milone & MacBroom for the preparation of the State of Connecticut Urban Grant Application and to provide supportive planning services for the Planning and Zoning Commission.

Mr. Gerckens motioned to approve the recommendation. Mr. Sill seconded. Ms. DeGennaro asked if the Planning and Zoning Commission was aware of the contract. Mayor Dugatto said yes they are. Mr. Iacuone asked how they could do the design work and be on the commission. How can they function on both? Attorney Welch said the company is working on behalf of the city, not the applicant. Mr. Iacuone said that Academy Hill and John Street lot issue have not been resolved; therefore, he has concerns on whether or not we should be hiring them for more projects. Mayor Dugatto said those issues were probably on the agenda for Planning and Zoning, but she'd look into it.

The motion carried. Ms. DeGennaro and Mr. Iacuone abstained.

b. License Agreement between the City of Derby and the Real Tabernacle Christian Center regarding city owned property at 38 Anson Street – Map 8-5-9.

Mr. Gerckens motioned to accept the license agreement. Mr. Sill seconded. Ms. DeGennaro asked if paragraph 4 would indemnify the city for any bodily injury. Attorney Welch said yes. Mr. Lenart said he believes the Board is setting a bad precedent and thinks it's a bad idea. He said already have a problem with loitering in that area. Mayor Dugatto said she disagrees. Their interest in using the property is a productive thing. Mr. Lenart said there are no guidelines. Attorney Welch stated it's to be used for passive recreation. Mr. Lenart and Ms. DeGennaro opposed. The motion carried.

10. Operations and Procedures Committee

a. Proposed amendment to Ordinance, City of Derby Code Chapter 172, Streets and Sidewalks, Article I §172-7 "Street Excavations" including the addition of §172-7a through §172-7m.

Ms. DeGennaro motioned to amend the ordinance as presented with clarification that Section 172-7 is deleted. So that the Board understands that it is deleted completely and replaced with Section 172-1a to 172-7m per the recommendation from corporation counsel. Mr. Lenart seconded and the motion carried. Ms. DeGennaro mentioned that in the past, hearing would be held. She asked Attorney Welch to explain why a hearing was not held. Attorney Welch stated that it is not required in the charter or state statute.

11. Road Bond Committee

- a. No Action Items for this Month.

12. Department Reports

a. Board of Education

Ms. DeGennaro asked if they could make the print bigger. Dr. Conway thanked the fire department with their assistance with the ice bucket challenge.

b. Cultural Commission

No representative was present.

c. Public Works

Mr. Lenart thanked Mr. DeFala for his work on the ordinance.

d. Building Department

No representative was present.

e. Facilities Inspectors

No representative was present.

f. Fire Marshal

The report was not discussed.

g. Fire Department

The heating system has been repaired at Storms.

h. Office of Emergency Management

No representative was present.

i. Parking Authority

No representative was present. Mr. Lenart asked if it was true that members have resigned. Mayor Dugatto stated that there is one member left. Mr. Garofalo said that the resignation letters must be filed with him in order to be official.

Ms. DeGennaro asked if they heard back about the crane on city property. She said that Jacobs will be moving the trailer. Mr. Gerckens stated that it's the crane not the trailer that is an issue. Mayor Dugatto said they have the name of the owner and will be following up. Mr. Gerckens expressed his concerns with the fact it's been three months since he first asked about it and we just now have a name. Mayor Dugatto stated it is progress.

j. Police Department

Chief Narowski updated they assisted the US Marshall with apprehending a fugitive from justice who is now being held at the police department with a \$1 million bond. Ms. DeGennaro asked about the break-ins near Paugassett. Chief Narowski stated that he can't speak about it right now.

1. Ms. DeGennaro motioned to approve bid waiver for Perfect Temp to install an air conditioning unit in the amount of \$8,290.00 proposal #2390. Mr. Sill seconded and all present members were in favor. The absent members will be contacted for their vote.

k. Water Pollution Control Authority

Mr. Saccu stated that he hasn't forwarded a report because they've been holding joint meetings. WPCA has not received the resolution for the special meeting on the 3rd. He stated that they will be going to multiple billing cycles. He is working with an accountant to determine a cash flow plan.

l. Finance Director

Attorney Welch forwarded the status of the liens. All of the liens have been filed. Ms. DeGennaro stated that all the members didn't receive the list. He will forward it to the Blight Committee and the full board.

m. Corporation Counsel Update

Item was skipped.

n. Storm Ambulance Corp

The new ambulance is up and running. None of the road race committees have contacted them for EMS assistance. Ms. DeGennaro said a representative for the Derby Best race was told they need to contact Storms.

o. Parks and Recreation

They are looking into upgrading the turf. Dr. Conway said they are working on a grant for funding. Mr. Sill also stated that the bleacher lighting is being worked on and he believes it's almost complete.

p. Revolving Loan Fund

Mr. Gerckens stated that Patty submitted a letter that they picked up an error regarding Staffieri and Hughes loan. That like was not calculated correctly, but has been corrected. He apologized for any embarrassment he may have caused.

13. Other Committee Reports

a. O'Sullivan Island Committee

Mr. Gerckens said he received the five years of financial statements that he requested as well as the audit documents for the last 5 years. The \$4 million dollar lawsuit was not referenced anywhere. The documents were signed as a true statement of the finances and any lawsuits not listed would not affect the city finances. He believes that the \$4 million lawsuit would affect the financials. He feels deceived and said the bond rating wouldn't have been as good as they are now.

b. Capital Planning Commission

Ms. DeGennaro motioned to approve the modified 2014-15 Capital Plan under the Police Department with the addition of the \$8,290 as LOCIP. Mr. Sill seconded and the motion carried.

c. School Building Committee for Roofs

Dr. Conway thanked Patty Finn for her communication efforts.

1. Approve 8-5-14 Invoice in the amount of \$6200.00 for Nick Behun

Ms. DeGennaro motioned to approve payment the invoice for Nick Behun as recommended in the amount of \$6200. Mr. Lenart seconded and the motion carried.

2.Approve Payment of Application #1 dated 7-31-2014 from Commercial Roofing for Irving School - \$375,060.00

Ms. DeGennaro motioned to approve the payment to Commercial Roofing as recommended in the amount of \$375,060. Mr. Anroman seconded and the motion carried.

3.Approve Payment of Application #2 dated 7-31-2014 from Commercial Roofing for Bradley School - \$476,140.00

Ms. DeGennaro motioned to approve the payment to Commercial Roofing as recommended in the amount of \$476,140.00. Mr. Anroman seconded and the motion carried.

4.Approve Payment of Application #2 dated 7-29-2014 from Imperial Company Restoration Contractor for Derby High School - \$1,122,685.30

Ms. DeGennaro motioned to approve the payment as recommended in the amount of \$1,122,685.30 as recommended by school building committee. Mr. Anroman seconded and the motion carried.

5.Approve Payment of Application #3 dated 8-21-2014 from Imperial Company Restoration Contractor for Derby High School - \$1,004,523.08

Ms. DeGennaro motioned to table the request. Mr. Sill seconded and the motion carried.

6.Approve Invoice #081514 dated August 15, 2014 from F. Pepe Construction, LLC for Derby High School – Removal of Chimney - \$7,000.00.

Ms. DeGennaro motioned to approve the invoice in the amount of \$7,000 as recommended by the School Building Committee. Mr. Sill seconded and the motion carried.

14. New Business

a. Installation of crosswalk at Hawthorne Avenue near Chatfield and Talmadge Street per City of Derby Charter Section 81.

Mr. Sill discussed the request of crosswalks. Mr. Sill said the Police Commission agreed pending it was done correctly. Commissioner DeGennaro spoke with Corporation Counsel and the crosswalks are currently being worked on.

Chief Narowski stated he didn't understand why this was on the agenda. Crosswalks are handled by the LTA. The LTA / Police Commission already voted and approved them. He asked why this was being discussed and if the Board was looking to take over the LTA. Mr. Sill said they were just bringing it to the Board because it's mentioned in the Charter. Ms. DeGennaro said that per the charter the Board has the authority and Attorney Welch could make a ruling on it. Attorney Welch stated that there is a state statute, but he'll look into the interplay of the ordinance. State Statute does say that the LTA controls the markings. Ms. DeGennaro said they are not taking over the LTA. Attorney Welch will look into it, but they are working together and are just trying to make the area safe. Chairman DeGennaro thanked Mr. Sill for his work. Commissioner DeGennaro is concerned that having this on the agenda confuses the public on the LTA's authority. He said they already have residents who go to the Board on signage, which is authorized by the LTA not the Aldermen. Attorney Welch said it's clear that the Board could not just say they are putting in a crosswalk without the LTA's authority. Mr. DeFala stated he does feel that it's important that they clarify the duties of the LTA. Attorney Welch stated that no one is challenging the authority of the LTA.

No action was needed.

b. Authorize the disposal of various obsolete City computers based on attached list.

Mr. Lenart asked if the computers could be wiped. Chief Narowski stated that they can be but, it's time consuming and costly. The police department has their hard drives destroyed before being sent to auction. Mayor Dugatto stated that Flagship is responsible for wiping the computers. Mr. Gerckens stated that he doesn't think the hard drives should be included. He doesn't see the point in giving the computers to the church because they'd be giving them with an obsolete operating system and no hard drives. Mr. Olenoski said there is free software that could wipe the hard drive. Mr. Lenart motioned to destroy the hard drives and decommission the computers. Mr. Iacuone seconded. Ms. DeGennaro and Mr. Olenoski opposed. The motion carried.

The Community Relations Committee will decide what to do with the decommissioned computers.

Mayor Dugatto informed the board that she is meeting with Communities of Distinction. The City of Derby would get 5 minutes and 20 airings. \$19,000 production fee.

15. Old Business

a. Status of 350 Derby Avenue.

The property went out to bid.

b. Update on status of Solar Energy Partnership with Jordan Energy at Derby Transfer Station – Explanation of ZREC Submission Award Approval.

A presentation was given by Jordan Energy.

Ms. DeGennaro motioned to reopen the public portion. Mr. Sill seconded and the motion carried.

Mr. Harbinson - asked about the meters and if monitoring is a requirement and would it be beneficial to a school system.

Jordan Energy - There is a requirement to get the ZREC award.

Mr. Harbinson – asked if the system will use micro inverters or one solid inverter.

Jordan Energy - A string invertor would be used.

Ms. DeGennaro motioned to close public portion. Mr. Lenart seconded and the motion carried.

Ms. DeGennaro motioned to reopen 12.j.1. for Mr. Olenoski's bid waiver vote. Mr. Lenart seconded and the motion carried. Mr. Olenoski's voted yes to the bid waiver.

16. Executive Session

Ms. DeGennaro motioned to enter into executive session at 9:20 PM to discuss the items below and invite Attorney Welch. Derby Housing Authority can be invited if need be during discussion of item d. Mr. Lenart seconded and the motion carried. A brief break was taken prior to executive session.

a. Sale of East Derby Waterworks – sale of City property

b. VEMS v. City of Derby – pending litigation

c. 350 Derby Avenue – pending litigation

d. Derby Housing Authority request to purchase City Property – Strategy and

Negotiations.

At 10:00 pm the meeting reopened to the public.

17. Regular Session

- a. **Sale of East Derby Waterworks – sale of City property**
- b. **VEMS v. City of Derby – pending litigation**
- c. **350 Derby Avenue – pending litigation**
- d. **Derby Housing Authority request to purchase City Property – Strategy and Negotiations.**

No action was taken.

Mr. Lenart asked to reopen Item12.i. Parking Authority. Mr. Sill seconded and the motion carried. Mr. Lenart said that the Parking Authority members walking out is a slap in the face and Board should take this opportunity to fix the Parking Authority not just reappoint people. How can the Parking Authority function with one member. Attorney Welch said that the Board has emergency powers because they cannot act on anything with one person. Attorney Welch will put together a memo with what their powers are and what the Board's authority is. The Board discussed the options. The full board will hold a special meeting will be held Sept 9th to discuss the parking authority.

Ms. DeGennaro motioned to reopen public portion. Mr. Lenart seconded and all were in favor.

Joe Romano - said he's perplexed by how the Board is handling the situation and asked if they have all the facts. He's asking for a letter of intent that when and if the grant goes through they would sell, give, or lease the property. He said he's been trying to discuss this but, no one will speak with him. The grant application is due in December and the approval is being tabled again. He doesn't want to go back to HUD. Mayor Dugatto said they are working on it.

Ms. DeGennaro motioned to close public portion. Mr. Lenart seconded and the motion carried.

18. Adjournment

Mr. Sill motioned to adjourn at 10:14 PM. Mr. Anroman seconded and the motion carried.

Respectfully submitted,

Terri Kuskowski

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