



**CITY OF ANSONIA**  
**BOARD OF ALDERMEN**  
*Regular Meeting – May 12, 2009*

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***Call to Order***

The Regular Meeting of the Ansonia Board of Aldermen was called to order at 7 p.m. by Aldermanic President Stephen Blume.

***Roll Call***

The secretary called the roll:

Peter Danielczuk, D1-absent (	Jerome Fainer, D4 - present
Robert Duffus, D1 - absent (	Spero Jordanides, D5 - present
Jason Bender, D2 - absent	Pasquale Pietrangelo, D5 - present
James Fainer, D2 - present	Scott Nihill, D6 - absent
Gale Banks, D3- present	Gene Sharkey, D6 - present
Joseph Jeanette, D3- present	Tara Kolakowski, D7- present
Keith Maynard, D4 - absent	Stephen Blume, D7 - present

President Blume declared a quorum of 9 present, 5 absent.

***Consideration of Previous Minutes***

Alderman Jordanides MOVED to accept the minutes of the Regular Meeting of April 14, 2009 if found to be correct; SECONDED by Alderman Sharkey. A voice vote was taken and the MOTION PASSED 9-0.

***Public Session***

Mike Marganski, Blight Officer

I'm here on a different matter. As part of the Mayor's Neighborhood Cabinet, I've got two organizations here that I'd like to introduce and I have a representative from the Department of Public Health to recognize the City of Ansonia and some recognition that these two unsung heroes have done for the City of Ansonia.

First and foremost is our own community here, Chief Geloso and Joanne Sjogren have been working for the last four years putting a community CPR program together.

For the last four years they've raised funds from the Community Foundation in New Haven and they've been training over 200 people to date in CPR and AED

use. That's a really outstanding feat. They just were re-upped for their grant this year and they were granted to continue their training. The other group that was kind of a really quiet group in making AEDs possible throughout the community was the Griffin Hospital Valley Parish Nurses' Association. Several years ago they undertook a very ambitious program of making sure that the community in all five, six of the Valley towns had AEDs in place. A couple of months ago we were talking about this in the Mayor's Neighborhood Cabinet, and we decided that we would go out and we would look, under the Mayor's direction, to see where AEDs were placed in the City and what buildings did not have them.

[Alderman Danielczuk arrives at this point, 7:04 p.m. 10 present 4 absent.]

Come to find out, after we did the study we found we had 14 AEDs already in place throughout community organizations throughout Ansonia. We have two in the High School, one in the Middle School, Hilltop Hose has one, Holy Rosary, Assumption Church. These are just a small part of the community that have the Automated External Defibrillators in place. With that I'd like to introduce Dave Geloso, Joanne Sjogren, Cathy Kellett is from Valley Parish Nurses and I'd like to introduce Linda Cooney from the Department of Public Health - the representative here that will be speaking with you now.

Linda Cooney, CT Department of Public Health

Thank you very much for the opportunity to be here. My name is Linda Cooney and I work for the Connecticut Department of Public Health in the Heart Disease and Stroke Prevention Program. I'm here pitch-hitting for my colleague, who had the honor of overseeing this program.

Cardiovascular disease is the number one killer in the nation, as well as Connecticut. It attributes, in Connecticut we have 4,500 deaths yearly from cardiovascular events - cardiac arrest or heart attacks. Most of these heart attacks don't occur where there is medical assistance or where there is medical care, in hospitals. It's just as this gentleman was saying, where you have taken the next step to provide the AEDs and also the training here in Ansonia. It's out on the fields and here in public buildings and schools and with families or whatever, so it's very admirable that you've taken this step.

HEARTSafe promotes and supports the American Heart Association's chain of survival. Cardiopulmonary resuscitation training in the community, public access to AEDs, and also the whole piece of training community members and continue training people who have the equipment. Training is a real important piece not only for the first responders, but also taking the initiative to help people in the community recognize the signs and symptoms. About 13 percent of Connecticut residents don't recognize the signs and symptoms of a heart attack, and that is shortness of breath, chest pain, pain radiating down the arm, jaw pain, sometimes stomach ailments that go along with this. Again, that

whole concerted effort in the community to provide the training throughout is just very admirable.

Ansonia has demonstrated its commitment towards ensuring that its residents and visitors receive the early life saving response proven to increase the chances of survival for heart attack victims. This commitment is further strengthened by Ansonia's plans to continue providing CPR training programs and working to expand the availability of the AEDs in public locations.

On behalf of the Connecticut Department of Public Health and Stroke Prevention Program, Office of Emergency Medical Services and the American Heart Association, I would like to congratulate the community of Ansonia for achieving this designation as a HEARTSafe Community. I have a plaque here for you.

John Nolan, Woodlawn Avenue

I'm here to talk about a safety issue on North Main Street. I know it's a State highway, and I've already contacted the State but got no response. I'm hoping that maybe Ansonia could lean on the State a little bit. I'm talking about the intersection of Forest Road and Route 115 up by Colony Road. There is a school bus stop there, and also a crosswalk, and also a pizza house on the corner. From time to time, the Police put up a radar sign showing how fast the motorists are going, and they slow down. But when it's not there they speed by there like there's nothing there. I talked to the late school crossing guard about the intersection, and he was scared to death about working out there. The new one, Mr. John Sanders I believe his name is, I talked to him a few days ago and he said he's even afraid to be out there because they come speeding around that corner. About a year ago I e-mailed Linda Gentile requesting that the State look into this matter by taking down the 'caution' light which is right at the head of Colony Road and replacing it with a regular stop light, but not there. Have a walk light on both sides of Route 115 by Forest Road so people that want to cross the street could push the button and get the right-of-way like you do here downtown. All I got from Linda was a response saying that I'll turn it over to the appropriate department. That's the last I heard of it; nothing since. So, could you please do something, send a request to the State and have that looked into, because it's a busy intersection, and we're getting to the summer now.

[Alderman Duffus arrives at this point, 7:11 p.m. 11 present, 3 absent.]

You're going to have Colony Park used readily by young kids, and there's a lot of traffic there, people walking around, and the cars speeding down Route 115. Some day somebody is going to get killed, and I don't want to see that happen. Thank you.

Bartholomew Flaherty, 28 Pinecrest Avenue

Mayor Della Volpe, President Blume, honorable members of the Board of Aldermen, I am here this evening in response to the call of the meeting and the minutes of the Zoning Board of Appeals. I'd like to voice my concern that the Zoning Board of Appeals at their Special Meeting of April 27<sup>th</sup> may have violated the FOI Act by failing to divulge the nature of their meeting and the business transacted. I also feel that they exceeded their authority by attempting to execute a contract as an agent of the City of Ansonia, which is beyond their statutory authority and not allowed per the Charter of the City of Ansonia. They failed to disclose the nature of the contract which the Chairman of the Zoning Board of Appeals is attempting to execute. They did not divulge the purpose, nature, extent and parties of the purported contract. The Zoning Board of Appeals is not an authorized agent of the City of Ansonia to enter into contracts on behalf of the citizens. The nature of the contract, if known, may be contrary to the best interests of the citizens of Ansonia. I feel this is a very serious breach of the public's right to know, and transparency in government is vital to protect democracy. I just invite you to get a copy of the call of the meeting and get a copy of the minutes, and I think that you will realize why I'm here. Thank you very much.

[Discussion and action on this item at the end of the meeting, after the Executive Session]

President Blume asked three times if any member of the public wished to address the Board. Being none, he declared the Public Session closed.

### ***Public Official Session***

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Mayor James Della Volpe

On behalf of the City of Ansonia I'd like to thank the State of Connecticut Department of Public Health for designating Ansonia as a HEARTSafe Community. I know how important this is; back in March of 1990 I suffered a heart attack and I had good medical response. I feel as though because of that I'm still here and moving. I'd like to thank them on behalf of the City of Ansonia.

Our Ward Meetings for Wards 1 through 5 will be held at 7 p.m. tomorrow at the ARMS Building. Thursday night we'll be meeting at the Hilltop Hose.

I'd like to thank the members of the Board of Apportionment and Taxation for their long hours, I know it's been very arduous the last several weeks trying to put together a budget. We have a tentative budget with a mill rate of 25.25. As everybody knows, we have one more week to finalize the budget - there are discussions going on with the Board of Education for them to go back and hopefully consider concessions with the Teacher's Union, Administrators and the other Unions that are with the Board of Education.

This Sunday at 2 o'clock the Woodbridge Avenue Memorial Services will be held. It's the longest ongoing memorial ceremony in the country for a neighborhood memorial. Hopefully the Board of Aldermen can attend.

On May 22<sup>nd</sup> at 5 o'clock students of Ansonia High School will be marching against violence. They march from here up to Nolan Field where they have a get together. Hopefully members of the Board of Aldermen will be able to join that.

The Memorial Day Parade will be held on May 24<sup>th</sup> starting at 2 o'clock from Nolan Field.

The NAACP will hold their annual Health Fair at the Ansonia Armory on Saturday, May 30<sup>th</sup>. That's an all-day affair.

On May 21<sup>st</sup> will be the grand opening of the Boys and Girls Club, even though we all know it's open right now. A lot of kids are taking advantage of it; it's a great opportunity for our neighborhood boys and girls and the boys and girls of the City of Ansonia. I've been over there, even at night. I was there last Tuesday night at 9 o'clock and they had four basketball games going on at one time. The place is already a great place for activity. Hopefully members of the Board of Aldermen will be able to attend that.

The Human Relations Conference will be held at Quinnipiac University. That's the Human Relations Club of Ansonia High School. They've invited students from around the State to attend.

The Rotary Club is painting the trolley cars on the beltline. We all know the beltline went from Derby through Ansonia back to, it was a loop back to Derby. We'll be putting small trolleys on the sidewalk designating the walkway. They'll be doing that tomorrow.

Next Wednesday I'll be participating in Mayors for Wheels. This is the Meals on Wheels Program, and we want to show support for our senior citizens, not only in Ansonia but within the other communities throughout the Valley.

That's all I have for now. Does anybody have any questions?

Alderman Kolakowski stated, I had a few people call me from our 7<sup>th</sup> Ward, where President Blume is also representing. There are people that moved into the old...

President Blume interjected, we're going to bring that up.

Mayor Della Volpe stated, we've addressed that with the Zoning Enforcement Officer Peter Crabtree. He's going to find what is going on. He is going up to check the residence. He's also checking the school system to see if they have

children going to the schools, and if they do he's going to put out an edict saying cease and desist to get them out of there.

Alderman Kolakowski stated, my understanding is that it's zoned for 55 and older.

President Blume stated, yes, it is.

Alderman Kolakowski stated, so there are kids in the neighborhood, this new developer that came in just took it upon himself to just rent the houses out without notifying anybody.

Mayor Della Volpe stated, that's correct. I met with the gentleman, I gave him the regulations. I explained to him that the Planning and Zoning had changed that, it's definitely over 55. We're not looking to have children come in and live there because of the capacity of our schools. We've dealt that with the Zoning Enforcement Officer, he has the authority to go in and remove the tenants if that is what need be. We're waiting to get a report. Once I get a report all members of the Board of Aldermen will receive it.

President Blume stated, thank you very much.

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Corporation Counsel Blake

We have a meeting on May 26<sup>th</sup> with our Workers Compensation carrier to review our claims. We are doing better this year, we've only had one or two that have been extensive.

I'm going to be in court on May 28<sup>th</sup> with the Hodio Drive Inland-Wetlands violation. I spoke with Mr. Crabtree yesterday, he's going to go up to the swamp to see the back of the house to see where it's coming down to the wetlands.

I'll be in court on May 18<sup>th</sup> regarding One Riverside Drive, Opotzner. We had an agreement that he was going to have 45 day, that ended on April 1<sup>st</sup>, to move his cars. He was supposed to come to Planning and Zoning and he's never done that. I talked to his attorney, he said he's going to sue us. But I'm still going to go to court for contempt.

I have a late thing I want to bring up under New Business. A gentleman came down today about 12 o'clock, Anthony Spigarola. He is in court with a tax problem, but he has a safety problem - the question of leaking gas line. They shut it off. It's a two-family house. One family lives on the bottom; he lives on the top. They want to put the first line on again but they won't until they can get a plumber in to do a safety pressure test of the line. I talked to Mr. Tingley, the Fire Marshal, and it's a safety concern. We have an Ordinance on delinquent taxes. We've done this once before on 70 N. Prospect St. Extension with an electrical problem. I'd like to, for the sole reason to fix the safety

problem, to waive or override that portion of the Ordinance. I have a revision for that Ordinance whereby we can take care of these emergency situations. I'd like to bring that up under New Business. Thank you.

Alderman Pietrangelo stated, I talked to members of Retirement Board. The Jack Hunt situation has been hanging on and on. We're going to call a meeting, but I guess we're waiting for a letter from you.

Corporation Counsel Blake stated, there were questions on a letter I wrote back in July of 2008.

Alderman Pietrangelo asked, who rejected it?

Corporation Counsel Blake stated, there were questions on it. We're going to have a meeting in June, I will have letter to you by Monday as to this and finish up this matter. I know there are a couple of other matters where individuals are - their status will rest on this opinion, as to whether or not it goes all the way back to when he became a member of the Board of Education, he has not submit his application whether he can go back, he can pay in, based upon the City Code.

Alderman Pietrangelo stated, that's what we have to act on - whether it's going to happen or not. There's talk and say it's going back a year, or...

Corporation Counsel Blake stated, they're going to have a meeting in June. You'll have it all on Monday.

President Blume thanked Corporation Counsel Blake.

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Chief Hale, Ansonia Police Department

You should have all received your invitations to the Annual Awards Ceremony, which is next Tuesday at 7 o'clock at Ansonia High School. That is open to the public as well.

As I mentioned last month, we're coming up with a system to notify businesses in event of emergencies or what have you. We're about 90 percent there. We're working with Rich Bshara to come up with e-mail addresses, and that should be done this week. Once we do that we're going to get a flier out to all the businesses and ask them if they would like to participate.

We also met last Friday with another committee with the bigger businesses in town that do have security. We'll meet quarterly at the Police Department. We're also planning a tabletop exercise at the next meeting where we're going to lay out a scenario at one of the businesses and see what the reactions are from each individual business - the input we get from them, and they can see how we would handle the situation. We want to see where they are, and this

will foster better communication with the businesses, and also will improve on our plans.

The Special Olympics Torch Run I believe is the first Friday in June. I'm not sure of the route yet; Ansonia is usually on the last leg. The Special Olympics themselves will be held on Saturday at Southern Connecticut State University.

President Blume thanked Chief Hale.

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Claude Perry, Economic Development, Personnel, and Fair Housing Director

Tonight you have Resolution #1 for the Small Cities Block Grant program. We're applying for \$750,000 to the Department of Economic and Community Development for a public facility - the Boys and Girls Club - and we're still working on this. There are very stringent civil rights requirements this year under the grant application and we're in process with that. If you have any questions on that when you get to it, I'm prepared to answer that.

Tomorrow we're going to have two public hearings, one at noon and one in the evening regarding the Neighborhood Tax Assistance Act program. That's a program where non-profits, City agencies, etc. can request monies, resources for businesses and be able to write that off with their income tax.

I don't want to leave you on a bad note but we will not have a summer program. Hopefully there will be a summer program - under the Stimulus package there is money for 900 jobs for the region. The Workplace out of Bridgeport will be coordinating that. Thirty percent of the youth will have to be drop outs. They're trying to meet the needs of the most deprived youth under that program. There will be some income guidelines attached to that program also. But out of City Hall, we will not be operating a program. Thank you.

President Blume thanked Mr. Perry.

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Joseph Miller, Comptroller

You have my report in front of you about Vio-Alert Systems. With the Mayor's permission I talked to them, they are willing to come talk to us as far as the details go. This is the same company that tows cars in New Haven and Bridgeport now. The Mayor has brought up maybe an arrangement with Seymour and Derby, and there is still a lot of work to do as far as the days of towing, the hours, how much do they have to owe the City in delinquent taxes and parking tickets. I will keep you well informed.

President Blume thanked Mr. Miller.

***Committee Reports******Finance Committee - Alderman Gene Sharkey***

Alderman Sharkey MOVED to pay all bills if found to be correct; SECONDED by Alderman Jordanides. A voice vote was taken and the MOTION PASSED 11-0.

***ARMS Committee - Alderman Jerome Fainer***

For the month of April 2009 we dispatched 238 calls; transported 154 patients; billed \$87,517.90; collected \$51,760.83. So far we've collected for the fiscal year through April \$531,698.20.

Alderman Kolakowski MOVED to accept the report; SECONDED by Alderman Danielczuk. A voice vote was taken and the MOTION PASSED 11-0.

***Fire Committee - Alderman Gene Sharkey***

I've been remiss and haven't brought up the fact that our grant writers have been able to secure a government grant this year in the approximate value of \$35,000 for upgrading the training of all the firefighters. I'd like to publicly commend them for going out and securing that grant.

Alderman Danielczuk MOVED to accept the report; SECONDED by Alderman Duffus. A voice vote was taken and the MOTION PASSED 11-0.

***Charter Revision Commission - Alderman Gale Banks***

We're meeting Thursday at 6:30. It will be one of our final meetings. Then we'll have a public hearing on another date.

The public hearing will be on the question of whether or not to change one section of the Charter regarding the Board of Aldermen turning over the budget to the Board of Apportionment and Taxation.

Alderman Sharkey MOVED to accept the report; SECONDED by Alderman Jerome Fainer. A voice vote was taken and the MOTION PASSED 11-0.

***Municipal Reports / Annual Reports***

Alderman Sharkey MOVED to accept all municipal and annual reports, dispense with the reading and place them on file; SECONDED by Alderman Kolakowski. A voice vote was taken and the MOTION PASSED 11-0.

***Tax Refunds***

Alderman Kolakowski MOVED to accept the report of the Tax Collector and pay the Tax Refunds for April, 2009 in the amount of \$1753.51 if found to be

correct; SECONDED by Alderman Banks. A voice vote was taken and the MOTION PASSED 11-0.

### ***Claims***

Alderman Sharkey MOVED to refer the following claims to Corporation Counsel Blake:

04-09-740      Michael and Lisa Brandstatter

SECONDED by Alderman James Fainer. A voice vote was taken and the MOTION PASSED 11-0.

### ***Communications***

Alderman Sharkey MOVED to accept all of the communications, dispense with the reading, and place them on file. If an Alderman wishes one read or acted upon, the communications will be brought up individually in their order on the agenda; SECONDED by Alderman Banks. A voice vote was taken and the MOTION PASSED 11-0.

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#### Communication #1

From: Corporation Counsel Kevin Blake

Re: 119 Division Street

To be discussed in Executive Session with the Blight Officer present as well.

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#### Communication #2

From: Corporation Counsel Kevin Blake

Re: Main Street Development Corporation v. Ansonia Zoning Board of Appeals

To be discussed in Executive Session.

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#### Communication #3

From: Comptroller Joseph M. Miller

Re: Bid Award for City Audit

Mr. Miller stated, we went to bid for the audit and received two bids, one from a company in Maine, and one from Frank Michaud on Wakelee Avenue. Although there is a price difference, we decided to recommend that the City stay with Frank Michaud for reasons stated in the Communication. I ask that you approve this so we can send the Communication back to the State of Connecticut.

Alderman Sharkey MOVED per the recommendation of the Comptroller to award the bid for the audit of fiscal year 2008-2009 to Francis H. Michaud, Jr. of 230 Wakelee Avenue, Ansonia, CT at a cost of \$45,650; SECONDED by Alderman Jerome Fainer. A voice vote was taken and the MOTION PASSED 11-0.

### ***Late Communications***

Alderman Sharkey MOVED to deviate from the agenda to consider two Late Communications; SECONDED by Alderman James Fainer. A voice vote was taken and the MOTION PASSED 11-0.

### ***Public Session***

President Blume asked if any member of the public wished to speak on the Late Communications. Being none, he declared the public session closed.

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#### Late Communication #1

From: John Finnucan, Acting Chairman, Board of Public Works  
Re: 72-inch Zero-Turn Commercial Riding Mower

Alderman James Fainer MOVED, per the recommendation of the Board of Public Works, to award the bid for a 72" zero-turn commercial riding mower to Knights, Inc. of Orange, CT at a cost of \$11,356; SECONDED by Alderman Jeanette. A voice vote was taken and the MOTION PASSED 11-0.

#### Late Communication #2

From: Corporation Counsel Kevin Blake  
Re: Freedom of Information Request - Officer Mustafa Salahuddin

No action.

### ***Resignation***

Alderman Jerome Fainer MOVED to accept, with regret, the resignation of Sandro Epifano from the Zoning Board of Appeals and send him a letter of thanks for his service to the City; SECONDED by Alderman Kolakowski. A voice vote was taken and the MOTION PASSED 11-0.

### ***Appointments***

Town and City Clerk Madeline Bottone read aloud Mayor James Della Volpe's appointment as outlined in his letter of May 7, 2009, as follows:

#### ZONING BOARD OF APPEALS

Alderman Kolakowski MOVED to appoint Nicholas Gentile III of 40 Hoinski Way, Epifano replacement, appointment from Alternate to Regular; SECONDED by Alderman Sharkey. A voice vote was taken and the MOTION PASSED 11-0.

***Resolutions***

## Resolution #1

Re: Department of Economic and Community Development Small Cities Community Development Program application for State financial assistance; not to exceed \$750,000.

Alderman Sharkey stated, I'd like to waive the reading of it, it's quite lengthy. This applies to the Boys and Girls Club project on Howard Avenue. It's part of the major funding that they're looking for to go forward with the project. I think we're about a year behind right now. There was some question as to whether they actually were able to apply for this. Claude Perry has worked hard with them to make sure that we meet all of the requirements of applying for a Small Cities Grant. Also, the Board of Apportionment and Taxation had to agree with the Board of Aldermen and recently sent them a resolution asking them to pay our loan off at the State, which allowed us to reapply. This is the first time now that we're clear with the State and able to do it.

Alderman Sharkey MOVED that the Board of Aldermen adopt Resolution #1; SECONDED by Alderman Danielczuk. A voice vote was taken and the MOTION PASSED 11-0.

***Unfinished Business***

Alderman Jeanette asked that the Board discuss the item from the Recreation Board last month about waiving a bid.

Alderman Sharkey MOVED to take it off the table and discuss it; SECONDED by Alderman Kolakowski. A voice vote was taken and the MOTION PASSED 11-0.

Corporation Counsel Blake stated, there has been no contact with me at all on this since the last meeting.

Mr. Miller stated, the bid was supposed to have been in the paper this week. They're going out to bid. Last year they violated the City Charter by awarding it to a company and the contracts were in excess of \$20,000. They're supposed to be going out to bid. That's the last I heard of it.

Alderman Kolakowski stated, they came before us last month to waive the bid.

Alderman Jeanette stated, they wanted to go to another company that is a Connecticut-based company. We met with the other company and neither company can give a bid because they don't know how much money they're going to be spending because every helmet is different - and they don't know what parts they're going to need until they see the helmets. They can't give an accurate price without seeing it.

The Rec Board wants to go with the company they were going to before last year that they dealt with for 39 years. One of the reasons was because it was a Connecticut-based company. In the past, they just used to send them out.

Mr. Miller stated, they violated the Charter in the past.

Alderman Jeanette stated, I don't think they violated it on purpose; I don't think they knew the rules. They had to get them done, they sent them out and got them fixed. I know it was under \$5,000 just for the reconditioning.

Alderman Kolakowski stated, we're assuming it was fair market value, that's what it cost.

Mrs. Flaherty, the Clerk of the Recreation Commission, explained that Mr. Coppola is currently writing the bid specs, and when those specs are ready he'll get them to me to type them up, and we will go out to bid. Clean Gear and Stadium Systems are interested in bidding. The Rec Board voted to go to bid on it.

Alderman Jeanette asked, if it's under \$5,000 they don't have to go out to bid, so if it's under \$5,000 to get the helmets reconditioned, the Rec Board can go to whoever they want?

Mr. Miller replied, there's the problem. If you put it out piece meal, this is what the auditor caught the last time. You place the order in different pieces yet you take all the pieces and it came to above \$5,000.

Alderman Jeanette stated, we'll have to wait until next month. Let them go to bid and see who gets it. It's in their hands.

### ***New Business***

#### Zoning Violation - Ford Street-Hughes Circle

President Blume stated, I met with Peter Crabtree and the Mayor. Last Saturday I stopped on Ford Street and I watched a family move into that little yellow house on the right-hand side. I stayed about a half hour. Nice people. They had a big truck, they were moving the furniture in. I know the Mayor spoke to the people that own this. It is a 55 and older condo community. There is a letter here tonight from the owner asking if we could approve the street, and the answer is no, it's a condo community. There will be no garbage pickup, there will be no services, no snow plowing. This is up to them.

Alderman Kolakowski MOVED to have Corporation Counsel Blake send them a letter to the Commercial Development Company to reaffirm what the Mayor has already told him; SECONDED by Alderman Duffus.

Alderman Blume stated, it is a 55 and older condo community, there are three homes occupied right now and there are children in two of the other homes. Bart was very instrumental in this, we don't want to overcrowd the schools any more so we made it a 55 and older community. He clearly knows and he has clearly violated the zoning laws. He can't have rental property there.

Corporation Counsel Blake stated, Mr. Crabtree is also going to go in there and based upon the zoning he will probably do a cease and desist order.

A voice vote was taken and the MOTION PASSED 11-0.

#### Waiver of City Code for Emergency Testing

Corporation Counsel Blake asked that the Board consider the safety issue and waive the Code Section 25-A-2 regarding delinquent taxes for Anthony Spigarola of 11 May Street.

Alderman Jerome Fainer MOVED to waive the City Code Section 25-A-2 regarding delinquent taxes and allow Mr. Spigarola to obtain a permit in order that pressure testing of the gas lines for the second floor; SECONDED by Alderman Sharkey. A voice vote was taken and the MOTION PASSED 11-0.

#### ***Executive Session***

At approximately 7:47 p.m., Alderman Kolakowski MOVED to enter Executive Session to discuss the following items:

1. 119 Division Street
2. Main Street Development Corporation v. City of Ansonia

And further, invited Mayor James DellaVolpe and Corporation Counsel Kevin Blake and Blight Officer Marganski to remain in the Aldermanic Chambers; SECONDED by Alderman Sharkey. A voice vote was taken and the MOTION PASSED 11-0.

#### ***Return to Regular Session***

At approximately 8:23 p.m., Alderman Jeanette MOVED to return to regular session; SECONDED by Alderman Duffus. A voice vote was taken and the MOTION PASSED 11-0.

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2. Main Street Development Corporation v. City of Ansonia

[See page 4, Public Session comments of Mr. Flaherty in regard to this item.]

President Blume asked Mr. Flaherty, who was in the audience, in regard to your comments during the Public Session, have you filed or do you intend to file an FOI complaint about the Zoning Board of Appeals?

Mr. Flaherty reiterated, if you look at the minutes or the call of the meeting - the revised agenda actually, you have no idea what went on at that meeting. He provided President Blume with a copy of the agenda and the minutes. He stated, on the agenda, it says "pending litigation," and that's all it says. The minutes merely state, "Mr. Gentile made a motion to approve the proposal that was presented during the executive session. The motion was seconded by Mr. St. Jacques." Then the vote, then it says the motion was approved. The Board granted the authority to sign the contract to the Chairman, Mr. Marcinko. He then signed the contract. There was a motion to adjourn, the motion was seconded, all were in favor.

I have no idea what transpired. In the interest of transparency in government I have just brought it to your attention.

When a board or commission comes out of executive session and makes a motion to do something, you just can't say you're going to make a motion to enter into a contract. I think you have to elaborate on that.

I don't plan to go to FOI. I came to the Board of Aldermen. You are the City fathers, you can address it adequately. I think it was wrong. I think they were ill-advised on the action that was taken. I have no ill will toward the Zoning Board of Appeals - they had Corporation Counsel Blake there advising them what to do. I think they were ill-advised. They did not discharge according to the FOI regulations. That is all. I don't know what went on in the public session and I don't want to know. I don't know what the meeting was all about and that is my complaint.

President Blume thanked Mr. Flaherty.

The Board of Aldermen discussed several points.

Alderman James Fainer stated, I would like an explanation of what went on.

Alderman Kolakowski felt that the minutes appear to be incomplete. If the minutes are not incomplete and those minutes are correct and it says 'enter into a contract' or 'sign a contract' - the Zoning Board of Appeals Chairman is not authorized to enter into a contract or sign a contract. He cannot do what their language reflects.

Mr. Flaherty stated, that is my point.

Alderman Kolakowski stated, they should not be authorized to take any action on that whatsoever until they answer the question, "Was their meeting a legal

meeting?" There was no subject listed on the call of the meeting. There was no motion and nothing was followed per their minutes and their agenda.

**Alderman Fainer MOVED to send a letter to the Zoning Board of Appeals for an explanation of what went on, and what decision was made at their most recent meeting in the matter of Main Street Development Corporation v. Zoning Board of Appeals. The agenda does not adequately explain the subject matter at hand. The minutes certainly do not reflect what subject matter the Zoning Board of Appeals voted on. There is language in the minutes that implies that their Chairman has entered into a contract, which he is not authorized to do.**

**Alderman Kolakowski MOVED TO AMEND THE MOTION to include language in the letter strongly stating that they are to take no action, they are to sign nothing to enter into any kind of agreement or contract to have this go further.**

**SECONDED by Alderman Duffus.**

Alderman Fainer asked, was their meeting a legal meeting with no subject, no motion that says what they're voting on, per their minutes and agenda.

Alderman Kolakowski suggested the letter recommend that they sign nothing.

President Blume asked Corporation Counsel Blake, this is in court?

Corporation Counsel Blake replied, they have a pretrial on May 29<sup>th</sup>. It's discussion on where they are. No action.

Alderman Kolakowski stated, they need to discuss what was brought out here tonight and they need to discuss what they do at their meetings, and how they're run.

Mr. Flaherty stated, the concern that I have is that at any time anyone can bring issue if things aren't done correctly at any meeting. Then you're always open to an appeal of what you did. I think that meeting doesn't meet the threshold of the FOI regulations and consequently, anything they do can be put into question. I don't know what they did, and I'm not criticizing what they did. That's the problem. There has to be some transparency in the board's action. You can't go and unilaterally enter into a contract that you don't say what the contract is. And, only the Board of Aldermen are authorized to, even the Mayor can't enter into a contract.

I agree with the motion to ask them what's going on. The members of my board may want to do something, and if they want to have an FOI action then I'll go along with them. I'm not going to initiate it on my own. Thank you.

Alderman Sharkey stated, I think the initial question is, was it a legally constituted meeting according to the call of the meeting. Can we direct the Corporation Counsel Blake to make a decision and report back to us as to whether it was a legally constituted meeting? If it was, then we have to talk to them about how they record their agenda and their minutes. And then we have to ask for the tapes of the meeting, review the tapes and actually find out what happened. These minutes don't say what happened at the meeting. Corporation Counsel Blake actually said that when he noticed that it didn't list anything, they revised the agenda.

President Blume stated, we certainly don't want them signing any contract to take any action.

Corporation Counsel Blake stated, the meeting was called for Executive Session. The body of it fails to state Main Street Development Corporation v. Zoning Board of Appeals and that should have been in there. There was an Executive Session and I was invited, and it should have said that. I agree. There is nothing in the minutes...

President Blume interjected, so you agree, this needs to be a do-over.

Alderman Kolakowski stated, Corporation Counsel Blake has got to make a ruling on this, whether or not this was a legal meeting. If he rules it was not, they have to re-do that meeting and file the agenda correctly and state in the minutes exactly what action is being taken.

President Blume stated, and that will be a separate motion.

**A voice vote was taken and the MOTION PASSED 11-0.**

**Alderman Sharkey MOVED to direct the Corporation Counsel Blake to decide whether that was a legally-constituted meeting based upon on the call of the meeting as written; and further, he is to report back to Board of Aldermen and we will then make a decision; SECONDED by Alderman Jordanides.**

Alderman Sharkey stated, our decision is most likely going to be to have them re-hear it, but Corporation Counsel Blake has to report back to us.

Corporation Counsel Blake stated, for the record, it is the pending litigation of the Main Street Development Corporation v. Ansonia Zoning Board of Appeals.

President Blume stated, it has to be clear to them that they are to do nothing.

**A voice vote was taken and the MOTION PASSED 11-0.**

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1. 119 Division Street

Alderman Jerome Fainer MOVED not to waive the blight lien against the property at 119 Division Street; SECONDED by Alderman Kolakowski. A voice vote was taken and the MOTION PASSED 11-0.

***Adjournment***

Alderman Duffus MOVED to adjourn; SECONDED by Alderman Banks. A voice vote was taken and the MOTION PASSED 11-0.

The meeting adjourned at approximately 8:40 p.m.

Respectfully submitted,

Patricia M. Bruder, Secretary  
Ansonia Board of Aldermen