

BOARD OF ALDERMEN
REGULAR MEETING
WATERBURY ARTS MAGNET SCHOOL~ ATRIUM
16 SOUTH ELM STREET
TUESDAY, SEPTEMBER 08, 2009 AT 7:00 P.M.

“SUMMARY MINUTES”

☞ **PUBLIC HEARING/S:**

☞ **PRAYER:**

☞ **PLEDGE OF ALLEGIANCE:**

☞ **ROLL CALL:**

<u><i>PRESSENT:</i></u>	<i>Vance, Jr.</i>	<i>Pernerewski, Jr.</i>	<i>Pinto</i>	<i>Misset</i>
	<i>Nogueira</i>	<i>Petteway</i>	<i>Phelan</i>	<i>Piccochi</i>
	<i>Negron</i>	<i>Ciochetti</i>	<i>Booker, Jr.</i>	<i>Burgio, Sr.</i>
	<i>Palladino</i>	<i>Denze, Sr.</i>	<i>Telesca</i>	

☞ **OFFICIALLY SCHEDULED PRESENTATION:**

☞ **EXECUTIVE SESSION/S:**

- 1]. {a.} For the purpose of discussing strategy and/or negotiations over pending claims and/or litigation regarding Consent Order issued by State DEP regarding our sewer sludge incinerator”.
- 2]. {b} For the purpose of discussing strategy and/or negotiations over pending claims and/or litigation regarding Synagro’s liability on DEP’s consent order regarding our sewer sludge incinerator, as submitted by Atty. Kevin J. Daly, Jr., Office of Corporation Counsel.
- 3]. For the purpose of discussing evaluations relative to the potential acquisition of real property located at and known as 1875 Thomaston Avenue/ Commons Court, Waterbury, Connecticut, commonly known as the “Waterbury Industrial Commons” (the “Property”), for the development of a new Public Works facility, as submitted by Atty. Michael G. Tansley, Cicchetti, Tansley & McGrath LLP, 500 Chase Parkway.

On a motion of Alderman Pernerewski, Jr., duly seconded by Alderman Piccochi, the Board of Aldermen voted unanimously to enter into Executive Session @ 7:04 p.m.

On a motion of Alderman Ciochetti, duly seconded by Alderman Piccochi, the Board of Aldermen voted unanimously to return to Regular Order of business @ 7:40 p.m. NO Votes Were Taken While in Executive Session.

☞ **PUBLIC SPEAKING:**

- {1} Steven Schrag ~ 14 Quentin Street*
- {2} Selim Noujaim ~ 104 DiNatali Drive*
- {3} Thomas Harman ~ 351 Park Road*
- {4} Edward Bukoski ~ 370 Windy Drive*
- {5} Charles Trombley ~ 26 Winthrop Avenue*

- {6} Ruth Barry ~ 1090 Longmeadow Drive
- {7} Lisa Lessard ~ 905 Pearl Lake Road
- {8} Lawrence DePillo ~ 11 Steuben Street
- {9} Shelia Lee Calhoun ~ 359 Tudor Street
- {10} Joshua M. Angelus ~ 67 Hillside Avenue
- {11} Nick Coscia ~ 46 Gayfield Road

☞ **APPROVAL OF MINUTES:**

☞ **RECESS:**

On a motion of Alderman Burgio, Sr., followed by a second by Alderman Telesca, the Board of Aldermen voted unanimously to recess into Standing Committees at 8:46 P.M.

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| {1} | <i>Intergovernmental Committee:</i> | <i>8:46 P.M. to 9:21 P.M.</i> |
| {2} | <i>Finance Committee:</i> | <i>9:21 P.M. to 9:36 P.M.</i> |
| {3} | <i>Charter/Revision Committee</i> | <i>9:36 P.M. to 9:40 P.M.</i> |
| {4} | <i>Personnel Committee</i> | <i>9:40 P.M. to 9:44 P.M.</i> |
| {5} | <i>Rules/Law Committee</i> | <i>9:44 P.M. to 9:50 P.M.</i> |

On a motion of Alderman Ciochetti, followed by a second by Alderman Misset, the Board of Aldermen voted unanimously to return to the regular order of business at 9:50 P.M.

Consent Calendar: #4 ~ 17 & O. B. #3, 7, 20, & 22.
HFLD: #12

“Passed by Unanimous Roll Call Vote”

*Motion made to “Approve as Read” by Alderman Pernerevski, Jr.,
and seconded by Alderman Ciochetti.*

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| 1. | Kenneth R. Skov
Superintendent of Water | RE: | Submittal of Bureau of Water’s Annual Report for
Fiscal Year 2008 ~ 2009. |
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RECEIVED & PLACED ON FILE.

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| 2. | Mark Carlson, President
WTBY Municipal Blue Collar
AFSCME Local 353 | RE: | Notification of newly elected individuals to fill
vacant positions within said union. |
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RECEIVED & PLACED ON FILE.

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| 3. | Dennis O’Neil, Co-Chair
Working Families Party | RE: | Notification of the endorsement of Cicero B.
Booker, Jr. by the Working Families Party
State Committee. |
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RECEIVED & PLACED ON FILE.

4.

Salvatore D. Porzio
Project Manager
Public Works Dept.
- RE:

Amendment No. 1 to Engineering Services Agreement for design and construction administration services between the City of Waterbury and Beta Group, Inc.

REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

On a motion of Alderman Ciochetti, followed by a second by Alderman Phelan, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE Item #4.

5.

Atty. Charles E. Oman III
Office of Corporation Counsel
- RE:

Response to the Board relative to OB #7, Columbus Home Association, Inc. to WTBY Christian Fellowship, Inc. - sale of property at Dube Lane.

~~REFERRED TO THE LAND COMMITTEE.~~

REFERRED TO THE FINANCE COMMITTEE.

On a motion of Alderman Nogueira, followed by a second by Alderman Pernerewski, Jr., the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to Receive & Place on File Item #5.

6.

Civil Service Commission
- RE:

Notification of a job opening for the position of Telecommunicator II.

~~REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.~~

REFERRED TO THE PERSONNEL COMMITTEE.

On a motion of Alderman Nogueira, followed by a second by Alderman Ciochetti, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE Item #6.

7.

Barbara M. Tacchi
School Readiness Coordinator
- RE:

Requesting review and approval of the CT State Department of Education and CT State Department of Social Services 09-10 Quality Enhancement Grant Proposal.

REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

On a motion of Alderman Ciochetti, followed by a second by Alderman Burgio, Sr., the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE Item #7.

8.

Michael A. Maglione
Fire Chief
- RE:

Requesting review and approval of two [2] grant awards from the Dept. of Homeland Security, (FEMA) Assistance to Firefighter’s Grant:

1} Live Burn Trailer and
2} Heavy Rescue Apparatus

REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

On a motion of Alderman Ciochetti, followed by a second by Alderman Nogueira, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE Item #8.

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| 9. Salvatore D. Porzio
Project Manager
Public Works Dept. | RE: Agreement for Waterbury Industrial Commons - Design Engineering (Phase I) between the City of Waterbury and Weston & Sampson Engineers, Inc. |
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REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

On a motion of Alderman Ciochetti, followed by a second by Alderman Phelan, the Board of Aldermen voted by consent calendar Roll Call Vote to APPROVE Item #9. Alderman Burgio, Sr. was opposed to the aforementioned and expressed such opposition during committee meeting.

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| 10. Salvatore D. Porzio
Project Manager
Public Works Dept. | RE: Construction contract for Fulton Park Tennis Courts Reconstruction by and between the City of Waterbury and the WTBY Development Corporation and Cocchiola Paving, Inc. (P022). |
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REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

On a motion of Alderman Ciochetti, followed by a second by Alderman Phelan, the Board of Aldermen voted by consent calendar Roll Call Vote to APPROVE Item #10.

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| 11. Salvatore D. Porzio
Project Manager
Public Works Dept. | RE: Construction contract for the rehabilitation of Sharon Road Bridge Over Mad River between the City of Waterbury and NJR Construction LLC. |
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REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

On a motion of Alderman Nogueira, followed by a second by Alderman Ciochetti, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE Item #11.

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| 12. Atty. Kevin J. Daly, Jr.
Office of Corporation Counsel | RE: Consent Order from the DEP relative to the City's sewer sludge incinerator. Said Consent Order was approved by the Board of Public Works on 8.25.2009. |
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REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

On a motion of Alderman Ciochetti, followed by a second by Alderman Nogueira, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE Item #12.

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| 13. Atty. Kevin J. Daly, Jr.
Office of Corporation Counsel | RE: Legal opinion relative to FOI impact on electronic submittals to the Office of City Clerk. See OB #3. |
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REFERRED TO THE RULES/LAW COMMITTEE.

On a motion of Alderman Telesca, followed by a second by Alderman Misset, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to Receive & Place on File Item #13.

14. Michael LeBlanc
Director of Finance

RE: Seeking approval of a resolution authorizing an appropriation of **\$2,000,000** for the acquisition of the Drubner parcel of land authorizing the issuance of city general obligation bonds in the amount not to exceed **\$2,000,000** to finance the appropriation.

REFERRED TO FINANCE COMMITTEE.

On a motion of Alderman Nogueira, followed by a second by Alderman Denze, Sr., the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to HOLD Item #14. Alderman Pernerewski, Jr. was opposed to the aforementioned and expressed such opposition during committee meeting.

15. Board of Public Works

RE: Submittal of the following Refunds by Billing Supervisor Helene Fitch for BOA approval. Said Refunds were approved by Public Works on 8.25.2009, to wit:~

1). Conn Assos 11 Ltd	28,032.76
2). Collect Associates	977.86
3). Inland Mid-Atlantic Mgmt	262.22
4). Shaun McBride	1,958.21
5). Pool Water LLC	<u>300.00</u>
<u>TOTAL</u>	\$31,531.05

REFERRED TO THE FINANCE COMMITTEE.

On a motion of Alderman Pernerewski, Jr., followed by a second by Alderman Denze, Sr., the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE Item #15.

16. Atty. Michael G. Tansley
Cicchetti, Tansley & McGrath
500 Chase Parkway

RE: Correspondence requesting a referral to the City Plan Commission of the Agreement by and between the City of Waterbury and WTBY Industrial Commons Associates regarding the potential acquisition of the property located at 1875 Thomaston Ave./Commons Court by the City; and

Request for approval of the form of the Agreement by and between the City of Waterbury and WTBY Industrial Commons Associates regarding the potential acquisition of the property by the city.

REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

On a motion of Alderman Ciochetti, followed by a second by Alderman Phelan, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE & Refer to City Plan Item #16.

17. Atty. Gary B. O'Connor
Pepe & Hazard LLP
500 Chase Parkway

RE: Correspondence requesting approval of a referral to the City Plan Commission of the purchase and sale Agreement between American Financial TRS, Inc. ("American") with First States Investors 3000B, L.P. ("Joinder Party") and the City

REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

On a motion of Alderman Phelan, followed by a second by Alderman Ciochetti, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE Item #17.

STANDING COMMITTEES:

☒ *Tax Overpayment ~ \$76,607.36*

On a motion of Alderman Denze, Sr. and Nogueira, followed by a second by Alderman Pernerewski, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE Tax Overpayments in the amounts stated above.

OLD BUSINESS:

1.

Paul F. Guidone, COO
Waterbury Public Schools

RE:

As requested by the Board of Aldermen, the School Inspector’s Office Overtime Report. [Received on 07-20-09 and referred to the Rules/Law 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.]

3.

Leo J. Frank, CEO
Waterbury Development Corp.

RE:

Request for a change in policy that allows submittal of documents in electronic format to be posted on the City’s website. [Received on 06-08-09 and referred to the Rules/Law Committee.]

On a motion of Alderman Telesca, followed by a second by Alderman Misset, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to DENY Old Business #3.

4.

Alderman Dennis Odle
Alderman Frank Burgio, Sr.
Alderman Cicero Booker, Jr.
Alderman Art Denze, Sr.

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 9-09-08 and referred to the Intergovernmental Committee.]

- 6.** Thomas C. Harman
President, WHNA
- RE:** Proposed Resolution for the Board of Aldermen to 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 2-23-09 and referred to the Finance Committee.]**

On a motion of Alderman Nogueira, followed by a second by Alderman Denze, Sr., the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to DENY the aforementioned based on correspondence received from Charles Oman III of the Office of Corporation Counsel {Item #5}.

- 8.** Pasquale M. Salvatore
Law Offices of Yamin & Grant, LLC
- RE:** Requesting acceptance of subdivision street known as Destiny Circle. **[Received on 8-24-09 and referred to the Land Committee.]**

- 9.** 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.]**

- 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.** J. Paul Vance, Jr., President
Board of Aldermen
- RE:** Regarding Corporate Ethics Ordinance draft language - 2.0. **[Received on 05-11-09 and referred to the Charter Revision/Ordinance Committee.]**

On a motion of Alderman Pernerewski, Jr., followed by a second by Alderman Ciochetti, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to Ask the Corporation Counsel to draft ethics language to be added onto the Procurement Ordinance And Also to look at the Tax Abatement Ordinance.

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| <p>12. Mayor Michael J. Jarjura
City of Waterbury</p> | <p>RE: Respond to questions and return with ten {10} days of receipt. [Received on 05-11-09 and referred to the Rules/Law Committee.]</p> |
| <p>13. John M. Wabiszczewicz
Attorney at Law
150 Prospect Street</p> | <p>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.]</p> |
| <p>14. Aldermen Cicero B. Booker, Jr.
Frank A. Burgio, Sr.
Arthur Denze, Sr.
Carlo Palladino
Michael J. Telesca</p> | <p>RE: Whereas: The Board of Aldermen of the City of Waterbury has entered into a 5-year lease for the location of the Health Department of the City of Waterbury by overruling the veto of said lease by Mayor Michael J. Jarjura by a vote of 10-3;</p> <p>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.]</p> |
| <p>15. John Jedrzejczyk
Director of Finance</p> | <p>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.]</p> |
| <p>16. Alderman Paul K. Pernerewski, Jr.</p> | <p>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.]</p> |
| <p>17. John P. Lawlor, Jr.
Director of Public Works</p> | <p>RE: Lease Agreement Extension; Waterbury Commons LLC (Sovereign Bank Bldg.) [Received on 01-12-09 and referred to the Intergovernmental Committee.]</p> |
| <p>18. Craig Schmidt
Risk Manager</p> | <p>RE: City of Waterbury Property & Casualty Insurance Renewal Agreement. [Received on 07-20-09 and referred to the Intergovernmental Committee.]</p> |
| <p>19. Craig A. Sullivan
Corporation Counsel</p> | <p>RE: Request referral and approval of the proposed agreement between the City of Waterbury and Waterbury Industrial Commons Associates relating</p> |

to the potential acquisition of real property known as 1875 Thomaston Avenue, Waterbury.

[Received on 07-20-09 and referred to the Intergovernmental Committee.]

20. Pasquale M. Salvatore
Law Offices of Yamin & Grant, LLC

RE: Requesting a refund for overpayment of an inspection fee in the amount of **\$3,691.00** relative to the Destiny Circle Subdivision. [Received on 08-24-09 and referred to the Finance Committee.]

On a motion of Alderman Nogueira, followed by a second by Alderman Denze, Sr., the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to Receive & Place on File Old Business Item #20. APPROVED on 8.24.2009.

21. Edward P. Bushka
American Millwork & Lumber LLC
625 Wolcott Street

RE: Requesting the acceptance of Highland Hill (off of Highland Avenue) as a new cul-de-sac road to access Highland Hill Condominium Complex & the release of the bond in the amount of **\$90,100.00**. [Received on 08-24-09 and referred to the Finance Committee.]

22. Carrie A. Swain, Clerk
Board of Education

RE: License Agreement with SWIS & CICO-SWIS to provide a web-based information system for school personnel (the aforementioned was approved by the Board of Education at its special meeting of July 31, 2009. [Received on 08-24-09 and referred to the Intergovernmental Committee.]

On a motion of Alderman Ciochetti, followed by a second by Alderman Nogueira, the Board of Aldermen voted by unanimous consent calendar Roll Call Vote to APPROVE Old Business Item #22.

NEW BUSINESS:

ADJOURNMENT:

On a motion of Alderman Burgio, Sr., followed by a second by Alderman Nogueira, the Board of Aldermen voted unanimously to ADJOURN @ 10:08 P.M.

Mjd:Amk