DERBY BOARD OF ALDERMEN SPECIAL MEETING
TUESDAY, FEBRUARY 14, 2017
JOAN WILLIAMSON ALDERMANIC CHAMBERS
MINUTES

President Carmen DiCenso called the Special Meeting to order at 8:00 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Carmen DiCenso, Barbara L. DeGennaro, Stephen Iacuone, Ronald Sill, Anthony Staffieri, Arthur Gerckens

Absent: Thomas Donofrio, Joseph DiMartino, Peter M. Olenoski, Jr.

Also Present: Marc J. Garofalo, Town & City Clerk
Sam Pollastro, Jr., Board of Apportionment & Taxation
Francis Teodosio, Corporation Counsel

PUBLIC PORTION
Mr. DiCenso asked three times if anyone would like to address the board.

Sam Pollastro, Jr., 11 Laurel Avenue, Derby, CT
I would just like to know if you guys while you’re going through that I think that came in front of the Zoning Board of Appeals and it’s his night off so if I had any questions could you just allow me to ask questions (inaudible.) If this is the same property that we’re talking about – the one behind BJ’s. I would just like to ask just in case I have some questions from another board’s standpoint. Would you guys allow that? Just to engage in some dialogue. I know its public portion and I can’t talk but can I ask questions based on the presentation. I would just like to be allowed that opportunity.

Atty. Teodosio – To the extent that it’s within the four corners, yes.

Mr. Pollastro – Okay. Thank you. Can I have a copy of the handout?

Mr. DiCenso asked if there was anyone else that would like to address the board. Hearing no one else wishing to address the board the Public Portion was closed.

VARTALES V. CITY OF DERBY
Atty. Teodosio said at the end of the last meeting you as a board passed an ordinance that authorized the Mayor to sign the easement, which was to be portrayed as an A-2 survey. After that there was a lot of pushback from all of the carriers and parties involved. Atty. Teodosio said he was able to find the map, which everyone should have in front of them. There as some discussion with regard to utilizing the Class D survey
instead of the A-2 survey. There was some pushback from Planning & Zoning and they want an A-2 survey. Atty. Teodosio said he took it upon himself to speak to a couple of engineers/land surveyors to find out exactly what would be the difference between an A-2 survey and a Class D survey.

Atty. Teodosio said he is suggesting staying with the A-2 survey, which is going to cost some money to create, which no one is willing to pay for. He said the insurance companies that are defending us have implied that they will possibly pay for something. Atty. Teodosio said the City’s Engineer, Fred D’Amico, said the cost to do the A-2 survey would be $1,500, which is about $2,000 less than the other quotes that he has received. He suggests we go with the A-2 survey with the City paying for one-third of the cost and we will get the other two carriers to pay the other two-thirds. He noted that the City hasn’t paid a dime in this with regard to the payments that have gone out except for the fees to cover his costs.

Atty. Teodosio said the difference between an A-2 and a Class D is the Class D map, which is in front of you, is just to show what the configuration of that area looks like. It does not represent to you an in surveyor/engineer terms if it is actually situated in the place it says it is on the map. It is almost like a hologram – it’s just floating out there on the map so that you know what it looks like. It may not be real in the sense that no surveyor has gone out there and measured from pole one to corner one and then in an A-2 survey said to you this footprint that you see here, this hologram that you see here is actually 25’ from the telephone pole that you see out there behind BJ’s. So the A-2 survey makes sense in that respect. Atty. Teodosio said the other respect it makes sense is that map is 8 years old and an A-2 survey would be temporarily now and it would give you more confidence that which you’re actually giving. You can see out there beyond the telephone pole. He said this meeting isn’t wasted since he needs some direction with regard to the City’s willingness to pay the third of the cost.

Ms. DeGennaro asked Atty. Teodosio what does he think if we went to court and the scenario came out of it and the judge’s decision – who would the judge order to pay for it. Atty. Teodosio said if we go to court I think we lose and we pay much more money than this. So in the end he doesn’t think the judge is telling us to pay he thinks he’s telling us to pay other things. He said he doesn’t think that this resolution would be at the end of a court decision because as he explained last month this is a settlement that has literally 15 pieces of paper and 8 or 9 parties making cross representation. This is a total mess.

Mr. DiCenso said both carriers would be $500 each and the City would pay $500.00. Atty. Teodosio said that is correct. Mr. Iacuone said the easement would be on the A-2 survey so we don’t have to redo it. Atty. Teodosio said yes – the whole reason the A-2 is being drafted is so that the deed can reference the easement on the map. He said when we bought the property we bought a hologram. Mr. DiCenso said once the road is accepted the easement would go away. Atty. Teodosio said yes.

A MOTION was made by Mr. DiCenso with a second by Mr. Sill to authorize the Board of Aldermen to agree with Counsel to spend up to $500.00 for the A-2 survey for the property located behind BJ’s. Mr. Staffieri abstained. Motion carried.
STATE OF CONNECTICUT GRANT FOR ATHLETIC FIELDS
NO ACTION TO BE TAKEN

ADJOURNMENT
A MOTION was made by Mr. Sill with a second by Mr. Staffieri to adjourn the special meeting at 8:09 p.m. Motion carried.

Respectfully submitted,

Patty Finn
Temporary Recording Secretary

THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ALDERMEN AT THEIR NEXT REGULARLY SCHEDULED MEETING.