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Board of Aldermen/Alderwomen

Barbara L. DeGennaro

Anita Dugatto

Sarah Widomski

Joseph L. DiMartino *

Camille Grande Kurtyka

Ronald M. Sill

Jim DiMartino

Robert Hyder

Charles Sampson

Special Meeting - 7:00 p.m. – Thursday, March 25, 2021

Minutes

1. Call to Order by Mayor Dziekan at 7:02pm
2. Pledge of Allegiance
3. Roll Call

Members Present: Barbara DeGennaro, Sarah Widomski, Joseph DiMartino, Camille Grande Kurtyka, Ronald Sill, Robert Hyder; Anita Dugatto (late arrival)

Members Absent: James DiMartino, Charles Sampson

4. Public Portion

Tom Lionetti, 75 Sunset Drive – Mr. Lionetti inquired as to why the Boys of Summer was not on the agenda for this meeting. Mayor Dziekan stated that they submitted a letter and withdrew their request. Mr. Lionetti stated that in other words they are not coming, and that the City lost \$18,000. He suggested that the Board needs to do things a little faster next time.

Karen Kemmesies, 25 John Street – Ms. Kemmesies spoke to express her support of the cub scouts installing birdhouses at Witek Park. She stated that this is a wonderful opportunity for the cub scouts to appreciate nature, the beauty of the park and love for all living things and provides for great community spirit. She also suggested any future projects should consider additional land donated to the city as a bird sanctuary for future improvements.

5. Derby Greenway Trail and Riverwalk

Mr. Jack Walsh spoke about the greenway and the statewide attention that it garners because of its success. It is the most heavily used trail out of 26 measured trails in the State of Connecticut with over 300,000 uses per year. The counter measured around 320,000 uses last year which means that the actual amount of people using the trail is a little more than half that number. Only one other measured trail in CT had over 200,000 uses. He states it is a tribute to the Public Works department and their efforts in upkeep and winter maintenance. The investment made 16 years ago has paid off for the City and the Naugatuck River Greenway is happening and is currently out to bid for its next phase in Ansonia, Torrington, and Waterbury, which will eventually connect with Derby. He also mentioned the Derby Hall of Fame which is located at the entrance to the greenway and nominations for this year's selectees will be announced next month. Each year two or three people are added and a list of previous selectees can be found on our old website. With over 50 people listed, it is now a part of the living history of Derby.

6. **Troop 3 Derby, CT – Request to install Birdhouses at Witek Park**

MOTION: Mr. Sill moved to approve Troop 3 Derby, CT to install birdhouses at Witek Park. Ms. Widomski seconded the motion. There was no discussion and the **motion carried** unanimously.

7. **WPCA Disposition of Vehicles**

Move to authorize the Derby WPCA to dispose of the following vehicles by auction. Ms. DeGennaro inquired whether any other City departments wanted or had any use for these vehicles. Mr. Edward Armeno stated that they initially inquired 6 months ago when the sale was first mentioned and that no one within the City was interested in any of the three vehicles.

MOTION (7.1): Mr. Hyder moved to authorize the sale of the 2009 Ford Expedition. Mr. Joseph DiMartino seconded the motion. There was no further discussion and the **motion carried** unanimously.

MOTION (7.2): Mr. Hyder moved to authorize the sale of the 2000 Chevrolet 2500 Pickup. Mr. Joseph DiMartino seconded the motion. There was no discussion and the **motion carried** unanimously.

MOTION (7.3): Mr. Sill moved to authorize the sale of the 1997 GMC Safari Van. Ms. Kurtyka seconded the motion. There was no discussion and the **motion carried** unanimously.

8. **Cyber Insurance for City of Derby**

BCS Insurance Company - Cyber and Privacy Liability Insurance - Policy # RPS-Q-50199854M/1

Move to authorize the addition of Cyber Insurance to the City of Derby Insurance Policies. Cost is \$25,500.00 for coverage from 4/1/2021 to 6/30/2022.

Ms. DeGennaro stated that the cost of the policy was over per the Charter and asked if the policy would have to be put out for bid. Mr. Baklik explained that as with all of the City's insurance policies such as health and liability insurance, our broker puts it out to market and different insurance companies respond with packages and rates. He stated that the City received 6 bids in response and that this one was by far the lowest cost for this level of coverage. Mr. Baklik explained that it would cover the Board of Ed and all City departments up to \$3 million dollars. This coverage was recommended by our software providers last year and in addition, the FBI also put out a notice recommending all municipalities carry cyber insurance given the recent rash of attacks on municipalities. Mr. Garofalo added that this is for a 15-month policy and that the annual premium for 12 months upon renewal would be approximately \$20,500. Mr. Baklik stated that the goal was to cover the fiscal calendar by providing a 15-month policy to start.

MOTION: Mr. Joseph DiMartino moved to authorize the purchase of Cyber Insurance. Mr. Hyder seconded the motion. There was no further discussion and the **motion carried**.

9. **Temporary Solution for Municipal Parking Garage and Meter Operations**

Mr. DiCenso explained that the current equipment is failing, and our current company can no longer get the parts to repair the mechanics and the software program is obsolete. He obtained price quotes from our current provider, Amano McGann, for new equipment with a gate estimated to cost \$50,000. He also obtained a quote from Big Boxx which would not involve a gate but instead would utilize big

boxes being placed in areas where people could pay with a credit card for parking, at an estimated cost of \$25,000. Lastly, he contacted LAZ parking in New Haven, and they were agreeable and willing to do it with without substantial capital improvement. Their system involves using hang tags in cars for those with municipal parking agreements, such as the post office, and placing notices on meters with a phone number to call or an app to download, and customers could utilize their cellphones to register their license plate and pay with a credit card. Swipe cards would no longer be necessary. Meters will still accept coins for those who do not have or do not wish to use their phones, which would still be collected by the City. He estimates this could save the City around \$3,200 each month in hardware and staffing costs. The City would receive 100% of the revenue and the \$0.35 cents fee per swipe fee would be paid directly by the customer. Mayor Dziekan added that if a person is running out of time on their meter, they will receive a notification and could add additional minutes right from their phone. Mr. DiCenso stated there would be 3 part-time employees at the garage, with one person working at all hours who has direct access to LAZ from their device or phone to check plates and ticket vehicles. Mayor Dziekan feels this option would require less personnel to enforce and would be a steady stream of income for the City. Mr. DiCenso added that Laz would handle ticketing and sending tickets to the persons home or email depending on how they registered. Coin ticketing would still be handled by the City. Mr. Baklik stated further clarity was needed on enforcement actions. Ms. DeGennaro stated she would like to see a formal proposal from LAZ regarding parking and additional fees, costs, and responsibilities. Mr. Baklik stated that he will follow up with LAZ about a possible presentation at the next meeting so the Board could ask their questions to them directly.

10. **9 Minerva Street – Sale of City Property**

Move to authorize the Sale of City property at 9 Minerva Street.

MOTION: Mr. Joseph DiMartino moved to authorize the sale of 9 Minerva Street. Mr. Hyder seconded the motion.

Discussion: Ms. DeGennaro asked if the motion was only to sell the property and not to approve the sale to the highest bidder. Mr. Garofalo explained that the intention of the motion was to act since the Board already authorized the sale and put it out to sealed bid. Mr. DiCenso stated that the bid was sent out on February 14th and closed on March 12th and that Noah Stengel with NS Luxury Apts LLC was the highest bidder with \$80,000 and that he spoke with them to acknowledge receipt of their bid and that it would be presented to the Board for final approval. Mr. Sill added that the buyer can only utilize the property for what it is currently zoned for. Attorney Marino added that the motion would be to approve the sale to the highest bidder and to authorize the City to enter into a contract by virtue of a Purchase and Sale Agreement with the buyer, with no contingencies, a 30-day closing date, and transfer by Quit Claim Deed.

MOTION: Mr. Joseph DiMartino amended his previous motion and moved to authorize the sale of 9 Minerva Street to the highest bidder. Mr. Hyder seconded the motion. There was no further discussion and the **motion carried**.

11. **Finance Department – Information Update**

Mr. Sill inquired about the audit which was due in December and is now several months late with no update. Mayor Dziekan stated they were still in the process and have been working on it and are looking at April as a possible completion date and delays were due to Covid, a server crash, and the loss of key players in the City. Ms. Widomski asked if extensions were filed, and Mayor Dziekan

responded yes. Ms. Widomski continued that the FY19 audit provided corrective actions to be taken and asked about the status of those findings and any updates. Mayor Dziekan stated that the interim Finance Director David Taylor was not present at the meeting to answer specific questions but that he would ask the Finance Department for answers as to status updates. Ms. Widomski stated that a spreadsheet of corrective actions to resolve those deficiencies, what departments are working on those actions, and what has or has not yet been completed would be helpful for the Board to see and be made aware of the status of those corrective actions. Ms. Dugatto added that one such action was to close out the accounts, checkbooks, expenses, and revenues on a monthly basis so that the information could be given to the accountant doing the audit sooner which would also provide for more all-around accuracy and transparency. Mayor Dziekan agreed and stated they are working on it, and he will forward any specific questions to the Finance Department for further information. He added that they are working through a server crash which required the upload of a lot of older information, covid delays, and they are presently short staffed. Mr. Baklik stated that the goals of the interim Finance Director were short-term and that he would like to publicly recognize David Taylor's efforts, and that any further changes that would need to be implemented were long term ones. The first round of interviews for a permanent Finance Director are in the next few weeks and the City is also interviewing to fill the role previously held by Patty Finn.

Mr. Sill stated that in January the Board acted regarding the interim Finance Director and gave a timeline of 10 days, which should have ended on February 1st. He feels that the Board was ignored and that the Charter is there for a reason and that the City cannot set salaries and there was a total disregard of the Board by the current administration who currently is spending unauthorized monies of the city taxpayers and that this must cease immediately, referring to the former interim Finance Director, Keith McLiverty, and the fact that he was employed by the Mayor who set his salary. Mayor Dziekan responded that the interim Finance Director is David Taylor, and that Keith McLiverty was brought in for projects that the City was involved in for many years and that due to Patty Finn's passing, there was no short-term solution. The funding is still in the line items, and it is not extra money, and Mr. McLiverty is fixing things that need to move forward and his knowledge of those projects is such that it would have cost thousands of dollars more to bring in a new person. Mr. Sill stated that it is about following the Charter and not about the person but the way it was done, and only the Board is authorized to do that. He feels the Board's authority was disregarded. Mayor Dziekan referenced the emergency declaration still in place which gives the Mayor such authority to act.

Mr. Baklik stated that it was not unauthorized money and that the money was already budgeted in community development and the position could not be filled by existing staff. He stated that given Mr. McLiverty's institutional knowledge regarding ongoing litigation and projects, it would have been cost prohibitive to go to anyone other than Mr. McLiverty for assistance to close these capital projects. He stated that as the Director of Operations, he could have communicated it better and that single point failures came up with the sudden passing of Patty Finn. Ms. Widomski stated that it could have been communicated better, it would have been easy to explain the purpose for it but that it now comes off as hiding it. She stated it has nothing to do with Mr. McLiverty but has to do with communication from the administration. Attorney Marino agrees that it is a communication issue and disagrees that any illegal action was taken by the Mayor because the Declaration of Public Emergency extended his authority, and it has yet to be rescinded. He states that the declaration allows the Mayor to take action that is in the best interest of the city, under extraordinary circumstances, and acknowledges that it is more of a communication issue, and he has no perception of anything illegal being done because he

was still operating under the emergency declaration. He agrees with Ms. Widomski that this was a communication issue only and not an illegal action by the Mayor.

Ms. DeGennaro stated that the emergency declaration was due to Covid and needs to be rescinded and she is concerned about Mr. McLiverty still getting paid and working for our City which he is no longer a resident of. Mr. Sill was concerned about the disregard to the Board, and further inquired about the terms of Mr. McLiverty's employment with the City. Ms. Widomski asked for a timeline. Mayor Dziekan stated that he is assisting the City in getting much needed funding and completing projects. He added that there is currently a temporary person in the WPCA collecting payments as well, and that given the knowledge that Patty had, Mr. McLiverty is graciously helping the City out and that as soon as the position is filled it can get handed off. Ms. DeGennaro asked for further discussions regarding a deadline, terms of employment, and her concerns about someone who terminated their employment with the City still having access to confidential and personal information and that if additional time was needed the administration could have asked for more time.

Mayor Dziekan stated that the day-to-day operations of the Finance Department were handed off to the interim Finance Director David Taylor and that Mr. McLiverty is assisting David for information, but that David is the acting Finance Director. Mr. Baklik stated that Mr. McLiverty's current rate of pay is \$30 per hour. He further explained that Patty had been dealing with the auditors and assisting them, but with Covid no auditors have been back in the building so the sharing of information has been done digitally back and forth. The parking garage account was backlogged back to 2019 with information that had not been completed in QuickBooks, not to mention larger things like grants and capital projects. He agrees it was a communication issue and took fault for the lack of communication about day-to-day operations. Mr. Baklik added that David Taylor will be present at the next meeting for Department Head reports and that with only 30 hours a week, there was no additional bandwidth for Mr. Taylor to attend evening meetings in addition to his budget, payroll, and payables duties and that they are doing the best they can but that it was not communication clearly enough.

Mr. Sill stated that he received a phone call from a retiree who had been inquiring to the Finance Department since November about their benefits and was panicked about being told to call back month after month. Mr. Sill stated that after one phone call to Mr. Taylor, the issue was resolved in 15 minutes, and he would like to congratulate Mr. Taylor on his efforts.

Ms. Dugatto asked if Mr. McLiverty was still signing City checks or if preprinted checks with his signature were still being used. Mayor Dziekan stated that he did not believe so but that he would check into the matter and let the Board know.

12. Executive Session

- 12.1 Sale of City Property re: Division St. Parcel 7-8-1 (Behind BJs Wholesale Club)**
Strategy and Negotiations
- 12.2 VDAR, LLC v. City of Derby and GCLA, LLC**
Pending Litigation

MOTION: Mr. Joseph DiMartino moved to enter Executive Session with Attorney Marino, Carmen DiCenso, and Andrew Baklik at 8:03pm. Mr. Hyder seconded the motion. There was no discussion and the **motion carried** unanimously.

MOTION: Mr. Sill moved to leave Executive Session and go back into Regular Session at 9:04pm. Mr. Hyder seconded the motion. There was no discussion and the **motion carried** unanimously.

13. Regular Session Action from Executive Session

13.1 Sale of City Property re: Division St. Parcel 7-8-1 (Behind BJs Wholesale Club) – No action necessary.

13.2 VDAR, LLC v. City of Derby and GCLA, LLC – No action necessary.

14. Adjournment

MOTION: Mr. Sill moved to adjourn the meeting. Ms. Kurtyka seconded the motion. There was no objection and the **motion carried**. Meeting was adjourned at 9:05 pm.

Respectfully submitted,



Angela Fenton
Assistant Town/City Clerk