

BOARD OF ALDERMEN

COMMUNITY RELATIONS SUBCOMMITTEE MEETING

THURSDAY, AUGUST 22, 2019 – 6:00 P.M.

(Immediately following Blight Committee Meeting)

JOAN WILLIAMSON ALDERMANIC CHAMBERS

MINUTES

Alderman Ron Sill called the meeting to order at 6:05 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Ron Sill, Charles Sampson, Evelyn Browning

Also Present: Andrew Baklik, Chief of Staff
Keith A. McLiverty, City Treasurer
Dr. Matthew Conway, Superintendent of Schools
Alderman Thomas Donofrio
Alderman Joseph DiMartino
Marc J. Garofalo, Town & City Clerk
Vincent Marino, Corporation Counsel

ADDITIONS, DELETIONS, CORRECTIONS AND ADOPTION OF THE AGENDA

There were none.

PUBLIC PORTION

Mr. Sill asked three times if anyone wished to address the committee. No one wished to address the committee and the public portion was closed.

APPROVAL OF MINUTES OF THE JULY 25, 2019 COMMUNITY RELATIONS MEETING

A MOTION was made by Ms. Browning with a second by Mr. Sampson to approve the minutes of the July 25, 2019 meeting as presented. Mr. Sill abstained as he was not present at the last meeting. **Motion carried.**

SIDEWALK REIMBURSEMENT

- Rose Ann Haakerud – 5 Jeanetti Drive - \$2,490.00
- Ann Mirasola – 117 Hawthorne Avenue - \$540.00

A MOTION was made by Mr. Sampson with a second by Ms. Browning to recommend to the full Board of Aldermen/Alderswomen to approve the following sidewalk reimbursement pursuant to Section 172-8 of the Derby Ordinances and approved by the Director of Public Works for Rose Ann Haakerud – 5 Jeanetti Drive - \$2,490.00.

DISCUSSION ON MOTION

Ms. Browning asked if we received a copy of the bill. It was noted that Ed Armeno, Public Works Executive Director, submitted the request and has signed off on the bill.

MOTION CARRIED.

A MOTION was made by Mr. Sampson with a second by Ms. Browning to recommend to the full Board of Aldermen/Alderwomen to approve the following sidewalk reimbursement pursuant to Section 172-8 of the Derby Ordinances and approved by the Director of Public Works for Ann Mirasola – 117 Hawthorne Avenue - \$540.00. **Motion carried.**

USE OF DERBY GREEN GAZEBO FOR WEDDING

A MOTION was made by Mr. Sampson with a second by Mr. Sill to recommend to the full Board of Aldermen/Alderwomen to approve the request of Kerri Downing of Derby to use the Gazebo on the Derby Green on Saturday, September 21, 2019 between the hours of 12:00 p.m. and 4:00 p.m. for her wedding.

DISCUSSION ON MOTION

Alderman Donofrio asked if they have provided insurance. Mr. Sill said we have a copy of their Certificate of Insurance. There was a discussion regarding the length of time for the use of the gazebo and the question of alcoholic beverages was also brought up. The wedding party will use the gazebo on the green for the actual service and photos. They will not be serving food or alcoholic beverages.

MOTION CARRIED.

REFUND BUILDING PERMIT FEES

- Irving School – Plumbing - \$299.42
- Irving School – Heating and Cooling - \$12,766.84
- Bradley School – Plumbing - \$436.76
- Bradley School – Heating and Cooling - \$2,847.84
- Derby High School – Plumbing - \$1,260.80
- Derby High School – Heating and Cooling - \$101.04

A MOTION was made by Ms. Browning with a second by Mr. Sampson to recommend to the full Board of Aldermen/Alderwomen to approve the request for reimbursement of Building Permit Fees in the amount of \$17,712.70 by McKenney Mechanical for the following City of Derby Projects: Irving School – Plumbing - \$299.42/Irving School – Heating and Cooling - \$12,766.84/Bradley School – Plumbing - \$436.76/Bradley School – Heating and Cooling - \$2,847.84/Derby High School – Plumbing - \$1,260.80/Derby High School – Heating and Cooling - \$101.04.

DISCUSSION ON MOTION

Ms. Browning asked if these items fall under the program with Johnson Controls. Mr. Sampson said it does. We're only waiving the cost of the actual building permit – Johnson Controls is still responsible to pay the mandatory \$.26 per \$1,000 for the State Education Fee.

MOTION CARRIED.

ATHLETIC COMPLEX FLOODING OF NEIGHBORING PROPERTIES – DISCUSSION ONLY

Mr. Sill said he has spoken to several of the residents that were affected. He said that the contractor(s) still have money owed to them from the City that we're holding back. Mr. Sill said we're just trying to cover all bases to make sure the residents that have been affected are being treated the way that they should be treated since they have been put in jeopardy by no fault of their own. Atty. Marino said he has spoken with Peter Berdon, Esq. of Berdon, Young, and Margolis, PC earlier today noting that he reached out to him since he had not heard from him since he had received his letter of introduction. He told the committee that 3-4 months ago he received a request for documents, which he provided. Atty. Marino said he realizes that the claimants are very frustrated by the passage of time in how this matter is progressing. He said the City immediately put its carrier on notice and immediately sent demand letters to the other carriers of the contractors that the City had retained – Turco, Turner and KBA. Atty. Marino said the City's carrier disclaimed coverage because they said the City was not directly responsible and the responsibility lie with the contractors. He said the City was also named as an additional insured on those other policies so even if the City were liable those other carriers should be paying anyway. Atty. Marino said that was the position of our carrier so there was nothing further for us to do with our carrier because we pushed them as far as we could, although we have continued to push them, and we continue to remain in dialogue with them. He said we had a meeting approximately 3 weeks ago with the attorneys for the contractors to see if we can try to reach an accommodation to try to accelerate this process. Atty. Marino said he often tell clients that cases are like children – they grow and become bigger and bigger and they don't graduate for years and that's just the way this judicial system is set up. He recommended to Atty. Berdon that he join the issues appropriately by way of a writ summons complaint so that all parties are properly served and sued prior to the end of the construction phase. So, before any contractor picks up and leaves there's a lawsuit that is pending to protect and preserve the claims of the claimants. Atty. Marino said his hope was by doing that what we could immediately do is explore an alternative dispute resolution, which would be like a remediation or arbitration where in the month of September we can get together with not only the plaintiffs and their attorneys but with all the named defendants, which would be the City, the contractors and the architect and get together and finalize this matter. Atty. Marino said it is outside the control of the City because it is really in the hands of the insurance carriers and we don't have direct control over their decision-making process and that is where it stands right now. He said he has received at least a commitment of all the contractors to participate and explore resolutions.

Mr. Sill said there is no definite date. Atty. Marino said not at this time. Mr. Donofrio said at one of the last meetings you asked the homeowners who received damage to submit their cost for repairs – have you received that information. Atty. Marino said he has received information from Atty. Berdon's office.

REPLACEMENT OF ROOFS AT PAUGASSETT AND STORMS FIREHOUSES – DISCUSSION AND POSSIBLE RECOMMENDATION TO THE FULL BOARD OF ALDERMEN/ALDERWOMEN

Mr. Sill said he has been informed that the roofs are in bad shape and the replacement is almost considered an emergency. He said he would like to move this to the full Board of Aldermen/Alderwomen for discussion.

A MOTION was made by Ms. Browning with a second by Mr. Sampson to recommend to the full Board of Aldermen/Alderwomen the replacement of the roofs at Paugasset and Storms Firehouses.

DISCUSSION ON MOTION

Mr. Donofrio suggested that perhaps the Fire Commissioner can attend the meeting as this is the first we're hearing about this. Mr. Sill said that may be difficult as Mr. Petrino works nights. Mr. Donofrio said he can elect someone to speak on this behalf regarding this situation. Keith McLiverty, City Treasurer, addressed the committee stating that the City takes great pride in having a Five-Year Capital Plan, which is looked on very favorably by the Rating Agencies. He said each year the Capital Planning Committee asks every department to submit their requests for items that go above and beyond what they have requested in their annual budget. Mr. McLiverty said this year we had to cut a request from the Town Clerk's Office and the Board of Education stating this is the first time that he is hearing about the roof situation and noting this has not been on their past capital requests. The budget and Capital Plan process has just taken place, and this was never mentioned. Mr. McLiverty said this negates the process and really screws the other departments. Mr. Donofrio said that is why he wants them at the next meeting. Marc Garofalo, the Town & City Clerk, suggested that Fire Commissioner Petrino should first meet with the Capital Planning Commission. Mr. Sill said the Capital Plan has already been voted upon. Mr. McLiverty said this committee can recommend that Fire Commissioner Petrino meet with the Capital Planning Commission. He said a special meeting could be held prior to the next full Board of Aldermen/Alderwomen meeting.

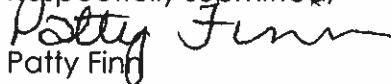
Mr. Sampson and Ms. Browning withdrew their motion.

A MOTION was made by Mr. Sampson with a second by Ms. Browning to have Fire Commissioner Petrino attend a Special Meeting of the Capital Planning Commission prior to the next full Board of Aldermen/Alderwomen meeting to discuss the replacement of roofs at the Paugasset Hose and Storms Firehouses. **Motion carried.**

ADJOURNMENT

A MOTION was made by Mr. Sill with a second by Ms. Browning to adjourn the meeting at 6:28 p.m. **Motion carried.**

Respectfully submitted,



Patty Finn
Recording Secretary

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ALDERMEN COMMUNITY RELATIONS SUBCOMMITTEE AT THEIR NEXT MEETING.