

City of Derby

Board of Aldermen / Alderwomen

First Ward

Barbara L. DeGennaro
Thomas J. Donofrio
Bev Moran

Second Ward

Joseph L. DiMartino
Evelyn Browning
Ronald M. Sill

Third Ward

Jim DiMartino
Louis Oliwa
Charles Sampson

Board of Aldermen/Alderwomen Meeting Minutes
Derby City Hall
1 Elizabeth Street, Derby, CT
February 14, 2019

1. Call to Order.

Mayor Dziekan called the meeting to order at 7:00 PM.

2. Pledge of Allegiance.

Mayor Dziekan led the Pledge of Allegiance.

Mayor Dziekan mentioned that "I love Derby" was placed on the fence across from City Hall and they discovered it was the same person (Lisa from NVCOG) who put the wreaths up.

3. Roll Call.

The Board of Aldermen / Alderwomen members present were Barbara DeGennaro, Thomas Donofrio, Evelyn Browning, Joseph DiMartino, Charles Sampson, Bev Moran, Louis Oliwa, Ronald Sill and Jim DiMartino.

4. Adoption of the Agenda

Mr. Sampson motioned to make the following changes:

Add:

- Rachael Kenyon – Effective Immediately – Expires 2/28/2021 and China Mayhew – Effective Immediately - Expires 2/28/2021 under appointments to the Cultural Commission
- Theodore Estwan, Jr. – Effective Immediately – Expires 2/28/2023 under appointments to the Planning & Zoning Commission

Delete:

- Item 9.2 and Item 9.3

Correct:

- Item 7.1.1 should read "Special" meeting
- Old Business should be item numbers 10 and 10.1
- Executive Session should be item number 11
- Turco Golf, Inc. – Derby Football Field & Track – Pending Claims should be item number 11.1
- Regular Session Action from Executive Session should be item numbers 12 and 12.1
- Adjournment should be item number 13

Move:

- Discuss items 8.2.4, 8.2.5 and 9.1 after Item 6 Department Head Reports.

Mr. Joe DiMartino seconded. Ms. DeGennaro said she would like the agenda prepared sooner and the packet delivered not just before the meeting. She said it's embarrassing that so many changes were needed.

The motion carried with all in favor.

5. Public Portion

John Netto – Park Avenue – spoke regarding executive session and the damage his property sustained. Attorney Marino spoke regarding the claims. He said he has not seen the value of the damages and asked that everyone affected forward him estimates.

Joann Welch – spoke about the damage her property sustained. She asked if Attorney Marino would like to meet with the affected group. He said he represents the city, but that he would like the lawyer they are working with to contact him directly.

Carmen DiCenso acknowledged Evelyn Browning for heading up a coat drive for the children of Derby.

6. Department Head Reports

6.1. Finance Director

Mr. Coppola discussed a time off recording program that is part of the existing payroll system. This will be discussed further at the next Operations & Procedures Committee meeting.

6.2. Police Department

Nothing was discussed.

6.3. Fire Marshal

Nothing was discussed.

6.4. Fire Department

Nothing was discussed.

6.5. Office of Emergency Management

Nothing was discussed.

6.6. Storm Ambulance Corps

Nothing was discussed.

6.7. Board of Education

Dr. Conway is in LA meeting with Ms. Payden. Ms. DeGennaro asked if Mr. Nardone was still working for the city. Mayor Dziekan said that he was no longer employed.

6.8. Public Works

Nothing was discussed.

6.9. Water Pollution Control Authority

Mr. Donofrio asked about the pump station and who was funding the issues. Ed Abel said they are looking into who is at fault.

6.10. Building Department

Ms. DeGennaro asked about the permits that are on the agenda. Mr. Sarmiento said a percentage was used and he would like the city to no longer give refunds for permits.

6.11. Facilities Inspector

Mr. Cota spoke about Derby Cares and that the woman who was willing to help is sick and he was wondering if the Board had anyone else who would be interested.

Ms. Browning asked why some foreclosure have been on the list for years. Mr. Cota said the new administration is working on that with corporation counsel.

6.12. Parking Division

Nothing was discussed.

6.13. Chief of Staff

Ms. DeGennaro spoke regarding the meetings with the reps from Derby Downtown, Riverview, etc.. Her concern is that people are asking questions and she can't answer them. She would like to know what is going on. Mr. DiCenso said there have been no discussion regarding agreements or contracts. She asked Mr. Baklik about the grant application. Mr. Baklik said he didn't know the application needed to go through the BOA. Attorney Marino said that it should go through the BOA. Mr. Baklik said he just received notice that they were approved. Attorney Marino said that approval of the grant will need to go through the BOA O&P Committee.

6.14. Economic Development Liaison

Nothing was discussed.

6.15. Corporation Counsel – Including Planning and Zoning, Labor Counsel, and Outside Counsel

Ms. DeGennaro asked if the LLC has paid, Attorney Marino apologized that the report was not detailed enough and said that the line item would not have been listed as closed unless it was paid.

6.16. Parks and Recreation

Nothing was discussed.

6.17. Revolving Loan Fund

Nothing was discussed.

6.18. Cultural Commission

Nothing was discussed.

6.19. Website Report of tickets for the month

The Board asked about where the ticket responses were. Mr. Baklik said they were added to the individual department head report.

6.20. Athletic Complex Building Committee

6.21. Field House and Baseball Field Building Committee

Nothing was discussed.

Items 8.2.4, 8.2.5 and 9.1 were discussed next.

7. Administrative & Appointments

7.1. Approval of Minutes

7.1.1. Move to approve minutes from Regular Special Meeting – January 10, 2019

Motioned to approve by Mr. Sill, seconded by Mr. Sampson and the motion carried.

7.1.2. Move to approve minutes from Regular Meeting – January 24, 2019

Motioned to approve by Mr. Sampson seconded by Mr. Jim DiMartino and the motion carried.

7.2. Move to approve tax refunds in the amount of \$4,174.63

Motioned by Mr. Donofrio, Mr. Sampson seconded and the motion carried.

7.3. Appointments to Boards and Commissions

Move to approve the following appointments as recommended by Mayor Richard Dziekan:

Capital Planning Commission

Jim DiMartino – Effective Immediately – Expires 12/7/19

James R. Butler – Effective Immediately – Expires 12/7/19

Barbara DeGennaro – Effective Immediately – Expires 12/7/19

Motioned by Mr. Sampson, seconded by Mr. Sill and the motion carried.

Parks & Recreation Commission

Bruce Sill – Effective Immediately – Expires 8/31/21
Andrew Cota – Effective Immediately – Expires 8/31/21
James Benanto– Effective Immediately – Expires 8/31/20

Motioned by Mr. Sampson, seconded by Mr. Joe DiMartino and the motion carried.

Cultural Commission

Rosalie Cota – Effective Immediately – Expires 2/28/22
Richard DiCarlo – Effective Immediately – Expires 2/28/22
Dani Soto – Effective Immediately – Expires 2/28/22
Rachel Kenyon – Effective Immediately – Expires 2/28/21
China Mayhew – Effective Immediately – Expires 2/28/21

Motioned by Mr. Sampson, seconded by Mr. Sill and the motion carried.

Water Pollution Control Authority

James DiMeo (Unaffiliated) – Effective Immediately – Expires 10/31/23

Motioned by Mr. Sampson, seconded by Mr. Sill and the motion carried.

Ethics Board

Michael Shea (Alternate) – Effective Immediately – Expires 3/31/21
Brian Coppola (Alternate)- – Effective Immediately – Expires 3/31/20

Motioned by Mr. Sampson, seconded by Mr. Joe DiMartino and the motion carried.

Planning & Zoning Commission

Theodore Estwan, Jr. – Effective immediately - Expires 2/28/23

Motioned by Mr. Sampson, seconded by Mr. Sill and the motion carried.

8. Committee Reports

8.1. Blight Committee

8.1.1.No Action Items

8.2. Community Relations

8.2.1.Move to approve vendor license of Jeffery Burkitt of Trinity Solar

Motioned by Mr. Sill, seconded by Mr. Sampson and the motion carried.

8.2.2.Move to approve vendor license of James Caprio of Jim’s Ice Cream

Motioned by Mr. Sill, seconded by Mr. Sampson and the motion carried.

8.2.3.Move to approve nine vendor licenses for Renewal by Anderson: Nicholas Burleigh, Conner Morgan, Amanda Staron, Harry Hackley, Nicholas Trifari, Erik Zanker, Thanh Nguyen, Nikolas Mazzucco and Courtland Young.

Motioned by Mr. Sill, seconded by Mr. Sampson and the motion carried.

8.2.4.Move to authorize the City of Derby to negotiate a long term tax agreement to be presented to the BOA/A for consideration at a future meeting and to authorize Mayor Dziekan to sign any documents

in support of the construction of a Fuel Cell on Roosevelt Drive near UI Substation for submission to the Connecticut Siting Council.

Motioned by Mr. Sill and seconded by Mr. Sampson.

Attorney Marino spoke regarding the tax agreement and that the State has created tax incentives. Mr. Sampson stated that this only allows the mayor to enter into discussions and then come back to the Board with an agreement.

Derek Phelps of Fuel Cell Energy spoke regarding the project.

Attorney Marino said he hopes to meet with the O&P Committee within two weeks.

Motion carried with all in favor.

8.2.5. Move to explore options to replace gasoline tanks at Derby Public Works Department Complex and to resolve to finance any potential clean up.

Motioned by Mr. Sampson and Mr. Sill seconded.

Ms. DeGennaro asked what this means and if this is going back to sub-committee or capital planning. Ms. DeGennaro said many options were presented and the subcommittee should be discussing them.

Scott Atkins of Anchor Engineering was present. Ms. DeGennaro said she read the letter and respects what he has presented. She feels that the options presented need to be discussed by the Board and BOAT. Mayor Dziekan said the Board needs to start the discussion now and he would like the Board to look at regionalization. Attorney Marino said DEEP will fine the city soon and those cost will exceed the cost of the options presented. He said there is no good answer and there is a financial obligation regardless.

Mr. Sampson said a committee needs to be formed.

Mr. Donofrio asked what the end date is. Attorney Marino said 2 years ago. Mr. Atkins said action needs to be taken by September. The preferred option would be to empty the tanks, remove them and look into long term options. A short-term solution would need to be put into place. Mr. Donofrio feels this should go back to sub-committee.

Mr. Baklik said the soil surrounding the tanks needs to be tested and he would like the board to make a decision soon.

Mr. Sampson authorized the mayor to enter into an agreement with the City of Ansonia on a short term month to month bases. Mr. Joe DiMartino seconded. Ms. Degennaro opposed. The motion carried.

8.2.6. Move to refund Building and Electrical Permit fees in the amount of \$2,200 out of \$4,550.20 for the football field light bases and electrical work.

Motioned by Mr. Sill, seconded by Mr. Sampson and the motion carried.

8.2.7. Move to approve the following members of the Derby Fire Police for 2019-2020

- A. Captain James W. McGuire – Hotchkiss**
- B. 1st LT Ted Hawks – Hotchkiss**
- C. 2nd LT Jeff Wilchinsky – East End**
- D. Robert Gulluzy – Paugassett**
- E. Keith Voytek – Hotchkiss**
- F. Ken Silva – Hotchkiss**
- G. Robert Turschmann – Hotchkiss**
- H. Carlo Sarmiento – Storms**

Motioned by Mr. Sill, seconded by Mr. Jim DiMartino and the motion carried.

8.3. Operations and Procedures

8.3.1. Move to have the City look for a buyer for the VARCA building and to authorize an appraisal of the entire building / property.

Motioned by Ms. DeGennaro, seconded by Mr. Sill and the motion carried.

8.3.2. Move to establish a Maintenance Committee for the Joseph Payden Fieldhouse and Ryan Athletic Complex comprised of one member from each of the following: Parks and Recreation Commission, Public Works Department, Board of Education, Board of Apportionment and Taxation, Board of Aldermen/Alderwomen, Athletic Complex Building Committee, and Field House and Baseball Field Building Committee to be chosen by the respective Boards or Department Head.

Motioned by Mr. Sampson and seconded by Mr. Joe DiMartino

Ms. DeGennaro feels the BOA should be making the appointments not the individual Boards. Mr. Sampson said the intent of the Board is short term and for them to determine what line items the funding will come out of and to determine the individual department responsibilities.

Mr. Garofalo said that the Parks & Recreation Committee already includes all the members the Board is looking for.

Mr. Sampson rescinded.

Mr. Sampson motioned that the Parks & Recreation Committee report back to the Operations & Procedures Committee and prepare a plan on who will take care of the maintenance for the sports complexes.

Mr. Donofrio seconded. Ms. Browning opposed. The motion carried.

8.4. Road Bond Project

8.4.1. No action items.

9. New Business

9.1. Move to approve the contract and financing between the City of Derby and Johnson Controls for energy efficiency improvements.

*Discussed after item 8.2.5

Motioned by Joe DiMartino and seconded by Mr. Sampson, Motions were withdrawn.

Motion to approve the financing agreement awarded to TD Bank by Mr. Sampson, Mr. Joe DiMartino seconded. Ms. DeGennaro and Mr. Donofrio opposed. The motion carried.

Motion to approve the contract between the City of Derby and Johnson Controls for energy efficiency improvements by Mr. Sampson. Seconded by Mr. DiMartino.

Mr. Sampson asked if Johnson Controls will be liable for maintenance. A representative from Johnson Controls said that should a light break it would be under warranty, but in a short answer, no they are not handling maintenance. Mr. Sampson said the City waits until the last minute to make repairs and no preventative maintenance is done. Mr. Joe DiMartino said he agrees 100%.

Mr. Sampson amended the motion to include that the consultant be responsible to report back to the O&P Committee. Mr. Joe DiMartino seconded. Ms. DeGennaro and Mr. Donofrio opposed. Motion carried.

~~**9.2. Move to approve stipulated judgement in the matter of Bassar-Kaufman of Derby, LLC v. City of Derby.**~~

~~Motioned by Mr. Sampson, seconded by Mr. Joe DiMartino and the motion carried.~~

~~**9.3. Move to approve stipulated judgement in the matter of Jean A. Opuszynski v. City of Derby.**~~

~~Motioned by Mr. Sampson, seconded by Mr. Joe DiMartino.~~

10. Old Business

10.1. No action items.

11. Executive Session -

11.1. Turco Golf, Inc. – Derby Football Field and Track – Pending Claims.

Mr. Sill motioned to enter into executive session at 8:24 PM and invite Corporation Counsel Marino and Mr. McLiverty. Mr. Sampson seconded and the motion carried.

12. Regular Session Action from Executive Session

12.1. No action items.

13. Adjournment

Following executive session Mr. Sill motioned to adjourn, Mr. Oliwa seconded and the motion carried.

Respectfully submitted,

Terri Kuskowski

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