

BOARD OF ALDERMEN

Regular Meeting

Waterbury Arts Magnet School

16 South Elm Street - Atrium

Tuesday, May 26, 2009 at 7:00 p.m.

“SUMMARY MINUTES”

PLEDGE OF ALLEGIANCE AND SILENT PRAYER @ 7:02 p.m.

ROLL CALL

<u>PRESENT:</u>	Vance, Jr.	Pernerewski, Jr.	Negron
	Phelan	Misset	Nogueira
	Piccochi	Russo	Booker, Jr.
	Burgio, Sr.	Denze, Sr.	Palladino
	Telesca	Ciochetti	

ABSENT: Petteway

EXECUTIVE SESSION/S:

None.

PUBLIC SPEAKING @ 7:07 p.m. to 8:25

RECESS @ 8:26 p.m. to 9:08 p.m.

CONSENT CALENDAR: #2, 4, 6, 7, 9, 10, 11, 12, 14, 15, 16
and OB 9.

NON CONSENT CALENDAR: #13, and OB 14.

“Passed by unanimous roll call vote”

**On a motion Alderman Pernerewski, followed by a
second by Alderman Phelan, the Board of Aldermen
voted unanimously to APPROVE as read the
aforementioned, namely its Consent Calendar.**

1. James T. Nemec
Supervisor of Parks and Public Buildings

Re: Explanation per BOA request of April 20, 2009
to provide a punch list of items relative to work
To be done at Town Plot Park.

REFERRED TO INTERGOVERNMENTAL COMMITTEE.

*On a motion Alderman Pernerewski, followed by a second by Alderman Phelan,
the Board of Aldermen voted by a unanimous consent calendar roll call vote to direct*

the city clerk to invite John Lawlor, Director of Public Works and Jim Nemec, Supervisor of Parks to come to the next BOA Meeting, regarding item #1.

2.

E. Gil Graveline
Building Official

Re: Requesting a refund in the amount of \$261.00 for Jay Vailmont, All American Heating and Air Conditioning, Inc., regarding Heating permits 206-07-H and 207-07-H for 8 Moreland Avenue. No work was done regarding these permits and the permits have been canceled.

REFERRED TO FINANCE COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve the aforementioned, namely item #2.

3.

Frank Caruso
Deputy Tax Collector

Re: Report to Board of Aldermen (City Charter Sec.7C-1).

RECEIVED & PLACED ON FILE.

4.

Salvatore D. Porzio
Project Manager, PWD

Re: Request approval of Engineering Services Agreement [RFQ No. 0020056] for Design, Construction Administration and Inspection Services – Police Department Parking Structure Renovation between the City of Waterbury and J P Engineering, Inc. (C080)

REFERRED TO INTERGOVERNMENTAL COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve the aforementioned, namely item #4.

5.

Scott Tedesco
Heritage Builders of Waterbury, LLC.

Re: Requesting approval of a right to drain Easement Over a portion of Lots 134 & 127R Parkway Acres ~ Section 23, Alisha Lane & Hillbrook Drive.

REFERRED TO LAND COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to refer to Corporation Counsel and City Plan the aforementioned, namely item #5.

6. Kenneth R. Skov,
Supt. of Water
- Re:** Requesting approval of Contract for HVAC Upgrades at the Waterbury Bureau of Water.

REFERRED TO INTERGOVERNMENTAL COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve the aforementioned, namely item #6.

7. John P. Lawlor, Jr.
Director of Public Works
- Re:** Request approval of Amendment No. 7 to current Leases for 181 East Aurora Street.

REFERRED TO INTERGOVERNMENTAL COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve the aforementioned, namely item #7.

8. Dawn E. DeSantis, Attorney
Corporation Counsel
- Re:** Response to BOA regarding Harlamon Homes, LLC/Katherine Estates Subdivision Turnaround Easement.

REFERRED TO LAND COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to receive and place on file the aforementioned, namely item #8.

9. Kenneth R. Skov,
Supt. of Water
- Re:** Requesting Amendment #1 to the Contract for Shepaug Infrastructure Improvements D'Amato Construction Co. Contract No. 2.

REFERRED TO INTERGOVERNMENTAL COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve the aforementioned, namely item #9.

10. Carrie A. Swain, Clerk
Board of Education
- Re:** Request and approval of a Professional Services Agreement with Ambassador Wheelchair Services, Inc., to provide daily messenger and courier Services for the Department of Education for the Period of July 1, 2009 through June 30, 2012. Said Agreement is subject to approval Board of Ed approval on May 18, 2009.

REFERRED TO INTERGOVERNMENTAL COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve the aforementioned, namely item #10.

11. Carrie A. Swain, Clerk
Board of Education

Re: Request and approval of a Professional Services Agreement with Ambassador Wheelchair Services, Inc., to provide courier services for the Food Service School Lunch Program for the period of July 1, 2009 through June 30, 2012.

REFERRED TO INTERGOVERNMENTAL COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve the aforementioned, namely item #11.

12. Ofelia F. Matos
Budget Director

Re: Regarding Budget Transfers – General Fund Budget FY09 in the amount of \$44,500.

REFERRED TO FINANCE COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve the aforementioned, namely item #12.

13. Ofelia F. Matos
Budget Director

Re: Regarding Budget Transfers – General Fund Budget FY09 in the amount of \$100,000.

REFERRED TO FINANCE COMMITTEE.

*On a motion Alderman Piccochi, followed by a second by Alderman Pernerewski, the Board of Aldermen voted by a 9 Yea ~ *5 Nay roll call vote to approve the aforementioned, namely item #13. *Nays: Aldermen Booker, Burgio, Denze, Palladino and Telesca.*

14. Kathleen McNamara
Neighborhood Re-Investment Group

Re: Approval of CDBG-R Substantial Amendment to the City of Waterbury 2008-2009 Annual Action Plan nd 2008-2013 Consolidated Plan.

REFERRED TO INTERGOVERNMENTAL COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve the aforementioned, namely item #14.

15.

Craig A. Sullivan
Corporation Counsel

Re: Amendment to Chapter 97 of the City of
Waterbury Code of Ordinances: Section § 97.05.

REFERRED TO CHARTER~ORDINANCE COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve as amended the aforementioned, namely item old business #9 and as submitted new business #15.

16.

Greenway Advisory Commission

Re: Regarding the approval and adoption of a
Resolution recommending the Mayor and BOA
To intervene in any application filed regarding
Chestnut Hill Bioenergy.

REFERRED TO INTERGOVERNMENTAL COMMITTEE.

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve as amended the aforementioned, namely item #16.

STANDING COMMITTEES:

- Mary E. Nardini
Revenue Collection Manager

Re: Seeking approval of vouchers representing
overpayments by the taxpayers for tax bills, in
the amount of \$65,007.71.

*On a motion Alderman Piccochi, followed by a second by Alderman Pernerewski, the Board of Aldermen voted with *one absention to Approve, the aforementioned, Standing Committee for Tax Overpayments. *Alderman Vance, Jr.*

OLD BUSINESS:

1.

Michael J. Jarjura
Mayor, City of Waterbury

Re: Submittal of the City of Waterbury’s Capital
Improvement Plan for Fiscal Years 2010 – 2014.
Received on 4-20-09 and referred to the Finance
Committee.]
2.

Ric Livingston
PHR. Sr. H.R. Generalist
Human Resources

Re: Seeking approval of a new job specification of the
position of Permit Center Coordinator. [Received
on 6-25-07 and referred to the Personnel
Committee.]

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| 3. | George C. Tzepos
444 Middlebury Road
Middlebury, CT 06762 | Re: Requesting the layout and discontinuare of Warren Street, Waterbury. [Received on 3-9-09 and referred to the Land Committee.] |
| 4. | Alderman Dennis Odle
Alderman Frank Burgio, Sr.
Alderman Cicero Booker, Jr.
Alderman Art Denze | Re: Request approval of a resolution to establish and fund top quality senior centers. [Received on 9-24-07 and referred to the Committee of the Whole.] |
| 5. | Joyce Petteway
J. Paul Vance, Jr.
Board of Aldermen | Re: Requesting consideration of a concept regarding blight and the use of eminent domain for properties having been cited multiple times for blight violations and being used for drug trafficking. [Received on 9-08-08 and referred to the Intergovernmental Committee.] |
| 6. | Thomas C. Harman
President, WHNA | Re: Proposed Resolution for the Board of Aldermen to Review and Approve the Final Draft of the Revised Land Use Regulations Prior To Adoption By the Land Use Commissions. [Received on 5-11-09 and referred to the Charter Revision Ordinance Committee.] |
| 7. | William J. St. John, Jr.
St. John, Scappini, Lombard & Stevens; Attorneys at Law
13 First Avenue, Waterbury | Re: Notice of the sell of property on Dube Lane by Columbus Home Association, Inc., a tax paying corporation, to Waterbury Christian Fellowship Inc., a tax-exempt corporation. [Received on 02-23-09 and referred to the Land Committee.] |
| 8. | Craig A. Sullivan
Corporation Counsel | Re: November 25, 2008 referral of City Projects Resolution & Ordinance proposal. [Received on 01-12-09 and referred to the Charter~Revision Ordinance Committee.] |

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to receive and place on file, namely old business item #8.

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| 9. | Craig A. Sullivan
Corporation Counsel | Re: Seeking approval of an amendment to Chapter 97 of the City of Waterbury Code of Ordinances. [Received on 04-20-09 and referred to the Charter Revision~Ordinance Committee.] |
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On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to approve as amended the aforementioned, namely item old business #9 in and as submitted new business #15.

10. Michael J. Dalton
City Clerk
- Re:** Resolution from the Land Use Regulatory Revision Project Advisory Committee {LURRPAC} regarding establishing a Conservation Commission for the city [**Received on 11-10-08 and referred to the Charter Revision ~ Ordinance Committee.**]
11. Alderman Paul Nogueira
Alderman J. Paul Vance, Jr.
- Re:** Seeking approval of a Resolution entitled “Loyola Development Corporation/City of Waterbury Funding Partnership Resolution.” [**Received on 1-20-09 and referred to the Charter Revision~Ordinance Committee.**]

On a motion Alderman Pernerewski, followed by a second by Alderman Phelan, the Board of Aldermen voted by a unanimous consent calendar roll call vote to receive and place on file, the aforementioned, namely old business item #11.

12. Mayor Michael J. Jarjura
City of Waterbury
- Re:** Respond to Questions and Return within 10 days of receipt. [**Received on 05-11-09 and referred to Rules/Law Committee.**]
13. John M. Wabiszczewicz
Attorney at Law
150 Prospect Street
- Re:** Requesting approval of an easement by St. James Associates, LLC to the City of Waterbury [**Received on 9-22-08 and referred to the Land Committee.**]
14. John Jedrzejczyk
Director of Finance
- Re:** Bond Authorization for acquisition of the Wachovia Building on South Main Street in the amount of **\$5,000,000**. [**Received on 10-06-08 and referred to the Finance Committee.**]

On a motion Alderman Piccochi, followed by a second by Alderman Pernerewski, the Board of Aldermen unanimously voted to approve, the aforementioned namely old business #14.

15. John Jedrzejczyk
Director of Finance
- Re:** Bond Authorization for: Water Department Office expansion and renovation in the amount of **\$750,000**. [**Received on 9-08-08 and referred to the Finance Committee.**]
16. Alderman Carlo Palladino
- Re:** Regarding: No parties should be allowed to submit bids or do any type of Business with the City of Waterbury while that party is in litigation with the

City of Waterbury, such as Phoenix Soil.
[Received on 05-11-09 and referred to the Intergovernmental Committee.]

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| 17. | John P. Lawlor, Jr. | Re: Lease Agreement Extension; Waterbury Commons LLC (Sovereign Bank Bldg.) [Received on 01-12-09 and referred to the Intergovernmental Committee.] |
| 18. | Alderman Paul K. Pernerewski, Jr. | Re: Seeking adoption of an amendment to Chapter 31 of the Code of Ordinances of the City of Waterbury, entitled “An Omnibus Ordinance relative to the implementation of Charter Provisions pertaining to Appointive Boards and Commission required by Section 6C-1 of the Charter.”
[Received on 11-24-08 and referred to the Charter Revision~Ordinance Committee.] |
| 19. | Mayor Michael J. Jarjura | Re: Recommendation from the Mayor’s Economic Development Task Force relative to the proposed Reconstruction of Interstate 84 and Route 8.
[Received on 11-10-08 and referred to the Land Committee.] |
| 20. | Michael J. Jarjura
Mayor | Re: Mayor’s Proposed Budget for Fiscal Year ending June 30, 2009. [Received on 4-06-09 and referred to the FinanceCommittee.] |
| 21. | Michael J. Jarjura
Mayor | Re: Capital Budget Resolution regarding the implementation of the Capital Budget of the City of Waterbury for Fiscal Year July 1, 2009 to June 30, 2010. [Received on 4-06-09 and referred to the Finance Committee.] |
| 22. | Craig A. Sullivan
Corporation Counsel | Re: Requesting the Board set a public hearing for June 8, 2009, for the purpose of receiving public input regarding a proposed amendment to The Code Of Ordinances of the City of Waterbury, regarding High Grass and Weeds. [Received on 05-11-09 and referred to the Charter Revision Ordinance Committee.] |
| 23. | David Simpson
Deputy Director of Operation
Bureau of Public Works | Re: Submitting to the Board on behalf of John P. Lawlor; Director of Public Works, relative to the “Usage, Needs and Contractual Requirements” as it relates to the Vehicle Purchase Opportunity Resolution as requested by the Board at its 02-09-2009 regular meeting. [Received on 2-23-09 and referred to the Intergovernmental |

Committee.]

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| 24. | J. Paul Vance, Jr., President
Board of Aldermen | Re: Seeking approval of a Vehicle Purchase Opportunity Resolution. [Received on 2-09-09 and referred to the Land Committee.] |
| 25. | President J. Paul Vance, Jr.
Board of Aldermen | Re: Regarding Corporate Ethics Ordinance draft language -2.0. [Received on 05-11-09 and referred |
| 26. | J. Paul Vance, Jr., President
Board of Aldermen | Re: City Plan Ordinance Enforcement. [Received on 03- 23-09 and referred to the Rules/Law Committee.] |
| 27. | Alderman Cicero B. Booker, Jr.
Alderman Frank A. Burgio
Alderman Arthur Denze, Sr.
Alderman Carlo Palladino
Alderman Michael J. Telesca | Re: Whereas: The Board of Aldermen of the City of Waterbury has entered in a 5 year Lease for the Location of the Health Department of the City of Waterbury by over ruling the Veto of said lease by Mayor Michael Jarjura by a Vote of 10 to 3.

Therefore let it be Resolved: That the Board of Aldermen do hereby seek legal advice independent Of the Corporation Counsel of the City of Waterbury and the funds to pay for said advice.
[Received on 3-23-09 and referred to the Rules/Law Committee.] |
| 28. | Alderman Arthur J. Denze, Sr. | Re: Requesting that the BOA invite a DPUC senior representative to the Board of Aldermen’s next meeting to advise relative to the Class I approval and where the Chestnut Hill BioEnergy LLC proposal regarding the DPUC permitting process and whether the city or the DPUC will act first to review, approve or deny a formal application.
[Received on 4-20-09 and referred to the Public Safety Committee.] |
| 29. | Alderman Frank A. Burgio, Sr. | Re: Requesting that the BOA request that the Board of Education forward all reports by and/or for the Board of Education regarding a twenty-eight [28] page document addressed to John Theriault and Paul F. Guidone regarding payroll and overtime Information as soon as they become available.
[Received on 4-20-09 and referred to the Rules/Law Committee.] |

30.

Mark D. Capuano
Harlamon Homes, LLC

Re: Request approval of proposed Turnaround Easement for Harlamon Homes, LLC/Katherine Estates Subdivision. [Received on 5-11-09 and referred to Land Committee.]

Approved last meeting based on Corporation Counsels approval/See NB Item #8 Approval Letter

31.

Craig Schmidt
Risk Manager

Re: Contract with Berkley Administrators of CT. [Received on 4-6, 2009 and referred to Intergovernmental]

NEW BUSINESS

Alderman Piccochi would like to Mark Pronovost, The City Engineer to come to the next Board of Aldermen Meeting to give a presentation on Pearl Lake Road and Pritchard Pond Project.

On a motion Alderman Piccochi, followed by a second from Alderman Misset voted to request the city engineer come to our next regular meeting to do a presentation on Pearl Lake Road and Pritchard Pond.

ADJOURNMENT

On a motion Alderman Booker, followed by a second from Alderman Denze voted to adjourn at 9:30 p.m.

MJD/rf

C: Rose.Alderman.Summary Minutes doc