



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
REGULAR MEETING
THURSDAY, OCTOBER 11, 2007

Call to Order / Pledge of Allegiance

Aldermanic President John Anglace called the meeting of the Board of Aldermen to order at 7 p.m. All those present rose and pledged allegiance to the flag.

Roll Call

Alderman John F. Anglace, Jr., President - present
Alderman John "Jack" Finn – present
Alderman Stanley Kudej – present
Alderman Kenneth Olin - present
Alderman Christopher Panek - present
Alderman John P. Papa – present
Alderman Jason Perillo - present
Alderman Randy York - present

Administration:

Mayor Mark A. Lauretti
Corporation Counsel Thomas Welch

There was a quorum present.

Helen Musante Recognition Award

Mayor Lauretti presented award and accepted latest painting.

Adopt-A-Garden Awards

Mayor presented awards.

Little League Awards

Mayor presented awards.

Public Session

Lynne Farrell, 25 Buddington Park

I am a candidate for the Board of Aldermen Ward 3, and I am here to speak in support of the Senior Tax Freeze Ordinance. My belief is that we need to give care and support to the needs of our senior citizens and to those of our children, whether it be financial or otherwise. Citizens who are in between those two ages usually are capable of taking care of their own needs if they are gainfully employed. Since the Senior Tax Freeze Ordinance is on the agenda for this evening, I am addressing my comments in that direction. Consideration of a senior tax freeze was requested of the Board of Aldermen more than two years ago, when I was a member of that Board, and at that time discussions began in committees outside of the Board of Aldermen. It is time now to pass this ordinance. Senior citizens have waited too long for some relief from taxes. It will help to keep many senior citizens in their own homes and to remain in Shelton, where many of them have lived most of their lives. I spent almost four hours on Sunday at the Shelton Day activities, approaching those who I considered to be senior citizens, as I am one also, asking for preferences between the tax freeze ordinance and a tax deferral program. Once I explained the difference between the two and mentioned possible liens as have happened in some communities on homes in the tax deferral program, no one seemed very interested in the tax deferral program. It is senior citizens who have modified and lower incomes than when they were employed that should be the object of a tax freeze. I ask you to support the Senior Tax Freeze Ordinance and I thank you for your time.

Ron Pavlucik, 287 Eagles Landing

[The following letter was read into the record by the Clerk]:

To the Shelton Board of Aldermen:

I was the Chairman of the bi-partisan Shelton Senior Citizen Tax Relief Committee created by Mayor Lauretti, that met many times during 2005 and 2006. The Committee investigated tax relief programs in numerous cities and towns in Connecticut. When it came time to prepare our conclusions and recommendations, we determined that a freeze program that involved a payback or lien on residences was not popular or desirable. Therefore we decided as a group to recommend an increase in the tax credit for eligible seniors. This is ultimately what the Board of Aldermen implemented in July 2007.

Now that a new State law makes it more feasible for Shelton to offer a tax freeze program that doesn't involve paybacks or liens, I personally would like to see this type of program implemented, and thus I urge the full Board of Aldermen to approve the ordinance proposed by John Anglace. I sincerely believe and project, that this program will have a net net "revenue positive" impact on Shelton's finances as outlined, and will result in a more balanced community, consisting of many senior citizens who deserve an opportunity to stay in their residences with their long-time friends and neighbors, for as long as they wish.

Steve Morse, 8 Willard Road

I served on the previous Senior Tax Relief Committee. I'd like to pass on to the Board and anybody interested in hearing them, some thoughts and ideas that we came up with when we went through this last tax review. Of course our objective at that time was to review whatever was required to reduce the taxes that are applied to the seniors. At that particular time the State had a circuit breaker program in place where if you had a certain revenue you could get a tax credit at the same time the State would reimburse the City for any credits made to those seniors. Also at that time, in place since 1993 was a \$150 local tax credit providing you met certain incomes from the State's circuit breaker program. One of our first tasks, not knowing how to approach this thing, was to gather data. We looked at 15 other towns to see how they were structured, how they handled a tax credit for the elderly. It came down to three tax programs. One was a tax credit, a tax deferral, and a tax freeze. The five-member team took that information and determined amongst ourselves that the tax freeze and tax deferral would not be appropriate because many of the towns imposed a tax lien against the property which the town would collect when the property was sold. Most seniors we talked to wanted to have their property when they passed away go to their children at full market value. That was voted out of our discussions. We worked on a tax credit program, and again, there are many ways under the State Statutes to construct this thing. Part of the idea that we had is, any time a home is sold in the City of Shelton you can expect 1.7 to 2.3 children to come into the school system @ \$10,000 per student that the City has to put toward the Board of Education. We tried to work a graduated scale for the tax credit and there was a rumor and a notion passed amongst us all, we wanted to do something for the seniors, but we did not want to place too much of a burden on the juniors. So whatever we did for the seniors, the juniors would have to

foot the bill. So around all of our discussions, that was foremost in our mind. What we came up with, passed on to the Finance Committee and eventually passed by the Board of Aldermen was a \$300 tax credit. Throughout our discussions we invited the Assessor and Tax Collector to join our discussion. The Tax Assessor was very adamant in saying "please keep your program simple. I don't have the staff to handle a complex program," meaning, keep the income levels as they are with the State circuit breaker program and build your program on that. She said, "if you do that I can implement whatever you decide with the staff that I have." Anything outside of that would require her to have additional staff. So based on what we did this year, the tax bills that went out in July contain the \$300 tax credit and some of the seniors I've talked to are very pleased with that activity.

I'd like to talk a bit about the State Statute 12-129n. We've heard stories and heard voices in both this room and outside this room about, "why don't we increase income limit, why don't we change the age limit for the proposal that's on the table now." In order to do that, it is against the law. The current statute. But Section 12-129 allows local municipalities the enabling activity to implement various tax incentive programs for the elderly. So one of the things that could be done, if there is enough interest, take these notions and apply them in through a committee that the City would form, and the committee would have 60 days to act and come up with a new strategy before implementing a higher income or changing the age limit. You should remember that there is a timeline to do this. I don't think in my experience working with the last tax committee that the work could be done in 60 days. I think it's going to take longer than that. You may have to go through an extension of the 60 days. Just for information, let me give you a timeline. If we start today, it will take one month to appoint a committee of five individuals. It will take one month to obtain data. One month to select a program, credit or tax freeze, whatever is required. Two months to develop criteria and draft an ordinance and report to Finance Committee. When we found out that our term expired, the City took two months to reinvigorate the Tax Committee. That's got to be built into the plan. Two months of Board of Aldermen discussion, public hearings, one month for the Board of Aldermen to pass the ordinance. If you add all that up it can come anywhere from 10-12 months if you started today.

I would recommend that if there are serious questions about raising the income level or changing the age on the tax freeze or tax credit, you could refer that back through a City-appointed Tax Review Committee.

Now, with regard to the recent Public Act 06-176 that implements enabling local legislation for tax freeze. Again, it's age 70. The City may set asset limits. They may put liens on the property. Income limits are the same as the circuit breaker program. What is unique about this enabling legislation is that it allows coordination of benefits between the tax freeze, tax credit program or whatever the municipality has in effect and the circuit breaker program. It's a win situation for the seniors. The comment of, "this comes too little too late," I don't think so. This legislation was passed last year and signed by the Governor. We had an opportunity to implement it right away. I think that should be done.

There are two things I would recommend, that an asset test be added as an amendment to the ordinance that's on the table. That language could come out of the existing senior citizens tax credit - a \$200,000 limit excluding the homeowner's residence. Also I would suggest adding a two year sunset clause so this ordinance will be reviewed in two years. Why do I say two years? If this is passed today, come early next year the Assessor will start to bring in people to sign up for the program. When the tax bills go out in July, that sets the benchmark for the tax freeze. The following year is when they'll really see the impact of the freeze when the budget is set. So it's a two-year cycle. I would suggest a sunset clause be added. At that time with a sunset clause in effect, this whole tax freeze can be reviewed, the financial impact assessed at that time, whether it's 50 people, or 100 people, you'll see what it is. I'm not sure what the budget is going to be in two years, or the mill rate, but we would know at the end of two years. I recommend the Board of Aldermen approve the draft ordinance with those two additions. I feel very strongly that by not supporting this ordinance you may be sending a message to the seniors that you don't acknowledge their current situation.

David Gioiello, 65 Walnut Tree Hill Road

I spoke before the Finance Committee last week and I want to speak before this Board again to encourage you to pass the ordinance that is before you. I would strongly encourage you to raise the income levels to \$50,000 as has been suggested and is doable within the Statute. With regard to the comments about the hotel tax being frivolous and irresponsible, I would just like to quote from the minutes of the Finance Committee of last week when Alderman Anglace commented that it's a good source because it's not being paid by Shelton citizens, it's coming from the outside. We didn't have hotels in this town until very recently. Now that they're here and another one is coming, they might as well contribute. It's an opportunity we shouldn't pass up. Thank you.

Howard Gura, 278 Coram Avenue

I am the President of the Highland Golf Club. The Highland Golf Club is a 107 year institution here in Shelton. I am here this evening because on your agenda is a request to allow Highland to build a cell phone tower in the back corner of the property. I am here to also assure you that the benefits are not only for the community in terms of less dropped calls, but also in terms of the fact that the cell tower will be made available at no charge to the City for communication technology for the Fire, the Police and the Emergency Services. We have spoken with the contractor and there are no issues whatsoever with the fact that the City can use that tower for any purpose that they deem necessary for communications. It is my hope that the Board of Aldermen tonight will allow Highland to pursue the construction of that cell tower.

Al Cameron, 307 Meadow Ridge Road

Good evening members of the Board of Aldermen, Corporation Counsel Welch, and I am proud to be among the first to say, State Representative Perillo. Congratulations. [Applause throughout].

This wasn't part of the script either, but I've got to say, thank you for your service. I know you are all volunteers, I don't think most people realize it or appreciate it, but you know, when you come to a meeting like tonight, and you reflect on what a wonderful place this is to live and to raise our families, you have to realize that it's because of the leadership that volunteers like you provide year in and year out. I would like to say thank you for that.

I came to speak with you about the non-collusive bid certificate. As the fiscal manager of the School System, I'm familiar with the business practices of the Board of Education and the City of Shelton. I would like to say that we are very supportive of the idea of a non-collusive bid certificate. I would just like to ask that tonight you give us an opportunity to take a look at it before you go ahead and pass it. We haven't seen the finished product. We've been working behind the scenes. Lou Marusic has asked us to take non-collusive words out of different bid specs that we have, provide them to him so he can forward them on to Corporation Counsel Welch, which we've done. We are supportive of the idea, but we don't know what the finished product is. I saw it, Corporation Counsel Welch, shared it with me before. The Superintendent, the Chairman of the Board of Education Finance Committee have all asked to see it as well. I would just like to ask if you

could you table it for a month or so, so that we could have the opportunity to look at it and give you feedback on how it might impact our business process, and then we'll give you that and we hope for you to be able adopt it then. Thank you for your consideration.

Anthony Simonetti, 6 Hayfield Drive

First I want to make a public comment that the people today that got their awards, absolutely wonderful that the Board and the Mayor acknowledges all these people, and how wonderful our young people did and of course their great parents.

TAPE ONE, SIDE TWO

I would like to talk to the Senior Tax Program. Someday I'll be there, hopefully. I understand that at this time the highest amount set for a couple is \$35,300. I think it's good to get started somewhere. It may sound like a low number to some people now, but you need somewhere to start. We're talking about taxpayers dollars so we should be conservative and start easily. I suggest that as we go forward we look to see that number adjusted. There are many people, and I know from my business, that have great expenses - healthcare expenses. They may make \$40,000 but they spend \$10,000 to \$15,000 on their health between paying for their insurances, their medications, their treatments. It might be an idea in the future to allow an adjustment – maybe with their tax returns – that might be a better way of offering it to more people that are deserving of it. Thank you very much.

Alderman Anglace asked three times if any other member of the public wished to speak. Being none, he declared the public session closed.

Agenda Items

Alderman Papa MOVED to add the following to the agenda:

8.1 Appropriation of Funds for Roof – Project Specifications for the Main Roof at the Community Center

SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.

8.2 Release of Construction Contingency Fund – Shelton High School Renovation Building Committee

SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.

10.4 Appointment of Senior Tax Relief Committee

SECONDED by Alderman Finn.

Alderman Perillo stated, excuse me, as I read what is it, 129n, I have a question for Corporation Counsel Welch. Can we do this?

Corporation Counsel Welch replied, no, it's a Mayoral appointment.

Alderman Perillo stated, I read it as an executive appointment. And the Board of Aldermen is not given the authority. It's not to say that I don't support it, I just don't know if we can.

Corporation Counsel Welch stated, you can't.

A voice vote was taken and the MOTION FAILED 3 Yes (York, Panek, Finn), 5 No.

10.5 Appointment of Water Pollution Control Authority

Alderman York stated, I would like to withdraw the addition of Item 10.5.

Alderman Anglace stated, the Board will please note the withdrawal of Item 10.5.

Minutes for Approval

Alderman Papa MOVED to waive the reading of and accept the minutes of the Regular Meeting of September 13, 2007, the Public Hearing of September 25, 2007, and the Special Meeting of September 26, 2007; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

5.1 FINANCE COMMITTEE

5.1.1 AUGUST STATUTORY REFUNDS

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to approve the report of the Tax Collector relative to the

refund of taxes for a total amount of \$6,239.21 and that the Finance Director be directed to make payments in accordance with the certified list received from the tax collector with funds to come from the Statutory Refunds Account 001-0000-311.13.00; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

**5.1.2 APPROVE HSBC NATIONAL BANK USA
AS A DEPOSITORY FOR CITY FUNDS**

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to approve HSBC National Bank USA, 704 Bridgeport Avenue, as a depository for City funds; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

5.1.3 SENIOR TAX FREEZE ORDINANCE

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to adopt the Senior Tax Freeze Ordinance as presented at the Public Hearing subject to the addition of the following:

- e. That this tax freeze program shall only be available to eligible Shelton taxpayers whose taxes are paid in full as of the date of application.
- f. Passage of this Ordinance shall be effective with the fiscal year commencing July 1, 2008 upon the Grand List of October 1, 2007
- g. That it is the intent of the municipality not to establish a lien on the "frozen property."
- h. That it is the intent of the municipality not to impose an asset limit upon the applicant of the "frozen property."

SECONDED by Alderman Papa.

Alderman Perillo MOVED to AMEND the MOTION to include:

- i. **Tax relief shall not exceed 75% of the taxes levied without said program.**
- j. **That the Ordinance be evaluated when specific enrollment and tax data are known.**

SECONDED by Alderman Papa.

Alderman Finn stated, it was also suggested on the floor that the ordinance be reviewed every two years.

Alderman Anglace stated, that's item j. Since this was adopted kind of piecemeal, at the public hearing, at the Finance Committee, and now, I took a shot at summarizing what the final ordinance would look like.

A voice vote was taken and the AMENDMENT PASSED 8-0.

Alderman Panek MOVED to AMEND THE MOTION that we also adopt the provisions of Connecticut General Statutes 12-129n inclusive in the Ordinance; SECONDED by Alderman Finn.

Alderman Panek stated, the reason, as we discussed at Finance Committee in detail, the reason I would like to include this Statute in the ordinance is because, per Corporation Counsel Welch's memo dated October 9, 2007, I'll quote, "Based upon the foregoing, the initial review indicates that the municipality would be able to establish a maximum income allowable different than those required by 12-129b to 12-129d inclusive, and 12-170a(a)." It further states, "However, a municipality is not able to adopt the provisions of 12-129n until such time as a committee has been appointed in accordance with 12-129n(b). I would just like to submit that my interpretation in reading the Statute is that we already had a Senior Tax Relief Committee in 2005, and that is the reason I would like to adopt 12-129n inclusive in the ordinance so it will allow us in the very near future to take a look at increasing the income limits, which will include, hopefully, more senior citizens to be able to participate and qualify for the tax freeze program.

Alderman Anglace stated, Counsel, perhaps you can advise us if the amendment offered is appropriate under Robert's Rules since it appears to be in conflict with State Statutes under Robert's Rules Section 47. If we vote on the motion that is not possible, that the vote, even if unanimous, is null and void.

Corporation Counsel Welch stated, you've got two questions. The first question is, can Alderman Panek make the motion, or amend the motion. Yes, he certainly can. Is my opinion that it is contrary to the Statute? If you voted in favor of it the answer is yes. Speaking with Gloria Kovac, we agree that there is a 12-129n program – a property tax relief program – in effect. It is a program that offers \$300 a year relief. But the attempt is to do a different program, a completely separate program. If you read the statute, it says the reason you have the committee is to

discuss the fiscal effect of the property relief on property tax revenue for the municipality, accept recommendations with respect to the form and the extent of such property tax relief. If you look at some of the history that Alderman York was able to provide through a study that Madison had done as well, is in that program, if you were to decide that you want to increase the \$300 to \$350, that you've set up a committee for and the legislative body can make that recommendation. What you're doing is a separate program – whether it's a deferment, whether it's a tax freeze program, where you're setting income limits, and obviously the intent of this is to have a committee, a short committee – 60 days, not a year-long committee, that is to determine the fiscal effect. In terms of speaking with Gloria as well, my reading of it is clear – you need a committee.

Alderman Finn stated, it is my understanding that once the Committee is formed it [inaudible] come back in front of us. I can tell you that nobody up here is in favor of a lien. Even the Republican Town Committee Chairman Mr. Simonetti spoke during the public portion asking that additional monies be placed so more residents can benefit from the tax freeze or tax program. That is exactly what we're trying to do tonight – include more residents, but also be very careful and make sure that Johnny doesn't have to pick up the tab.

Corporation Counsel Welch continued, and Subparagraph (f) of 12-129n, under 129n, it mandates a lien. It says, "if the amount exceeds in the aggregate 75 percent of the property tax in which such taxpayer will be liable for, but for the benefits under this section, in any of the sections mentioned above and the subsections, such municipality shall be required to establish a lien on the property in the amount of the total tax relief granted, plus interest applicable to the total amount of unpaid taxes at a rate to be determined by the municipality. So, 129n, once you get to a certain level, I think under the other program that everyone else is talking about, you can't get to that level because the amount you don't have to file liens, that's subject to the municipality's determination.

Alderman York stated, Counsel, what you just said, could you read that first line over again? Because we're talking about the freeze now, right? And establishing a lien on the freeze. And they talked about mandating the freeze only when? The first line that you just read?

Corporation Counsel Welch stated, yes, it's Subsection f in its entirety. Any municipality providing property tax relief under this section may establish a lien on the property in the amount of the relief granted. Similar to 170v. Provided the total amount of such property tax relief

with respect to any such taxpayer, when combined with any such tax relief for which such taxpayer may be eligible, in accordance with 12-129b to 12-129d inclusive, or 12-170a(a), exceeds in the aggregate 75 percent of the property tax relief of which a taxpayer would be liable, but for the benefits under this section, in any of the sections mentioned above in the subsection, such municipality shall be required to establish a lien on the property in the amount of the total relief granted, plus interest applicable to the total of such unpaid taxes at a rate to

Alderman York interjected, if the relief goes over 75 percent of what they would be paying anyway.

Corporation Counsel Welch stated, of the total grant.

Alderman York stated, so if you keep even with the income limit, even raising the income limit above the \$33,900, you can increase it above that and as long as you don't increase it enough where,

Corporation Counsel Welch interjected, as long as you don't increase it enough where you're over 75 percent.

Alderman York continued, we are still allowed to have a tax freeze, with a higher maximum income level that we have here, and not be mandated to have a lien on the house.

Corporation Counsel Welch stated, that is 100 percent correct. The issue is, you have to determine when you get to 75 percent, because then you have to have it, there is no more discretion.

Alderman York stated, the reason I asked the question was because, as stated here before, in order to have a tax freeze you have to put a lien on the house. I knew that wasn't true, because I heard of other municipalities who had tax freezes with no liens. Our point here is, we are all in agreement that we want a tax freeze for our seniors. What we would like to do, because I've seen it in other ordinances where they incorporate both statutes in the ordinance, which gives the City the flexibility, in other words, here is one program, if we include only State Statute 12-170v, we limit ourselves to this very restrictive program. If we simply insert the language that we're including also the other statute, we can have a lien, or we can use this as our guideline initially but not be limited to it. If we approve this as it is, we are limiting ourselves to only this.

Corporation Counsel Welch stated, you just have to amend the ordinance after your committee comes back to you. Amend the ordinance to substitute the enabling legislation to 129n and then change the amounts. The policy that you're passing under 170v currently gives you the amounts. So you have the right to come back and change the enabling legislation to increase the limits. Right now you can't increase your maximum number until such time as you're able to use the enabling legislation.

I also questioned whether or not it is imperative that we establish another committee simply because we don't have a freeze and now we're talking about a freeze if in fact we include the language 12-129n because we already had an ordinance with that in there so we are adding to what we already have. I didn't see in anything I read that said if you go to a different option you need to reestablish the committee. I didn't see that anywhere. So I think that might be up for interpretation, I don't know. I'm not opposed to this, I just think that while we've got it on the table, I think we heard from the public that they would like us to increase that income maximum if we could. I think we can, I think we can do it easily by including, by broadening the Statutes that were enabling this legislation to be formed under, and I think that we also have what I thought was a terrific solution on how we can pay for this, and that's with the hotel tax, as suggested by Mr. David Gioiello, and I think we should look at that. I think we have a lot to look at and I think if we pass this as is we are restricting ourselves and we could be doing it right now.

Alderman Perillo asked, Corporation Counsel Welch, if we pass this as is, are we restricting ourselves going forward?

Corporation Counsel Welch replied, you have to appoint a committee, have the committee report back, change enabling legislation and up the limits.

Alderman Perillo asked, so if we went through the legal process as defined in State Statutes, and the Mayor appointed a committee which incidentally I think is a good idea, and they determined that going to 129n, raising the limits, was appropriate, we could do that?

Corporation Counsel Welch replied, right. Within 90 days. When the committee meets and comes back. My opinion is, 129b mandates that you have a committee. I understand some people disagree with that and I understand that. My reading of it and discussions with Gloria as to the purpose and the intent, and I have asked for the legislative history of this, to give more definition to it, actually my legal interpretation of it,

Subparagraph (b), until you have the committee, reporting back, the purpose of the committee is to provide to the Board and the municipality and to the Finance people the fiscal effect of it. Understanding also that 170v is that the fiscal effect is minimal because they're setting the bar, as you indicated, at a lower limit. If you use the example that you didn't need a committee, then the board could put a tax freeze on income limits, of \$150,000, and if that was the determination. I think the determination of a reason for the committee is to provide input to the Board and to the Assessor and to the Finance Office to understand what kind of effect this will have on the municipality. I understand people have a different opinion on some of that.

Alderman Panek stated, I just want to state again as I did at Finance Committee, I don't think there is any debate or disagreement on the merits of moving forward with Alderman Anglace's proposed Senior Tax Freeze. The question that I've had throughout the process is, how do we achieve that freeze and benefit those seniors that are most in need. My concern is restricting ourselves to the State income guidelines, doesn't benefit those most - if somebody makes \$35,400 for a married couple of seniors, I don't think that's a proper income. When we start doing some research around other municipalities, as Alderman Anglace said in the newspaper, this isn't a great giveaway. And I agree, it's not a great giveaway. But I don't think \$35,400 is a fair amount and will make enough seniors be able to participate in the program. Contrary to what we heard in the public hearing, when I went back and read the minutes, numerous, numerous seniors asked us to increase the income limits, and the answer was continually "no," that we couldn't. And upon further investigation of what other towns are doing, attending a meeting in Trumbull, and doing research, we found that 12-129n allows us, the municipality, to increase the income limit. I think it's unfortunate that this ordinance was fast-tracked through the process. I don't agree that one alderman can propose an ordinance and 30 days later this Board can vote on an ordinance. It's not a question about Republican, Democrat or anything else. The comments in the paper yesterday from President Anglace said it's the Republican Party's intent to adopt the Senior Tax Freeze - I think that's a shame that the comment would be made, because this isn't a political issue, this is about providing our seniors with the best relief plan allowable by law, and it shouldn't be about a partisan disagreement over how we achieve that.

I am the one who tried to add to the agenda the appointment of a Senior Tax Relief Committee, because if I felt it was going to go that route, then we could get the committee started right away. I had many people who were interested in serving on that committee, and the committee,

unfortunately that item couldn't be added to the agenda. I would like to say that I tried to convince my co-members on the Finance Committee last week to do further review on this. Unfortunately they wanted to move forward and move it to the full Board. While I can support the intent, this Ordinance, I feel, needs more work. There is no rush to pass this tonight. I'm not saying we need to hold off on voting, but it could have waited another month, it could have gone back to committee, we could have looked into it further, we could have talked among members of establishing a committee, we could have spoken with the Mayor about establishing a committee and come up with the best plan. Unfortunately it got rushed through the process and it's where it is now.

Alderman Finn stated, Alderman Anglace, remember, it was a public hearing when the residents learned the bottom figure, they were surprised. They thought the freeze would be far greater than that. They were very pleased with the fact that we aren't going to put a lien on their property. If you go back through the minutes, as Alderman Panek pointed out, you'll find that the majority of the residents that were here that evening asked for us to do far greater than what we are presenting. I think what Alderman Panek proposed as the amendment, we'll be able to do that. We're not going to do it right away, but we could move forward, and it could become part of the existing ordinance.

Alderman Perillo stated, I heard the same comments that Alderman Finn did at the public hearing, and I agree that we can and should try to include more seniors. I think that's important. I don't want to get ourselves into a situation where after the Mayor forms a committee, and the committee meets – and I know it's not the expectation but it is a possibility – that we are at the end of the wintertime, and we still don't have a plan. I know it's not your expectation, but let's be honest, it is a possibility. I don't want to be here saying, we could have, should have, approved "a" tax freeze, when we had time, to give seniors the time, to enroll. I think we should move on giving seniors a break with the information we have now. I think we should go to the Mayor and ask him to form a committee so we can legally move forward with Statute 129n.

Alderman Finn stated, then you're in agreement that we should move forward on that Statute?

Alderman Perillo stated, I think we need to investigate it. I think to Counsel's point that we're required by law to investigate the financial impacts, I think we need to do our due diligence and do that. We need to do what the law says we should do. Like I said, I don't want to be in a situation where seniors have a month to get all their information

together and come down to Gloria and apply for the tax freeze. They have from February until May, and I want to give them the full benefit of February until May. And if we are able to do something better before February, excellent, it's a victory for everybody. But let's not put ourselves in that situation where we may not be able to deliver for seniors. We can't deliver for seniors now and I think we should.

Alderman Papa stated, if this is passed, this particular ordinance, this doesn't get into effect until July 2008. Who knows how long this other committee will take. if we establish this ordinance and then establish a committee we still have time, it might take more than 60-90 days, so if we could establish this now, and still establish a committee later on to try to increase the minimum, at least we'll get the ball rolling rather than hold it up.

Alderman Panek stated, I want to make sure I'm clear on Corporation Counsel Welch's opinion. I will say that the memo he issued on Tuesday was very in depth and detailed and provided a lot of insight. I wish I had that prior to the Finance Committee meeting last week, but unfortunately a lot of this discussion came up at Finance Committee. 129n cannot be included until the Mayor appoints a committee.

Alderman Anglace stated, 129n, one of the things it requires is the committee be established to study the information that is gathered during the enrollment period. If we establish a committee now they'll be finished with their work before the enrollment period is over. That is one of the things you've got to look at. Now, there are too many things that come out, and I don't want to get into responding to each and every one of them.

I would like to read into the record what the intent of the Republican majority is with this ordinance. I want you to know that it is our intent to adopt the Senior Tax Freeze Ordinance as provided for in Public Act 06-176 and to do it without further delay. We want our neediest seniors to have our commitment now so they can plan their future. We want no misunderstandings, and no delays pertaining to the planning for and the enrollment period to apply for this benefit. We see this action as a good first step. We also see the necessity for the appointment of an Elderly Tax Relief Committee utilizing the first year enrollment statistics to examine the various issues and opinions generated as a result of the discussion that has taken place and will continue to take place. Consequently we will adopt the Senior Tax Freeze Ordinance as presented at the public hearing and further amended thereafter at tonight's Board of Aldermen meeting, and we will include a

recommendation in that ordinance for the Mayor, who is charged with the responsibility of appointing such committee, in an appropriate and timely manner.

What more can we say? We are all on the same page. But the issue of what is the amount that should be accepted is something that the committee is going to have to work on because you remember, and I tell you this, from my discussions with the last Elderly Tax Review Committee and going and talking to Assessors, and Treasurers from other communities, that there is no community that has the right dollar amount. It is never good enough. It is never enough. "You set it at \$50,000; I just missed it. Can you revise it to \$60,000?" That is a question for the committee to work on. That is what they're going to be set up to do. We're saying, right up front, that we're going to encourage the Mayor to appoint one.

Alderman York stated, I'm certainly not going to oppose this ordinance. We have overcomplicated the simple fact that using what we have here we could have enabled ourselves to do something better. I would also like to make a point that Madison's Senior Tax Committee came up with this over 100-page document that they submitted to their Board of Aldermen and they did it in the 60 day time frame. I'm really nervous about the fact that if we go back to that same Senior Tax Committee and as everyone has been telling me, they worked for six months to come up with a measly \$150 increase to an already existing \$150 credit, that scares me. So I really want to impress upon everyone because if the Mayor is going to appoint this committee, that we appoint new members to the committee and that we tell them that we want them to come up with a report for the Finance Committee in 60 days, and we want something that we can really use. To put this Ordinance in front of the Board of Aldermen with no backup, I never saw a written report from our past Senior Tax Relief Committee, maybe it exists, all I know is that it was never provided with this ordinance. I went to several of the meetings in Spring of 2006, I heard a lot of arguing from committee members about whether or not they should include an asset check along with that \$150 increase that they were giving them. I found myself feeling that we were making an awfully big deal about giving seniors crumbs when we can give them a bigger chunk that I think they deserve. A solid piece just like other communities do. Why it is so difficult for us here in Shelton and why we overcomplicate these issues and don't provide each other, whether you're Democrat, Republican or Citizens United, why we don't provide each other with the adequate information that we need to make decisions. I have to admit, it upsets me. So I'm going back to Alderman's motion to include 12-129n. I'd like to move

that. I think that it would make this existing document more flexible and we should just vote on it.

Alderman Anglace replied, great. All those in favor? She moved the question. All those in favor of the amendment offered by Alderman Panek.

Alderman Panek stated, before we go any further, I need to ask Corporation Counsel Welch if I need to withdraw the amendment. It was his legal interpretation that I can't make the amendment.

Corporation Counsel Welch stated, you can make the amendment, but you can't enforce it.

Alderman Anglace stated, it will be null and void.

Corporation Counsel Welch stated, Alderman Panek's motion was to use the enabling legislation of 129n. You don't have the ability to use 129n in this particular situation until that 60 day period and you get with your tax committee.

Alderman Panek stated, which we can't do without the Mayor appointing a committee.

Alderman York stated, but we've already got 129n on the books, already.

Corporation Counsel Welch stated, under a program for \$300.

Alderman Panek stated, so it is your opinion because you can't legally,

Alderman Anglace stated, how can you withdraw the amendment when we've spent all this time talking about it? You deserve a vote.

Alderman Panek stated, it's good to talk about things regardless of political party affiliation. I enjoy discussing things first and I have to tell you, I have something on the agenda tonight called the Non-Collusion Affidavit that I've been working on for about four months, hoping to get it to this Board for a vote tonight. It's just amazing that some people can get things in 30 days to a vote. I wish I could get something to a vote,

Alderman Anglace stated, I would like to remind you that your remarks are bordering on being offensive and certainly not pertaining to the issue.

Alderman Panek stated, well I apologize if you took those as offensive.

Alderman Anglace called for a vote.

Alderman Perillo stated, I think Alderman Panek wants to withdraw his amendment.

Alderman Panek WITHDREW HIS AMENDMENT; Alderman Finn WITHDREW HIS SECOND.

A voice vote was taken and the MOTION PASSED as AMENDED 8-0.

BE IT ORDAINED BY THE BOARD OF ALDERMEN THAT:

Senior Tax Freeze Ordinance

WHEREAS, the Connecticut State Legislature has recently adopted Public Act 06-176 which has now been codified as Connecticut General Statutes Sections 12-170v and 12-170w, which allows municipalities to provide optional tax relief to seniors of the age of 70 years or older. Said statute provides that a municipality may freeze real property taxes if a resident meets the following requirements:

- a. The homeowner is 70 years of age or older;
- b. The taxpayer occupies the residence;
- c. The taxpayer has been a resident in the municipality for one year; and
- d. Meets the qualifying income as provided for in the State guidelines.

WHEREAS, the increasing costs of education requires municipalities to increase taxes on a yearly basis which in turn effects many seniors who are on a fixed income and unable to meet their tax obligations and would be forced to sell their home of many years;

WHEREAS, the City is concerned that the City of Shelton remains the City of choice for all its residents.

NOW THEREFORE, I, John F. Anglace, Jr., President of the Board of Aldermen, and the current Third Ward Alderman for the past sixteen (16) years, hereby proposes that the Board of Aldermen of the City of Shelton adopts the following ordinance.

Be it ordained by the Board of Aldermen of the City of Shelton entitled "Property Tax Relief for Certain Elderly Homeowners".

- a. That the City of Shelton hereby adopts the provisions of Connecticut General Statutes Section 12-170v as same may be amended from time to time.
- b. That the City of Shelton hereby adopts the procedure set forth in Connecticut General Statutes Section 12-170w(a) as the application procedure for said program.
- c. Any person knowingly making a false application for the purpose of claiming property tax relief under this ordinance and Connecticut General Statute Sections 12-170v or 12-170w shall be fined not more than \$500.00.
- d. Any person who fails to disclose all matters relating thereto or with intent to defraud or makes a false statement shall refund the municipality all tax relief improperly taken.
- e. That this tax freeze program shall only be available to eligible Shelton taxpayers whose taxes are paid in full as of the date of application.
- f. Passage of this Ordinance shall be effective with the fiscal year commencing July 1, 2008 upon the Grand List of October 1, 2007
- g. That it is the intent of the municipality not to establish a lien on the "frozen property."
- h. That it is the intent of the municipality not to impose an asset limit upon the applicant of the "frozen property."
- i. Tax relief shall not exceed 75% of the taxes levied without said program.
- j. That the Ordinance be evaluated when specific enrollment and tax data are known.

5.1.4 PURCHASE AND INSTALLATION OF AUTOMATIC IRRIGATION SYSTEM FOR RIVERVIEW PARK

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to add the purchase and installation of an automatic irrigation system for Riverview Park at Riverview Avenue and Wheeler Street to the Capital Improvement Plan with funding in the amount of

\$24,600 to come from LOCIP; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

5.1.5 NON COLLUSIVE BID CERTIFICATE

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to approve the Non-Collusion Affidavit and Non-Collusion Policy to the Full Board of Aldermen with a favorable recommendation; SECONDED by Alderman Panek.

Alderman Perillo stated, I support this; I would like to move it, but Mr. Cameron makes a valid point. If he and the Superintendent and the Chairman of the Board of Education want to look at this, I have no problem with that, especially if they're going to fall under its auspices. I do think this is an appropriate thing to do. Hopefully they can look at it sooner rather than later so we can get to this.

Alderman Panek stated, I understand Mr. Cameron's concerns. As Alderman Finn just said, this couldn't have been on more agendas, this item. It's been on our full Board agenda, Finance Committee, if the Board's pleasure is to let the Board of Education, they haven't seen it yet, we're going to give them another month.

Alderman Anglace stated, if it helps you to live with this, if there is a special meeting in between and they have concluded their review, we'll pass it then. I can tell you that the consensus of the Republican members is to approve it as you'd like.

Corporation Counsel Welch stated, you can also pass it and put an effective date, giving them ample time to write back if they have a problem. You can pass it today with an effective date of November 1st.

Alderman Anglace stated, I think we'd better hear what they've got to say first. They came and asked for the courtesy, and I think if we pass it, that would be inappropriate. Let's give them the chance to say what they've got to say, if they can add something, maybe we can incorporate it. I think we've said it, we all want to vote for it.

Corporation Counsel Welch stated, since the last meeting, Alderman Panek had put together the policy and the affidavit, and listening to your comments at the last meeting, I changed it based upon the Finance Committee recommendations. That is what you have. The only new item

was an item put forth by the Finance Director, a question with regard to those items between \$1,000 and \$4,999 wherein you are only required to get three quotes by the Charter. Some points, just like a bidding process, where it becomes impractical or unwise to get the three quotes, he used the example of the toner, and he calls Office Depot and Staples, can't get somebody to sign a non-collusive affidavit, so he said that using the discretion only under that RFO proposal, that is what subparagraph 5 did. I also had made some changes as to the affidavit itself, I took one large paragraph, paragraph 4 was new, and I eliminated two paragraphs – one I didn't think was a statement and the other I didn't think we could possibly do, but hopefully the intent is there that the Board wanted from the Finance Committee.

Alderman Panek stated, I just want to comment on that. I think I'm happy with the way the certificate came out, it was nice working together with the other members of the Finance Committee and come to agreement on an item. I think that Corporation Counsel Welch's changes and recommendations fit perfect. Do we have a non-collusive certificate now that the Board of Education is sharing with the City, or is this something totally new for them?

Alderman Anglace stated, I know from working with the Board of Education on the Board of Education Technology Building Committee that the Board of Education has a variety of non-collusive certificates, affidavits, that are required from different other forms of government, state, national, and we've seen several different ones in the process of the last five years. It's funny how we were both at the same meeting and how we perceive things differently. I recall that Finance Committee a little differently. Counsel was there, you and I, I couldn't agree on certain parts of this, and Counsel became an arbitrator. We both put it in his hands, go back and put something together that you think we both can live with, and we looked at it and we said yes, we can live with it. Sometimes, disagreeing can be beneficial because it brings out the good and the bad, it gives us an opportunity to see each other's side of the issue. We don't disagree because we want to disagree. I'm talking to you and saying, I don't want to generate enough paperwork to cut down 10 trees to do the job. You're telling me how important it is otherwise, but there was a common ground. There had to be a middle ground, and we found it. We used Corporation Counsel Welch. Counsel, be prepared to come to all of our Finance meetings.

Alderman Perillo MOVED to AMEND the MOTION to pass it today for all of the City Agencies excepting there from the Board of Education until next month; SECONDED by Alderman Finn.

Alderman Finn asked that it be faxed to the Board of Education tomorrow morning.

A voice vote was taken and the AMENDMENT PASSED 8-0.

A voice vote was taken and the MOTION PASSED AS AMENDED 8-0.

**5.1.6 *PROCEDURE TO SELL CITY PROPERTY –
REVISION TO ORDINANCE #782***

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to approve the "Procedure to Sell City Property Ordinance," as amended and presented at public hearing and included herein by reference; SECONDED by Alderman Perillo.

Alderman Panek stated, there had been a question that I had last month about the word "significant." Corporation Counsel Welch provided an answer for that.

A voice vote was taken and the MOTION PASSED 8-0.

**PROCEDURE TO SELL CITY PROPERTY
REVISION TO ORDINANCE - #782**

Definition:

From time to time the City may be asked or may decide to sell real property owned by the City and hereby determines that a procedure shall be provided regarding the sale of said real property. Said procedure pertains only to property which the Board of Alderman consider significant.

PROCEDURE:

When a request is received asking to sell City owned real property or the Board of Aldermen decides to sell City owned real property which the Board of Aldermen considers "significant".

The Conservation Commission and Parks & Recreation Commissions are asked for their opinion. The Board of Aldermen specifically wants information regarding the property's open space, conservation or recreational value to the City.

If the answer were "yes" and the Board of Aldermen agrees, the Board of Aldermen will consider this information.

The Board of Aldermen will then seek an 8-24 referral from Planning & Zoning.

If the 8-24 is favorable to sell, the Board of Aldermen may proceed with this process.

If the 8-24 is unfavorable, the Board of Aldermen must override the unfavorable by a 2/3 vote in order to proceed.

If the Board of Aldermen wishes to continue the sale process, they shall have the property appraised.. Any appraisal received shall not be disclosed until after the sale has been completed.

The Board of Aldermen shall hold a public hearing in accordance with P.A. 07 -218, when applicable.

If the Board of Alderman wish to proceed with the sale process, the Board of Aldermen can then proceed to advertise that it is accepting bids with a cutoff date to receive sealed bids. Each bid must be accompanied with a check equal to one (1%) percent of the amount bid.

The Purchasing Agent would publicly open the bids and refer them to the Finance Committee of the Board of A & T who would determine the highest, responsible bidder. The Board of Aldermen reserves the right to reject any and all bids.

The Board of Aldermen approves the price and authorizes the sale.

Specifically excluded from this process is the sale of real property located within a Redevelopment Plan or a Municipal Development Plan as designated by the Board of Aldermen. The Board of Aldermen shall determine the process of the sale of real property located within a Redevelopment Plan or a Municipal Redevelopment Plan on a case by case basis taking into consideration any Grant and statutory requirements.

"Significant" shall be defined as the sale of real property which has a fair market value in excess of ten thousand (\$10,000.00) dollars.

5.1.7 CITY HALL TWO WAY RADIO ANTENNA SYSTEM REPLACEMENT

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to add the City Hall Two-Way Radio Antenna System to the Capital Improvement Plan with funding in the amount of \$1,600 to come from LOCIP; SECONDED by Alderman Papa.

Alderman Panek stated, we had already discussed this, the backup on the second page says \$1,934 and it says that Comtronics of Stratford, and the current one that maintains the Communication's system. Then on the third page there are two bids, and one is the lower bid. Are we,

Alderman Anglace stated, what they said was, we desperately need approval for an amount not to exceed \$1,600. My recommendation is, that's what they get. If they have any other adjustments, come back and see us.

Alderman Panek stated, Bob Kulacz has \$1,529.

Alderman Papa stated, so you're saying it should max out – not to exceed \$1,600.

Alderman Panek stated, see on the second page it talks about a higher minimum.

Alderman Perillo stated, Alderman Anglace, the memo dated 10/4 from the City Engineer references two different quotes, one for \$1,529. He goes on to say we need an approval for an expenditure not to exceed \$1,600. It sounds like the engineer is recommending you use Utility Communications.

A voice vote was taken and the MOTION PASSED 8-0.

5.1.8 OVERHEAD GARAGE DOOR WITH CONTROLS FOR ECHO HOSE FIRE HOSE

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to add the purchase and installation of a replacement overhead garage door with controls for the Echo Hose Fire House to the Capital Improvement Plan with funding in the amount of \$1,198 to come from LOCIP; SECONDED by Alderman Papa.

Alderman Finn asked where the door is located.

Alderman Anglace stated, it just says Echo Hose and Huntington Fire Department. It doesn't spell it out.

A voice vote was taken and the MOTION PASSED 8-0.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

No items presented.

Alderman Papa noted that there was an item in the newspaper this week that should have come to the Public Health and Safety Committee.

5.3 STREET COMMITTEE

No items presented.

REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

None presented.

6.0 LEGAL REPORT

6.1 CORPORATION COUNSEL BILLING

Alderman Papa MOVED to authorize a total payment of \$2,101.20 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated October 4, 2007 with funds to come from the following Legal Services accounts:

Legal Fees	001-1900-411.30-03	\$1,505.90
Foreclosure Fees	001-1900-411.50-01	\$595.30

SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

6.2 ASSISTANT CORPORATION COUNSEL BILLING

Alderman Papa MOVED to authorize a total payment of \$1,155 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated October 1, 2007 with funds to come from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

7 LEGISLATIVE - OLD

7.1 ITEMS FROM PUBLIC HEARING

7.1 HIGHLAND GOLF CLUB

REQUEST TO RELEASE DEED RESTRICTION

Alderman Papa MOVED to approve the request of the Highland Golf Club to release the deed restriction that requires the property to be used for open space purposes as detailed in the deed of conveyance for an 80' by 100' portion of the property as identified on the attached map; SECONDED by Alderman Perillo.

Alderman Perillo MOVED to AMEND THE MOTION to include: Subject to a favorable 8-24 referral from Planning and Zoning; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

Aldermen Finn noted that he and Alderman York visited the site. They noted there will be no visibility from any of the homes in the area, it will not interfere with anything. It was indicated that the company will put it up as a golf club if they wish to, but the real selling point was that the City's emergency services will be able to utilize the tower for their antennae. The Board of Fire Commissioners has told Alderman Finn that this will be an asset to them in improving their communications system.

Alderman Anglace noted for the record that an area 80 x 100 is all that is being released. It makes sense for the City, the Fire service, the Police service. It will give them the opportunity, if they need it, to take advantage. It's good for Highland Golf Club and it's good for the City.

A voice vote was taken and the MOTION PASSED 8-0.

***7.2 APPROVE CHANGE ORDER #10
FOR WASTEWATER TREATMENT FACILITY EXPANSION
AND UPGRADE PROJECT***

Alderman Papa MOVED to approve Change Order #10 between the City of Shelton and C.H. Nickerson & Company for the Wastewater Treatment Facility Expansion and Upgrade Project in the amount of \$30,565 with funding to come from the Wastewater Collection Systems Referendum Bond, and further to authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement; SECONDED by Alderman Kudej.

Alderman Panek asked, with these change orders that come through for these projects, when they involve referendum bond money, they involve us approving a dollar amount - should they go to Finance Committee first? My concern is that we don't have the chance at the committee level to have somebody come before us and document the backup provided. It might be good for somebody to come before us and give us an explanation.

Alderman Anglace replied, the reason it goes directly to the Board is because we have a Building Committee overseeing and scrutinizing the contract. These are changes to the contract. They are in charge by Charter of spending the money. The contract for that particular project was worded that those change orders have to come through the full Board for approval. So they screen them before they come here, and they're the ones that ultimately have the responsibility to spend that bond money, not us. We couldn't authorize them to put in a patio or something down there - it's up to the Building Committee. It just so happens that the Building Committee on this project is the Water Pollution Control Authority, so by default it goes through them. If they weren't appointed as the Building Committee, it wouldn't even go through them. As an example, Jack Finn is in charge of the Energy Program, and he is empowered to spend the money. He has to come back to us to get the money and make his case, but their committee,

Alderman Finn interjected, I have some observations in going through the backup information regarding this. I'm under the impression this work has already been completed [inaudible] dated May 23, 2006 received by McGuire May 26, 2006. It continues on April 3, 2007. So I would have to say that all this work has been performed in the amount of \$47,000 on this first change order, number 11. Item B says remove and patch the existing floor in the administrative building. I hope they're not just patching the floor for \$26,000, because that is exactly what this thing says to me.

Alderman Anglace asked, item B?

Alderman Finn replied, yes, fifth page in, name of change, B. Remove and patch the floor in the administrative building FF#049 dated 4/3/07, \$26,456.

Alderman Anglace stated, you're getting ahead of us, that is the next item.

A voice vote was taken and the MOTION PASSED 8-0.

**7.3 APPROVE/DISAPPROVE CHANGE ORDER #11
FOR WASTEWATER TREATMENT FACILITY EXPANSION
AND UPGRADE PROJECT**

Alderman Papa MOVED to approve Change Order #11 between the City of Shelton and C.H. Nickerson & Company for the Wastewater Treatment Facility Expansion and Upgrade Project in the amount of \$47,532 with funding to come from the wastewater collection systems referendum bond and further to authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement; SECONDED by Alderman Finn.

Alderman Finn asked to incorporate the previous discussion on item 7.2. He stated, you have one letter on here dated May 2, 2007 requesting a change. Now we're in October so I'm questioning that something reported in May was already accomplished, and we only have the change order in front of us now.

Why can't they send this stuff so we can act on it right away instead of several months later? The work has already been performed, now they're just asking for the dollars. None of us want to hold the project up.

Alderman Anglace stated, why don't we refer that question to the Water Pollution Control Authority as the Wastewater Treatment Building Committee and let them respond to us. Meanwhile we want to pass it, but we'll refer that question to them. None of us can speak to that.

Will the Clerk please refer that question to the Water Pollution Control Authority?

A voice vote was taken and the MOTION PASSED 8-0.

7.4 ABANDONMENT OF EDGEWOOD AVENUE

Alderman Anglace noted that the motion came from the Street Committee and it's a motion to disapprove, subsequent to this motion coming to the Board earlier, it was determined by the Board in conversation with Attorney Tyma that no action needed to be taken. So with the Board's permission I would suggest, with your approval, that we

allow Attorney Tyma and Counsel to discuss. Is that alright? Okay, everybody is in favor.

Attorney Alan Tyma, 231 Coram Avenue

This was something that was an 8-24 referral. It had been vetted through the City Engineer's office through Corporation Counsel Welch and myself and as I understand it, it had gone to the Street Committee. I apologize to the members of the Street Committee because it was on my calendar for the following night. The Street Committee had looked at it, I think without all the facts. I want to give you an indication of what the request is and why it's being requested. It is for an abandonment of any City interest in a 50 x 100 foot section of Edgewood Avenue which is a cul-de-sac area right off of 110 in which there are newer homes involved, access, an older home that we just refurbished, and an area in front of that which is a building lot, without the City taking any action, essentially. The only thing we'd need is a small variance. Since the last time I was here that variance was attained. So the only thing that I'm looking for this evening is to ask if the Board of Aldermen would consider that abandonment of property that I already own. It's not as if I'm asking for the Board of Aldermen to get rid of any ownership interest in the property. It's really a technical issue. It's really a clearance of title issue. What happened is, a long time ago, before the City allowed Trolley Bridge to be built, and when Edgewood Avenue was a cul-de-sac, there was a thought that maybe the road would go through. In fact, subsequent development prevents that from happening and so we have the end of the road, we have more than sufficient space to put up another home. Frankly the residents would like me to put up the other home but I can't do it until I get all the administrative approvals. The next approval would be the driveway permit, and so in discussions with Corporation Counsel Welch on an ongoing basis, and most recently today with Bob Kulacz, the City Engineer, verifying what he's put down in his memo. He said it should go to the Board of Aldermen, even the last month I was here, and I told you that we didn't think technically I needed to come here. I think we sort of still feel that way, but because there is a map, and that map showed that possible extension, it could cloud the title somewhere down the road. You really don't want that to happen because if somebody goes to buy the house, you don't want there to be any question, even though I, in record fashion own it. There could be a utility that the City could claim at some point in time, and then you just have a problem. I think it's minor, it's probably not likely. But since, as Bob Kulacz pointed out, the City really has not interest in developing that road at any point in time, and as long as I would agree to a perpetual easement for any and all public utilities in favor of the

City, remaining on that abandoned portion, which Counsel and I have discussed, and I do. As a matter of fact we have actually agreed to allow the City to go and push snow off of a portion of it so that everybody coming up, if they have a problem, that snowstorm last year, they couldn't put the snow any place, but now we're giving the City an easement based upon the Zoning Board of Appeals approval to go and push the snow onto the property. So there is a perpetual easement not only for any existing utilities, but also for snow and whatever other City maintenance would be required. So I've given that up because there is not need for that to be a bone of contention. So you have a recommendation in essence from your City Engineer and his recommendation is that the City abandons its interest in the last 80 feet of Edgewood Avenue as shown on the enclosed Assessor's map. He has asked that we give a perpetual easement which we are prepared to do. We've talked about this with Corporation Counsel Welch. I know that the usual protocol is, Street Committee had it and looked at it without all the facts, without zoning approval being in place, and I would normally say, certainly with my legal hat on, maybe you could send it back to Street Committee. But knowing that all the members of the Street Committee are here and have all the old facts, together with the new facts, and I think Corporation Counsel Welch can speak to these new facts and indicate that in fact, I think I'm speaking correctly about the size of the lot and approvals being in place and the 8-24 referral saying, please do abandon, that perhaps you might be willing to take action this evening with respect to that so that we could go up there and try to improve the end of that cul-de-sac for the residents who are asking us to do that.

Corporation Counsel Welch stated, I wasn't able to present at the September 4th meeting – there was some miscommunication as to the date. I agree that is usually when it would have happened. What happens on these paper streets is, back before zoning took place is that developers would file maps, and roads would not be built – they are paper streets. In this particular case, as you know, the end of this road runs right into the condominiums. Oftentimes it becomes a title issue to conveying of property is that the title of this property remains with the developer because all they do is file, nowadays all you do is, someone builds a subdivision, they deed the streets to the City – that is one of the subdivision approvals. So the City owns the fee – owns title. Back in the 20s, 30s and 40s, you see a lot of it in some of the Pine Rock Park neighborhoods and Coram Gardens. People filed maps and the roads never got built for topography reasons and things like that. What Mr. Kulacz is indicating is he want, because there will be a change to the Assessor's map, indicating that it is no longer a paper street. By

abandoning it, it just changes the Assessor's map, if I understand you correctly, Zoning Board of Appeals has already approved it.

Attorney Tyma stated, the Zoning Board of Appeals approval occurred on September 18th. They sent it to me, I filed it with the appropriate City agencies, the Town Clerk, and I have given it to the Planning and Zoning Commission. All those are in place.

Alderman Anglace asked Corporation Counsel Welch if it would be procedurally correct that the Street Committee members indicate that it is okay to proceed with a new motion.

Corporation Counsel Welch stated, I think it's your pleasure to, because either way, you could take up this motion, vote it, change the motion, it's your pleasure. The Street Committee had a vote.

Alderman Anglace stated, my first thought was to follow the process, act on this motion, reject it. Then, put the substitute motion on that is prepared, and take that through. That is the cleanest way to handle it.

Attorney Tyma stated, that's perfectly fine, I just wanted to be sure that I addressed any concerns of any of the members. It is actually very straightforward.

Alderman Papa MOVED, per the recommendation of the Street Committee, to disapprove the abandonment of a portion of Edgewood Avenue as identified on the attached map; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION **FAILED** 0 Yes, 8 No.

Alderman Papa MOVED that the City abandons its interest in the said undeveloped portion of Edgewood Avenue as shown on the map entitled "Valley View Estate Phase 2, 37 Edgewood Avenue, by D'Amico Associates" subject to a perpetual easement for any and all utilities in favor of the City of Shelton that exist on said property; SECONDED by Alderman Finn.

Corporation Counsel Welch asked for an amendment – that the words "that exist" be deleted.

Alderman Finn MOVED to AMEND the MOTION that the words "that exist" be deleted and the motion reads: ...subject to a perpetual easement for any and all utilities in favor of the City of Shelton on said property"; SECONDED by Alderman Perillo. A voice vote was taken and the AMENDMENT PASSED 8-0.

A voice vote was taken and the MOTION PASSED AS AMENDED 8-0.

7.5 NONDISCRIMINATION CERTIFICATION FOR STATE CONTRACTORS AND CONTRACT CORRECTION LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) GRANT #162-LRP-08

Alderman Papa MOVED to adopt the following Resolution:

Be it hereby resolved: That the City of Shelton hereby adopts as its policy to support the nondiscrimination agreements and warranties required under Connecticut General Statutes & 4a-60(a)(1) and & 4a-60a(1), as amended in State of Connecticut Public Act 07-245 and sections 9(a)(1) and 10(a)(1) of Public Act 07-142.

SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

7.6 APPROPRIATION OF FUNDS FOR SWIMMING POOL ROOF RESTORATION – SHELTON COMMUNITY CENTER

Alderman Papa MOVED to approve the contract between the City of Shelton and Silktown Roofing, Inc. for restoration of the swimming pool roof at the Shelton Community Center; and authorize Mayor Mark A. Lauretti to sign all documents pursuant to the agreement and to effectuate said agreement; and further,

MOVED to appropriate the sum of \$270,500 and the unit price of \$9.75 per square foot pursuant to the terms of the contract with funding to be provided by bonding, pursuant to Section 7.1.6 of the City Charter.

SECONDED by Alderman Perillo.

Alderman Finn asked, have we gotten the results of the x-raying of the roof, and if so, what did they find?

Corporation Counsel Welch stated, I've seen them Alderman Finn, it shows moisture.

Alderman Finn stated, does the new roof also have ventilation of the roof?

Corporation Counsel Welch stated, I would have to look at the bid spec. I spoke to the engineer who prepared the specifications. The reason you saw this motion go down \$16,000 in the bid package in the document you received from Silktown there was one deduct for \$16,000, and Don Bierman indicated that he was comfortable with that deduct – that's why it went down \$16,000. He did that as alternate #1.

Alderman Finn stated, I'm not sure if there is ventilation in the existing roof. I know Alderman Papa is also on the building committee. When you stand up there on the second floor you can actually see the roof buckling. That raises a flag. I'm very concerned of the fact of the moisture inside the pool, if you're not going to have a ventilation system when we put the new roof on, probably we're looking at the same thing in another 15 years.

Alderman Papa stated, remember, they're building a dehumidifier. Remember we had a problem with the dehumidifier? That was part of the problem, all of the vapors were going up through the ceiling, and attacking the roof. That has been addressed.

Corporation Counsel Welch stated, I would also note for the record paragraph 17 of the contract which states that the contractor shall execute the non-collusion affidavit attached.

A voice vote was taken and the MOTION PASSED 8-0.

RECESS

Alderman Papa MOVED for a five-minute recess; SECONDED by Alderman Olin. A voice vote was taken and the MOTION PASSED 8-0.

8 FINANCIAL BUSINESS OLD

8.1 APPROPRIATION OF FUNDS FOR ROOF PROJECT SPECIFICATIONS – MAIN ROOF – COMMUNITY CENTER And THE NIKE SITE

Alderman Papa MOVED to engage the services of The Garland Company, Inc. for engineering services to prepare specifications and bid documents

and oversee the repairs of the main roof of the Community Center and Nike Site with costs not to exceed a sum of \$2,400 with funding to be transferred from Contingency General Account #001-9900-900.99-00 to Professional Services Account #001-0100-411.30-01; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.

**8.2 RELEASE OF CONSTRUCTION CONTINGENCY FUNDS
SHELTON HIGH SCHOOL
RENOVATION BUILDING COMMITTEE**

Alderman Papa MOVED to approve the Shelton High School Renovation and Building Committee to expend \$39,612.18 for the Shelton High School Renovation and Building Project from the Shelton High School Fusco Corporation Construction Contingency Account; SECONDED by Alderman Kudej.

Alderman Finn stated, I added up both requests, there is one for \$27,561.54 and the other for \$6,050.64. I come up with a total of \$33,612.18. What's the \$6,000 extra for?

Chairman Simonetti of the Committee replied, I did put a small note on the page below that says, funds to be used to reconnect controls, proper water flow to the heating units, and that was the \$27,000-plus. Then there was \$6,000-plus for the drain vents and also \$6,000 to prepare documents for the TV station. That was the other \$6,000. Engineering drawings, architectural drawings, electrical drawings for that were \$6,000. The school received a grant for TV equipment and they want to use it for curriculum. If they don't use it, they have to send it back. It's an add on we weren't planning on two years ago, so we want to give them the opportunity for the TV station. If we can't use it, we have to send it back.

Alderman Finn stated, they already have the equipment. Shelton Intermediate School also has a TV station so we wanted to have them both combined.

Alderman Panek asked, do you guys meet after our full Board agenda is sent out to all the Aldermen on the Friday before the meeting?

Mr. Simonetti stated, I sent it down Friday at 3:30.

Alderman Panek continued, I will try to get them earlier than Friday at 3:30. We usually meet on Wednesday. I'll get it earlier for you.

A voice vote was taken and the MOTION PASSED 8-0.
Mayor Lauretti arrived at this point, 9:20 p.m., and assumed the Chair.

9 FINANCIAL BUSINESS NEW

10. - LEGISLATIVE - NEW

10. 1 ITEMS TO PUBLIC HEARING

10.1.A – WATER MAIN EXTENSION – HICKORY LANE

Public hearing scheduled for October 23, 2007 at 7 p.m. in the Auditorium at Shelton City Hall.

10.2 ANTI-LITTER COMMITTEE APPOINTMENT

Alderman Anglace MOVED to appoint Joseph J. Palmucci of 30 Nicholdale Road to the Anti-Litter Committee, effective immediately.

Alderman Perillo asked, Mayor, can we do that?

Mayor Lauretti replied, no, that is my appointment.

Alderman Anglace WITHDREW the MOTION as this is a Mayoral appointment.

10.3 FUSCO CORPORATION CONTRACT – UPPER ELEMENTARY SCHOOL

Anglace MOVED to approve the Standard Form of Agreement between the City of Shelton, as owner, and Fusco Corporation, as the construction manager, relative to the construction of the Upper Elementary School with funds to be paid from the Upper Elementary School bonds; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign all necessary documents. SECONDED by Alderman Papa.

Mayor Lauretti requested that in the future the Clerk only provide the face page of lengthy contracts to the Aldermen with a reference that they may view the entire contract in the Mayor's Office.

Alderman Finn asked, who is the clerk of the works?

Mayor Lauretti replied, we don't have a clerk of the works yet.

Alderman Finn asked, are we going to have a clerk of the works?

Mayor Lauretti replied, I think we absolutely should have a clerk of the works.

Alderman Finn stated, that will help cut down on those change orders.

Mayor Lauretti stated, I think that a clerk of the works on this job is important because it's a renovation, it's a rehab, and there are a lot of unknowns as opposed to when you're going from the ground up starting brand new. I think it will be money well spent that the clerk will answer to the building committee. And report to the building committee, and interface with Fusco. When it's not theirs, it's not the same.

Alderman Papa stated, when we did the Community Center, and Jack Finn was on the building committee, we had a clerk of the works that we sought out. He did a wonderful job for us and we finished under budget by about \$200,000 that I recall. He worked for us and he watched any change order that they tried to push through. We saved money.

Alderman Finn stated, he was right on top of it.

A voice vote was taken and the MOTION PASSED 8-0.

TAPE TWO, SIDE TWO

Mayor Lauretti stated, before we go into Executive Session I have to ask Corporation Counsel Welch a question. I had mentioned, with respect to a piece of property that the Board has been talking about. I wanted to put it back on the agenda tonight and just come back with the last offer that the property owner gave me. The 14 acres off of Soundview. Will the Board consider that tonight?

Alderman Finn asked, do you want to add it to the Executive Session?

Mayor Lauretti replied, yes.

Corporation Counsel Welch stated, you can't add something to the agenda at the end of the meeting for the sole reason that the reason you add it to the agenda is so people know and people will wait for it. I don't

know the answer because it's Executive Session and there is no one waiting.

Mayor Laretti stated, let me ask you this question. I can talk about it in executive session but the Board won't take any action tonight.

Alderman Finn stated, you can't discuss it in Executive Session if it isn't on the agenda.

Corporation Counsel Welch stated, my impression is, you don't add things to the agenda later.

Mayor Laretti stated, but under Robert's Rules you can, because it happens all the time. Even the other Boards I sit on – the State boards – we add things to the agenda. Just because the attorneys come in at the last minute while the meeting is in progress.

Corporation Counsel Welch stated, respectfully, I don't know the answer to whether you can add this at the end of the agenda. I understand our practice has been that we don't add items to the agenda in the middle of the meeting.

Mayor Laretti stated, then let me just suggest this. I will call the Aldermen individually to discuss it with you and get it on the next meeting. We have Ordinances to Public Hearing – we'll put it on that and I'll try to brief you ahead of time, I'll give you a phone call during the week.

Corporation Counsel Welch stated, item 11-A does not need to go into Executive Session. There is no action needed; it is not going to be discussed. The only item is 11-B.

11 Executive Session

At approximately 9:32 p.m. Alderman Anglace MOVED to enter into Executive Session to discuss the following item:

11.1 Removed

11.2 City of Shelton v. Fuge Tax Foreclosure

and invited Mayor Mark A. Laretti and Assistant Corporation Counsel Sous to remain in the Auditorium; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.

Return to Regular Session

At approximately 9:36 p.m. Alderman Anglace MOVED to return to Regular Session; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

Mayor Laretti noted that there were no votes taken in Executive Session.

Motions from Executive Session

11.1 Workers Compensation - Nesteriak

Withdrawn.

11.2 City of Shelton v. Fuge Tax Foreclosure

No action.

Adjournment

Alderman Anglace MOVED to adjourn; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.

The meeting adjourned at approximately 9:36 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

DATE APPROVED: _____ BY: _____

Mark A. Laretti
Mayor, City of Shelton