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 Joseph Lanzi - present
Alderman Kenneth Olin - present
Alderman Christopher Panek - present
Alderman John P. Papa – present
Alderman Randy York - present

Administration:

Corporation Counsel Tom Welch
Mayor Mark A. Lauretti

There was a quorum of 8 present, 0 absent.

Public Session

Alderman Anglace asked if any member of the public wished to address the Board.

Bill Banfe, 25 Riverview Avenue

I would like to ask the Board of Aldermen to revisit something that’s been on the table for a few years. Back in the Fall of 2002 I had attended a Street Committee meeting and asked for a review of Riverview Avenue between the loop of Geissler Drive, in terms of widening that section of road. Having lived there for 33 years, there have been numerous close calls, fortunately there have been no serious accidents, but the conditions warranted a look-see.
After that, the City Engineer looked and made a recommendation to the Board, following a Planning and Zoning Commission meeting that also approved an 8-24 referral. In June of 2003 the Board of Aldermen had the matter on their agenda and rather than go through the entire conversation that took place that evening, it was tabled. According to the minutes of that meeting, it was tabled due to some further investigation in terms of cost. That seemed to be the theme of the motion or the reason for the tabling.

Since then, six new homes have gone up within about 500 yards of that intersection and that stretch of street, and two more are in the process of being constructed a little further on down on Fort Hill Avenue.

I’d like to request that the Board of Aldermen, through whatever channels it has to, revisit this issue – because I think not only is it something that deserves to be looked at again, but in light of the fact that there is an increased amount of traffic and, in addition to that, with the houses that have come into the neighborhood, have come quite a number of very young children, between the ages of probably about 3-10 years old. It has added to the possible danger of the narrowness of that street.

Just to give you an idea, we’re looking at a stretch of street that is 120 feet in length, it is sort of shaped like an hourglass – that narrow point is just about 20 feet in width. I’m asking that you revisit it and take a second look and see what we can do about widening the street at this time. Thank you.

Mayor Lauretti asked, is that Riverview Avenue you’re talking about? Bill Mooney and I were up there two weeks ago and he is getting some bids to open up that road where it narrows down. We are also, hopefully, going to be able to resurface a good portion of that road, along with Fort Hill, before the snow flies. Most of the contractors have been backed up because of the weather, and everybody’s chasing right now to get all their projects done before the snow flies. Those two streets are on our radar screen.

Mr. Banfe stated, I didn’t realize that something was in the works, but that was going to be the second part of my question – the condition of Fort Hill and Riverview Avenue. If you’re looking into it and about to address it, that’s fine.
Mayor Lauretti stated, I don’t know that we’ll get to widening that portion over by your property where the road narrows this year, but we’re certainly going to try to do something with the resurfacing of those two roads.

Mr. Banfe said thank you.

__________________________

Chris Jones, 42 Crescent Street

One of the most precious assets is our dedicated and unselfish corps of emergency volunteers here in Shelton. They represent everyone should strive to emulate. Giving of themselves when priorities can be placed elsewhere. Sacrificing quality time and assure that others achieve theirs. Most of all, performing their duties with nothing asked in return except the inner satisfaction of knowing they have just helped someone in time of need.

Let us contemplate for a second where we would be if we did not have this corps of dedicated men and women. Would we feel secure knowing that a call for help would go unanswered at a time when our home is destructing due to fire? Or would we be at ease knowing that a call could go unanswered at a time when one of our loved ones is confronting a situation that may result in life or death.

I became a volunteer firefighter because I felt a calling to help where it’s most needed. I did so because I wanted to know that if something were to occur endangering one of my loved ones, someone would be at the other end of the phone line when the call for help went out.

During my times as a fireman, I have encountered many talented individuals who perform in exemplary fashion more than once, and have been an integral part of the process that preserves property, prevents disaster and saves lives. All of their characteristics I demand of myself. Still, there are others who have gone an even greater distance and sought additional training – the kind of training required to lead the many men and women of this valiant brigade. Although there is minimal compensation for these extra duties, I can attest to the fact that those that fill these positions do not for any small monetary reward, but for satisfaction garnered from personally leading their fellow dedicated volunteers.

A leadership commission sits in a supervisory role within a system of self-governance designed to instill a feeling of greater ownership of what these volunteers do. Well of course I speak of the Shelton Fire
Commission. This group has been endowed with the responsibilities as chief administrative body of the Fire Department, and for years they have performed above and beyond expectations. It’s not any elected or appointed official who granted these awesome duties - not the Board of Aldermen, not the Board of Apportionment & Taxation, no State or Federal authority, not even the Mayor. Ladies and gentlemen, these awesome responsibilities have been bestowed upon them by none other than our City Charter – a document all must follow and from those documents no one is excused. In this community, there is an attempt to circumvent these rules as dictated by the Charter, and in doing so, we are potentially jeopardizing the health, safety and welfare of every inhabitant of our City. We are now without a Fire Chief, a commanding officer, someone who is looked to for leadership in times of crisis. Why? It has nothing to do with the lack of qualified candidates, nothing to do with any lack of interest in assuming the responsibilities of the position, in fact, we have tested a candidate fully qualified and ready to take the job now. But for reasons unbeknownst to me, the Mayor has decided to disregard the City Charter. Disregard an established system of command, and disregard the success achieved thus far by a dedicated and competent group of volunteer commissioners. I can only think that it has something to do more with the Mayor himself than any bona fide reason for such failure of responsibility.

I call upon the community to rally behind its emergency volunteers and show in clear fashion their appreciation for a job so well performed. And, I warn the taxpayers of this same community to beware of such disrespectful behavior as demonstrated by the Mayor, for if it results in the alienation of these same volunteers, and we no longer can count on their service, we not only have shunned so dedicated a group, but a huge increase in taxes awaits if the alternative is required to meet the inevitable presence of an all paid fire department. This reckless behavior must cease for the good of the community. That is all I seek, for it that very reason, the good of the community, that I first entered public service, and it will continue as my reason to assure that all others who seek to serve with me are given the appropriate respect they so rightfully deserve. Mr. Mayor, allow the Board of Fire Commissioners to do their job as dictated by the City Charter and respect their recommendation and appoint the new Fire Chief immediately. Our health, safety and welfare, and that of our families and friends depend on it. Thank you.
We are on the eve of the State Convention here, and we’re holding it in the Valley, and this commotion is going on. We are without a Fire Chief. Who is leading the parade for the Shelton Fire Department this week? Nobody. It’s sad. Thanks.

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_Irving Steiner, 23 Partridge Lane_

Good evening. I’m speaking tonight regarding Ordinance 787 that I understand is before you this evening. I appreciate your attention to this Noise Abatement Ordinance, which has been long in need of revision and even more so in need of enforcement.

Section 3 has a statement which reads, “Excessive noise is prohibited.” I don’t know what that means. It is suggested that the word “excessive” should be added to Section 2 under Definitions, or reference should be made to that section that defines “excessive.”

Under Section 7, Violations and Enforcement, the Police Department or Planning and Zoning personnel are now responsible for defining a violation when it has occurred, but no mention is made of personnel in addition to the Police Department, that are authorized to issue citations.

I took the initiative to determine if an ordinance exists that defines special officers that may perform such enforcement duties within the scope of their official position. I found such an ordinance in the Shelton Code of Ordinances under Police Section 13-2, which is Ordinance #187 dated 9/10/1973. It lists the Fire Marshal, Building Official, Zoning Enforcement Officer, Code Enforcement Officer, Assistant Building Official and Deputy Fire Marshal as personnel having such special office or authority. I checked for additional ordinances other than those listed with Ordinance 187 that might have voided this ordinance and found none. The existence of Ordinance 187 now raises another question. Those officers listed previously, when I asked why citations are not being issued by them for violations, stated that they have no such authority. When I asked them to identify documentation that confirms their loss of enforcement authority, none could be provided. They all stated that such a loss of this authority came in the form of a verbal comment or an interpretation of the validity of such powers by City Counsel. Though this might be so, verbal orders or policy statements must be followed up with a change to the specific ordinance and this apparently has not happened.
My final item is the fine of $100 for noise violation. This amount in today’s world is insignificant when compared to littering or parking in a disabled spot. It is not surprising that such a fine was ineffectual when this administration and previous administrations had to deal with the six-figure events being held at Pine Rock Park. If this fine does increase as suggested, it also should be a progressive one for more effectual enforcement. It would be appreciated if the Board of Aldermen could clarify this issue and the confusion surrounding it, as I feel that the lack of such authority, if that is so, is directly affecting the ability of these officials to enforce the law within their areas of responsibility. I thank you for your time.

Irving Steiner, 23 Partridge Lane

This subject is on the Fire Department, which recently was brought up by Mr. Chris Jones. I didn’t anticipate that.

In my opinion, our volunteer Fire Department is a well run organization of dedicated persons and they should be commended for their continued and steady performance. Recognizing this, I feel that the Mayor should not get involved by using his discontent over the job description for Fire Chief to reject the present nominees. Why should the Commission start all over from day one with new nominees if the Mayor has a beef with the job description? The two items are independent issues. The Mayor knows full well that Section 6.9.3.5 of the City Charter places the responsibility for defining the duties of the Fire Chief and his assistants firmly in the hands of the Fire Commissioners. Any attempt to force the Commissioners to redefine these duties would be against the Charter. Let’s bring out the real reason for this difference of opinion. It’s payback time for not supporting the recently defeated Charter. Mayor Lauretti, if you have some argument with the administrator’s side rather than the operational side of the new appointment such as liability to the City, then by Charter, you are in the right ball park. But the appointee’s credentials appear to be impeccable. I am concerned that your attempt to interfere in areas that could affect the quality of firefighting will degrade the authoritative chain of control and their performance, and we can’t afford such confusion when fighting fires. After all, these men are volunteers, and you can’t use the Police Department that has paid employees as a comparison to justify your position. I’ve seen paid personnel resign from less abuse, much less volunteers whose only payment for their efforts is the respect and cheers from their community. Mayor Lauretti, we have a wonderful Fire Department of dedicated volunteer personnel that is working just fine. Their quality of performance is there because they
have a Chief, chosen by themselves, and a man they respect. Mayor Lauretti, don’t try to fix what ain’t broke. Thank you for your time.

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*Tom LaTulipe, 91 Toas Street*

There is something I’d like to bring to your attention, just for your information purposes. I was at a Planning and Zoning meeting Tuesday night, the 12th, and a discussion came up concerning the property on Commerce and Bridgeport Avenue. It was reported that the Chairman of the Board of Aldermen said that the Aldermen had no concern to take this property by the City. I feel, personally, that if a statement like this could be made, and it was clear that there was no vote taken, however that was stated at the meeting, and I feel that should have been taken by the Board of Aldermen and it should have been on the agenda and voted on. I don’t think the full Board of Aldermen would agree with not obtaining that property. That is my own opinion. In any event I’d just like to bring it to your attention because in the future if the Board of Aldermen feel this way then they should have the right to vote on it. This is something that I’d like to bring to your attention, because I realize with your busy schedules you can’t go to every meeting.

Another thing I’d like to bring out is, concerning the noise level – the fines and so forth. There are other police departments that have ordinances like that. They don’t use that ordinance. For example, Fairfield utilizes the State Statute. They have the City ordinance but they use the State Statute under Disorderly Conduct. To get the noise level under control you have to have the equipment, you have to have the certified individuals and many times when you put people in this position, and they become a specialist, they are off duty most of the time when you need them. I think there’s a lot to be taken into consideration on the change, the ordinance, and whatever I have said, you can take it into consideration or you can just take it. Thank you.

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*Tom Harbinson, 15 Soundcrest Dhive*

I noticed something driving around town today - recently with the events of 9/11 it’s a patriotic time for people to fly flags, and fly the American Flag. Not all of the flags that are being flown in municipal locations are in their proper location. If you go to the [www.ct.gov](http://www.ct.gov) website, right on the main page it has a listing of whether the American Flag or the State Flag should be flown at half-staff, and currently, both are supposed to be flown at half-staff in honor of the Marine in Enfield until he is interred. I
notice that the flag at Constitution Park and the flag at the Veteran’s Park is at full staff today. I know this came up a number of years ago when Joe Pag passed away and the flag was flying at half-staff and somebody questioned it, and it was in honor of Ronald Reagan’s death, and I think there should be a process or procedure put in place whether it be custodians at municipal schools or at park sites and so on, that everybody be uniform in the proper flying of the flag. Given that there are a number of veterans on your Board I think you would all want to respect that.

Secondly, commenting about Tuesday night’s Planning and Zoning meeting, I did make a presentation to your Board regarding the parcel there, it was in Executive Session. So not everything that was said at the Planning and Zoning meeting in the public forum was correct, and I’ll leave it at that. Thank you.

Mayor Lauretti asked if any other member of the public wished to address the Board. Being none, he declared the Public Session closed.

**Agenda Items**

Alderman Anglace MOVED to add the Item 11.3 Aspen Ridge Executive Session; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

**Minutes for Approval**

Alderman Anglace MOVED to waive the reading of and accept the minutes of the following meetings:

2. Regular Meeting of August 10, 2006
3. Special Meeting of August 17, 2006
4. Special Meeting of August 23, 2006
5. Special Meeting of August 29, 2006

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

**5.1 FINANCE COMMITTEE**

**5.1.1 Approval of Minutes**
NO ACTION

Alderman Kudej MOVED per the recommendation of the Finance Committee to waive the reading and approve the minutes of the regular Finance Committee meeting of June 27, 2006; SECONDED by Alderman Anglace.

Mayor Lauretti stated, there is a conflict between the agenda and the motion. The agenda says May 23, 2006, and the motion says June 27, 2006. It’s odd to be approving May’s minutes. I’m not sure we can act on it. It’s not on the agenda. [Questioning Corporation Counsel Welch,] we have an agenda item that is a different date than the motion. Can we act on it?

Alderman Anglace stated, the date on the agenda is different from the date on the motion.

Mayor Lauretti stated, the agenda references a date. The motion reflects another date. With respect to the approval of the minutes for the Finance Committee meeting.

Corporation Counsel Welch, stated, I wouldn’t act on it.

Mayor Lauretti stated, okay. That’s what I thought.

NO ACTION.

5.1.2 July Statutory Refunds

Alderman Kudej MOVED, per the recommendation of the Finance Committee that the report of the Tax Collector relative to the refund of taxes for a total amount of $6,789.60 be approved and that the Finance Director be directed to make payments in accordance with the Certified List received from the Tax Collector. Funds to come form the Statutory Refunds Account 001-0000-311.13-00; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

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### 5.1.3 August Statutory Refunds

Alderman Kudej MOVED, per the recommendation of the Finance Committee that the report of the Tax Collector relative to the refund of taxes for a total amount of $5,272.11 be approved and that the Finance Director be directed to make payments in accordance with the Certified List received from the Tax Collector. Funds to come form the Statutory Refunds Account 001-0000-311.13-00; SECONDED by Alderman Anglace. A voice vote was taken and the MOTION PASSED 8-0.

#### AUGUST 2006 Statutory Refunds

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5.1.4 REQUEST FOR FUNDING – REPLACEMENT DOORS – LIBRARY

Alderman Kudej MOVED per the recommendation of the Finance Committee to approve the funding of $2,000 for replacement doors to be installed at the Plumb Memorial Library with funding to come from LOCIP. Further, MOVED to add this item to the Capital Improvements List; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7 Yes, 0 No, 1 Abstention (Finn).
5.1.5 REQUEST FOR FUNDING – WHITE HILLS CIVIC CENTER

Alderman Kudej MOVED per the recommendation of the Finance Committee to approve funding not-to-exceed $4,000 for renovations at the White Hills Civic Center with funding to come from LOCIP. FURTHER, MOVED to add this item to the Capital Improvements List; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

5.1.6 ADDITIONAL FUNDING REQUEST – AIR HANDLER PINE ROCK FIREHOUSE

Alderman Kudej MOVED per the recommendation of the Finance Committee to approve the additional funding request for the air handler at the Pine Rock Firehouse with additional funding not-to-exceed $715.71 to come from LOCIP. FURTHER, MOVED to add this item to the Capital Improvements List; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

5.1.7 INVOICE APPROVAL – VALLEY TRANSIT DISTRICT

Alderman Kudej MOVED per the recommendation of the Finance Committee to approve the Valley Transit District invoice dated May 2, 2006 for an amount not-to-exceed $5,842.45 with funding to come from the unappropriated General Fund Account; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

5.2.1 Approval of Minutes – May 3, 2006

Alderman Papa MOVED per the recommendation of the Public Health & Safety Committee to waive the reading and approve the minutes of the Public Health & Safety meeting of May 3, 2006; SECONDED by Alderman Lanzi.

Alderman Finn stated, I have not had the opportunity to review the May 3, 2006 minutes. I also went on the website prior to coming to the meeting tonight and they had not been posted.

Alderman Papa stated, you should have copies of the minutes.

Alderman Panek asked, is it possible for President Anglace to send a memo to the person that posts the minutes? I went on the City website today and a lot of the Finance Committee minutes aren’t on the website
and a lot of our Board meeting minutes are not on there. It seems to be particular to our Board. If you go on Conservation Commission the minutes of every single meeting are on there. If you go on Planning and Zoning and Board of Education all the minutes are on there. I know it’s not required by Freedom of Information but it is a courtesy and a lot of people do go on the website. It would be nice to have all of our minutes on there and up to date.

Mayor Lauretti noted that his secretary will follow up on this tomorrow.

A voice vote was taken and the MOTION PASSED 7 Yes, 1 No (Finn).

5.3 STREET COMMITTEE

No items

REPORT OF THE MAYOR

The Secretary read the veto letter as follows:

August 17, 2006

Mrs. Brigitte Plucienik
Clerk, Board of Aldermen
City of Shelton
54 Hill Street
Shelton CT  06484

Dear Mrs. Plucienik:

Pursuant to Section 4.8.3 of the Charter of the City of Shelton, please be advised that I am vetoing the amendment to Ordinance #735.

The reason for the veto is only of a technical nature in order to avoid future ambiguity. The Board of Aldermen has already passed the 2006-2007 budget which allocates $50,000 to the Open Space Trust Account. In addition, the timeframe that the Board provided to fund the account has already lapsed.

I would also note that the issue is moot since it is anticipated that the City will spend in excess of $600,000 during this fiscal year on open space purchases.
I would offer the following amendment to resolve the ambiguity:

3. **Appropriation of Funds**

Commencing with fiscal year 2007-2008 and each fiscal year thereafter, the Board of Aldermen shall allocate $250,000 from the annual budget to the Open Space Trust Account which sum should be appropriated within forty-five (45) days of the commencement of the fiscal year. The Board of Aldermen shall allocate $50,000 from the annual budget to the Open Space Trust Account for the fiscal year 2006-2007.

*Sincerely yours,*

*Mark A. Lauretti*
*Mayor*

**REPORT OF THE PRESIDENT**

**6.0 LEGAL REPORT**

**6.1 Corporation Counsel Billing**

Alderman Anglace MOVED to authorize a total payment of $1,178.09 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated September 1, 2006 with funds to come from the following Legal Services Accounts:

- **Legal Fees** 001-1900-411.30-03 $863.14
- **Foreclosure Fees** 001-1900.411.50-01 314.95

SECONDED by Alderman Papa.

Alderman Finn asked Corporation Counsel Welch, with the reduction of over $200 from the bill, was this an adding error or was one of the items, services rendered, in the bill?

Corporation Counsel Welch explained, my office brought to my attention, Charco2000 bankruptcy, $154.64.

A voice vote was taken and the MOTION PASSED 8-0.
6.2 ASSISTANT CORPORATION COUNSEL

Alderman Anglace MOVED to authorize a total payment of $4,060 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated August 1, 2006 with funds to come from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

7 LEGISLATIVE - OLD

7.1 Items from Public Hearing – Request for Water Main Extensions

7.1.A REQUEST FOR WATER MAIN EXTENSION – SORGHUM ROAD
PUBLIC HEARING HELD ON JULY 25, 2006

Alderman Anglace MOVED to reject the original project scope and send the revised scope to Public Hearing in September; SECONDED by Alderman Papa.

Alderman Anglace stated, this project scope was reduced and Counsel’s opinion is that we have to go back and take the reduced scope of the project and send it back to public hearing and do another ballot before we can vote on it. It was determined that the project wouldn’t go as it was voted on, it wasn’t clear and convincing. They worked with the City Engineer who revised the scope to come in from Nichols Avenue and that seems more feasible and more plausible and it looks like it will work. So the house that is in need of assistance, has got the contaminated well, the issue will be addressed. By us rejecting the first proposal tonight and accepting the second proposal and sending it to public hearing we’ll just delay it one month.

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

7.1.B REQUEST FOR WATER MAIN EXTENSION – NORTH STREET
(#11-20 NORTH STREET)
PUBLIC HEARING HELD ON JULY 25, 2006

Alderman Anglace MOVED to deny the request for water main extension on North Street; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

7.1.C REQUEST FOR WATER MAIN EXTENSION – FEDERAL ROAD
NO ACTION taken.

Alderman Anglance MOVED to approve the request for water main extension on Federal Road; SECONDED by Alderman Papa.

Alderman Anglance stated, when we originally got this, the vote was three property owners in favor, two opposed, and two did not return ballots. But subsequent to that, and prior to this meeting, one property owner did return a ballot so there are four in favor and two opposed, so we have a clear 66 percent in favor.

Alderman York asked, is there a deadline when the ballots are supposed to be received?

Alderman Anglance replied, as long as it’s prior to this meeting.

Alderman York stated, as long as it’s prior to this meeting it’s acceptable? Even though it says on the letter that the ballots have to be in by a certain time?

Mayor Lauretti stated, I think the City Engineer does that just so he can do his prep work for the meeting, calculate the formulas, talk to Aquarion. I don’t think that there is any structured requirement.

Alderman Anglance stated, our feeling is, we poll the homeowners because we want to get the best sense that we can get of how they feel and what they want, and be guided by it. We look for a clear and convincing vote one way or another, so we just don’t put a monkey on somebody’s back.

Alderman York stated, I understand the process, but I questioned the City Engineer just two days ago and he told me that, I saw in the packets what the vote was and he said that his recommendation was that it be denied. So in the meantime, I talked to a property owner and, I couldn’t guarantee anything, but I said it looked like it was going to be denied, and all of a sudden another vote comes in. So I’m concerned number one that we hold it open right until the day before our meeting to allow other votes to come in. Then I had another question on this water main extension. I’m glad Counsel is here because maybe he can answer. The Federal Road one? The petition, it was expressed to me that the petition was initiated by a property owner but not by a resident of the street. The person owns the property but they don’t live there.
Corporation Counsel Welch stated, the owner of the property would be the proper party. The rationale is that the bill runs with the land.

Alderman Panek stated, I received information that says the individual that initiated the petition is a contractor and builder on the corner of Federal Road, and that is where all the concern is from.

Mayor Lauretti asked, does the contractor own the property?
Alderman Panek replied, it doesn’t say that.
Alderman Papa asked if there is a copy of the petition handy. Should we have another count or what?
Mayor Lauretti stated, if they are the legal property owner they are responsible for their taxes, the assessment – it wouldn’t be any different.

Alderman Finn stated, if I understand it correctly, we have three in favor and two opposed and two that didn’t turn in ballots. That’s seven people. If you look at the map, there are seven homes, unless one of the homes is a vacant lot, and we have another vote that comes in tonight, that’s eight. One more than the houses that are indicated on the map to us.

Mayor Lauretti stated, one of the homes has a vacant lot. At the corner. There will be nine properties then.

Alderman Anglace stated, seven properties, and we don’t have the petition here, but it was signed by a majority of those seven people initially, to bring the City Engineer to do all his work and bring it to public hearing.

Alderman Finn stated, we can table this and take action on it later once we get clarification as to whether or not that letter was submitted just recently, verbal or written, as one of the two property owners that did not return the ballot.

Alderman York stated, I don’t feel comfortable voting on something we don’t even have documentation that there even is a vote, or who the property owner is.

Alderman Papa stated, also the City Engineer tells us he does not recommend putting the main extension in, and all of a sudden now we get somebody tells us that another person is in favor.

Alderman Anglace stated, the City Engineer told us.

Mayor Lauretti stated, the City Engineer is making the recommendation based on the number of yeses and the number of nos. Just redo the
process. Start all over again. This project is not going to happen this year. Table it and instruct the City Engineer to start over with the ballots. Okay?

NO ACTION.

7.2 FLETCHER THOMPSON CONTRACT APPROVAL – Upper Elementary School

Alderman Anglace MOVED to approve the contract for architectural services with Fletcher Thompson Inc. as presented with funding to come from 5/6 Referendum Bonding Account. (Account name and number to be determined by the Finance Director); and

FURTHER, MOVED to authorize Mayor Mark A. Lauretti to sign all necessary documents to effectuate this; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

7.3 WILLOW ESTATES SUBDIVISION – LOT LINE REVISION – CONDITIONS OF APPROVAL

Alderman Anglance MOVED to release the City’s rights to a pedestrian easement as identified on the lot line revision plan Willow Estates dated June 28, 2006 and authorize Mayor Mark A. Lauretti to execute said release; and

FURTHER, MOVED to accept the Open Space as identified on the lot line revision plan Willow Estates dated JUNE 28, 2006 and as described in the Conservation Commission memo dated July 20, 2006; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

7.4 SHELTON FARMERS MARKET

Alderman Anglance MOVED to approve the declaration of environmental land use restriction and grant of easement regarding the Shelton Farm and Public Market located at 100 Canal Street East as submitted to the Board on August 1, 2006 and further, authorize Mayor Mark A. Lauretti to execute any and all documents necessary to effectuate same; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.
8 FINANCIAL BUSINESS OLD

8.1 Robinson and Cole Resolution - $26,000 East Village Road Appropriation

Alderman Anglace MOVED to adopt the following resolution:

Be it hereby resolved the sum of $26,000 is appropriated to meet a portion of the City's commitment under an agreement between the City and the State of Connecticut – Contract #12.16-09 (05) for improvements to East Village Road, said appropriation to be met from the transfer of $26,000 unexpended bond proceeds from the Old Shelton Intermediate School project; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

8.2 Robinson and Cole Resolution - $70,000 to standardize Electrical Outlets on Fire Equipment

Alderman Anglace MOVED to adopt the following Resolution:

Be it hereby resolved that the sum of $70,000 is appropriated to standardize electrical fire outlets on fire equipment; said appropriation to be met from the transfer of $70,000 of unexpended bond proceeds from the Old Shelton Intermediate School project; SECONDED by Alderman Papa.

Mayor Lauretti stated, there, unfortunately, is supposed to be a waiver of bids along with this, and I don’t see it here.

Alderman Anglace stated, God bless our Clerk because we miss her.

Mayor Lauretti stated, well, the motion was supposed to reflect a waiver of bids, because there was an increase in the price.

Alderman Anglace MOVED to amend the motion to include, “pending the receipt of Waiver of Bid from the Purchasing Agent”; SECONDED by Alderman Papa.

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

8.3 Robinson and Cole Resolution – Reallocation of Funds / Additional Allocation for Funds for Highway Equipment

Alderman Anglace MOVED to adopt the following Resolution;


Alderman Anglace stated, and incorporating the rest of the Resolution by reference.

Mayor Lauretti stated, I think you have to go down further and read the third paragraph – the Resolution appropriating $284,340.

Alderman Anglace read:


SECONDED by Alderman Kudej.

Alderman Anglace stated, what we’re doing is reflecting here, the purchase of one dump truck and one street sweeper at a price of $284,340. Previously we thought it was different.

Mayor Lauretti stated, previously you approved $219,000 for the purchase of two dump trucks – they were smaller in size. This is a 10-wheeler that we don’t have in our fleet and is badly needed for some of the things that we’re doing now, especially transportation of fill and asphalt. Now that the asphalt plant has gone out of downtown, we have to go to Bridgeport or Waterbury to get our asphalt and we need a large enough truck to support the economics associated with it. I mentioned to you a couple of months ago that our street sweepers are in excess of 20 years old and have become money pits in terms of maintenance, and rather
than put approximately $9,000 into one of them to repair them for this season, I opted not to do that because we have spent significant money in the last couple of years on them and it’s time to stop the bleeding. We’ve got our money’s worth out of those trucks, and it’s time for a new one. That is what we’re doing.

Alderman Kudej asked, is the street sweeper a four or a three-wheeler?

Mayor Lauretti replied, six.

Alderman Papa asked, years ago, what is the possibility of leasing or renting or paying for the service of somebody else doing our street sweeping. Is there a big cost difference in that?

Mayor Lauretti stated, years ago, we owned two sweepers and we also contracted outside services to help us. We feel it’s more economical and that’s what we’ve been doing for the past 12 or 13 years. We’re still going to do that, but we still need a street sweeper. We contribute to some of the streets that get done in town; it’s not all contracted out. We use it for special events like Shelton Day and Memorial Day. We use it for the parking lots in schools and downtown.

Alderman Anglace asked, is it possible for the Highways & Bridges Department to give us a report of what streets they have swept this year, what they have done, because I get comments from people like, ‘how can they get their street swept but Pine Rock Park doesn’t.’ So can you bring us up to date as to where they are?

In response to an inaudible question by Alderman Panek, Mayor Lauretti replied, we bought five or six sanders.

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

8.3 Be in hereby resolved:

RESOLVED:

Section 1. The resolution entitled “Resolution Appropriating $219,340 For The Acquisition Of Two Dump Trucks And Sander For The Highways And Bridges Department And Authorizing The Issuance Of $219,340 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, enacted by the Board of Aldermen on June 28, 2005 (the “Resolution”) is hereby amended by increasing the amount of the appropriation and bond authorization therein by $65,000 from $219,340 to $284,340 and to change the purpose of the acquisition set forth therein, thereby making the title of said Resolution read as follows:

“RESOLUTION APPROPRIATING $284,340 FOR THE ACQUISITION OF ONE DUMP TRUCK AND ONE STREET
SWEEPER TRUCK FOR THE HIGHWAYS AND BRIDGES DEPARTMENT AND AUTHORIZING THE ISSUANCE OF $284,340 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”

Section 2. Section 1 of the Resolution is hereby deleted and the following is substituted in lieu there of:

“Section 1. The sum of $284,340 is appropriated for the purchase of one dump truck and one street sweeper truck for the Highways & Bridges Department, and for administrative, printing, financing and legal costs related thereto (the “Project”).”

Section 3. The first sentence of Section 2 of the Resolution is deleted and the following is substituted in lieu thereof:

“Section 2. To meet said appropriation $284,340 bonds of the City may be issued, maturing in substantially equal annual installments not later than the fifth year after their date.”

Section 4. Section 5 of the Resolution shall be applicable to the appropriation and bond authorization added by this amendment, as of the date of the adoption of such amendment.

Section 5. This amending Resolution is adopted pursuant to the provisions of Section 7.16 of the City Charter and is within the limitations set forth therein for the fiscal year ended June 30, 2007.

Enacted by the Board of Aldermen: ________________________________

Approved by the Mayor: ________________________________ Date __________

Attest:

_________________________________

City Clerk

Date ____________________________

9 FINANCIAL BUSINESS NEW

9.1 UPPER ELEMENTARY SCHOOL (UES) BUILDING COMMITTEE – FUNDING REQUEST
Alderman Anglace MOVED per the recommendation of the Upper Elementary School Building Committee to approve $40,000 for expenses related to the Upper Elementary Building Project #126-0081 with funding to come from the bond issue as approved by referendum in May 2006; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

9.2 CT MUNICIPAL CONSORTIUM FOR FISCAL RESPONSIBILITY

Alderman Anglace MOVED that the Shelton Board of Aldermen join the bi-partisan Connecticut Municipal Consortium for Fiscal Responsibility (CMCFR), a State-wide consortium composed of local legislative, finance and educational bodies for the purpose of providing an effective local voice in the shaping of State legislation that impacts municipal budgets; and further,

MOVED that Aldermen Christopher Panek and John Anglace represent the Shelton Board of Aldermen; SECONDED by Alderman Papa.

Alderman Anglace stated, I’d just like to point out that there are two gentlemen in the audience, George McLaughlin from New Milford, and Richard Burke from Oxford, that have been leaders in the Consortium for Fiscal Responsibility and I want to applaud the work that they’ve done getting us to this point.

A voice vote was taken and the MOTION PASSED 7 Yes, 1 No (Finn).

9.3 REQUEST FOR FUNDING – SIDEWALKS – HUNTINGTON CENTER PEDESTRIAN BRIDGE

NO ACTION.

Mayor Lauretti stated, I would ask that you take no action on this item tonight because this is not a project that’s going to get done this year, and quite honestly, I think it is probably something that we should be doing in-house. Consider that for an early-spring project.

9.4 Robinson and Cole - $132,000 Appropriation for Boiler Replacement at Elizabeth Shelton School – Waiver of Bids and Approval of Contract
Alderman Anglace MOVED to approve the letter prepared by the Director of Finance for the waiver of bids for the Boiler Replacement at Elizabeth Shelton School; and further,

MOVED to approve the contract with American Boiler Inc. for the installation of boilers for Elizabeth Shelton School at a cost of $78,000. This contract will be subject to review and modification as deemed necessary by Corporation Counsel; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign the finalized contract; and further,

MOVED to adopt the following Resolution:

RESOLUTION APPROPRIATING $132,000 FOR BOILER REPLACEMENT AT ELIZABETH SHELTON SCHOOL AND AUTHORIZING THE ISSUANCE OF $132,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

SECONDED by Alderman Papa.

Mayor Lauretti stated, I think the Board should be familiar with this issue. This was discussed last year. We had gone out to bid; the bids came in and they were exorbitant. There is a copy of that bid in your packet. We decided to re-bid it and got one bid. We decided to solicit some proposals from different contractors in the area and the numbers speak for themselves at this point. $330-some-odd-thousand versus $132,000 with the same specs.

Alderman Finn stated, we have to move forward on this. It seems that the State of Connecticut shut down the boilers at Elizabeth Shelton School. Notes have been sent home with the students advising them there is no heat in the school, and for the next several weeks they should come to school with either their coats or sweaters to stay warm. This is something we have to move on.

Mayor Lauretti stated, you should also note the reasons the boilers were cited could have been resolved by some type of repair, but here again, we’re chasing good money after bad. These are the original boilers at the school, 35+ years old. It is time to replace the boilers.

The contract has been broken out in stages. They have to demolish the old stuff, purchase the new boilers, there are two of them, and there is some other ancillary equipment they have, circulator pumps and some pipe and a variety of different trade services that have to be done.

Alderman Finn stated, we also know there is asbestos in those boilers. The children in the school, while they’re dismantling them, I’m sure that all precautions that will
be necessary will be taken to assure that no asbestos leaks out into the school while the children are in the building.

Alderman Papa asked, what is the timeframe?

Mayor Lauretti stated, they’ve started. They were supposed to start the removal on Monday.

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

Section 1. The sum of $132,000 is appropriated for boiler replacement at Elizabeth Shelton School, and for administrative, printing, financing and legal costs related thereto (the “Project”).

Section 2. To meet said appropriation $132,000 bonds of the City may be issued, maturing in substantially equal annual installments not later than the fifth year after their date. Said bonds may be issued in one or more series as determined by the Treasurer and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Treasurer and the Director of Finance, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing, financing and legal costs of issuing the bonds. The bonds shall be in the denomination of $1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Treasurer and the Director of Finance, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Treasurer and Director of Finance in accordance with the General Statutes of Connecticut, Revision of 1958, as amended. The Board of Aldermen hereby determine that the bonds may bear interest included in gross income under the Internal Revenue Code of 1986, as amended, and that the issuance of such taxable bonds, if necessary is in the public interest.

Section 3. Said bonds shall be sold by the Treasurer in a competitive offering or by negotiation, in the Treasurer’s discretion. If sold in a competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the
bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Mayor, Treasurer and Director of Finance.

Section 4. The Treasurer and Director of Finance are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the Treasurer and the Director of Finance, have the seal of the City affixed, be certified by and payable at a bank or trust company designated by the Treasurer, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. They shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this Resolution in the maximum amount of and for the Project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of Bonds, and to amend this declaration.

Section 6. The Mayor, the Treasurer and the Director of Finance, or any two of them, are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 7. This Resolution is adopted pursuant to the provisions of Section 7.16 of the City Charter and is within the limitations set forth therein for the fiscal year ended June 30, 2007.

Enacted by the Board of Aldermen: ________________________________
10. - LEGISLATIVE - NEW

10.1 ORDINANCES TO PUBLIC HEARING

10.1.A AMENDMENT TO ORDINANCE #787 – NOISE ORDINANCE

PUBLIC HEARING SCHEDULED FOR SEPTEMBER 26, 2006.

PROPOSED ORDINANCE AMENDMENT

NOISE POLLUTION ORDINANCE

NOISE POLLUTION-STANDARDS, MEASUREMENTS, CONTROL, VIOLATIONS, AND PENALTIES

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON:

SECTION 1. GENERAL PROHIBITION

1. The making, creation or maintenance of unreasonably loud, unnecessary or disturbing noises, as prescribed in this ordinance, affect and are a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the City of Shelton: and, as such, shall constitute unlawful acts.

2. Therefore, no person shall create, cause to be created or allow the emission of sound beyond the boundaries of their property so as to cause noise pollution in the City of Shelton, or so as to violate any provisions of the ordinance.
3. All construction activities not specifically excluded or exempt herein shall be prohibited on Sundays and Holidays as observed by the City of Shelton.

SECTION 2. DEFINITIONS

When used in this ordinance, the terms below shall have the following meanings:

“DAY” shall be from 8:00 a.m. to 9:00 p.m., local time.

“NIGHT” shall be from 9:00 p.m. until midnight, and from midnight until 8:00 a.m., local time.

“DECIBEL” shall mean a unit measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the root mean square of the pressure of the sound measured to a reference pressure of 20 micropascals.

“SOUND LEVEL” shall mean the A-weighted sound pressure level, expressed in decibels (dBA), measured on a sound level meter using the A-weighting network and set to the slow response.

“OVERALL SOUND LEVEL” shall mean the overall sound pressure level, expressed in decibels (dB), measured on a sound level meter using the C-weighting network and set to the slow response, which measurement was made.

“SOUND LEVEL METER” shall mean an instrument which includes a microphone, amplifier, RMS detector, integrator or averager, output meter and weighing networks, all conforming to the requirements set forth in the American National Standards Institutes “American National Standard for Sound Level Meters” (ANI S1.4-1974) for a Precision
NOISE POLLUTION  SECTION 2 (Cont)

(type 1) Sound Level Meter.

“L-10” shall mean the “A” weighted sound level exceeded 10% of the time period during

“L-50” shall mean the “A” weighted sound level exceeded 50% of the time period during which measurement was made.

“PERSON” shall be any individual, firm, partnership, company, corporation, association trust, syndicate, agency, or other legal entity of any kind.

“EMITTER” shall be the person who creates, causes to be created or allows the noise.

“RECEPTOR” shall be the person who receives the noise impact.

SECTION 3. CLASSIFICATION OF NOISE ZONES

Noise zones within the City of Shelton shall be classified as to zoning applicable for that parcel or tract of land and the surrounding parcels or tracts, as detailed by the “Standard Land Use Classification Manual of Connecticut”, hereafter referred to as “SLUCONN”. Noise zone specified herein shall correspond to the following zoning descriptions in the zoning regulations and zoning map of the City of Shelton. Starting times commercial and industrial zones may be flexible with approval from proper authorities but excessive noise is prohibited.

<table>
<thead>
<tr>
<th>ZONE</th>
<th>ACTUAL OR INTENDED USE</th>
<th>CURRENT ZONING**</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Residential</td>
<td>R1A, R-1, R2, R3, R4, R5</td>
</tr>
<tr>
<td>B</td>
<td>Commercial</td>
<td>CA1, CA2, CA3, CB1, CB2</td>
</tr>
<tr>
<td>C</td>
<td>Industrial</td>
<td>IA1, IA2, IA3, IB1, LB2, LIP</td>
</tr>
</tbody>
</table>

* Based on Zoning Regulations & Zoning Map of the City of Shelton
Lands designated as “Class A Noise Zone” shall generally be residential areas where human beings sleep, or areas where serenity and tranquility are essential to the intended use of the land. The specific SLUCONN categories in Class A shall include:

1. Residential
   11 Household Units*
   12 Group Quarters
   13 Mobile Home Parks and Courts
   19 Other Residential

NOISE POLLUTION SECTION 3 (Cont)

5. Trade
   583 Residential Hotels
   584 Hotels, Tourist Courts and Motels
   585 Transient Lodgings

6. Services
   651 Medical & Other Health Services; Hospitals
   674 Correctional Institutes
   691 Religious Activities

7. Cultural
   711 Cultural Activities
   712 Nature Exhibits
   713 Historic and Monument Sites

9. Undeveloped, Unused and Reserved lands and Water Areas
   92 Reserved Lands
   941 Vacant Floor Area-Residential

(*) Mobile Homes are included of on foundations.

Lands designated as “Class B Noise Zone” shall generally be commercial in nature, areas where human beings converse and such conversation is essential to the intended use of the land.

The specific SLUCONN categories in Class B shall include:

4. Transportation, Communication and Utilities
   46 Automobile Parking
5. Trade
   51 Wholesale Trade
   52 Retail-Building Materials
   53 Retail-General Merchandise
   54 Retail-Food
   55 Retail-Automotive Dealers & Gasoline Service Stations
   56 Retail-Apparel & Accessories
   57 Retail-Furniture, Home Furnishings and Equipment
   58 Retail-Eating, Drinking & Lodging, except 583, 584, 585
   59 Retail- Not Elsewhere Classified

NOISE POLLUTION SECTION 3 (Cont)

6. Services
   61 Finance, Insurance & Real Estate Services
   62 Personal Services
   63 Business Services, except 637
   64 Repair Services
   65 Professional Services, except 651
   67 Government Services, except 672, 674, 675
   68 Educational Services
   69 Miscellaneous Services, except 691

7. Cultural, Entertainment & Recreational
   71 Cultural Activities & Nature Exhibits, except 711, 712, 713
   72 Public Assembly
   73 Amusements
   74 Recreational Activities
   75 Resorts & Group Camps
   76 Parks
   79 Other, Not Elsewhere Classified

8. Agricultural
   81 Agriculture
   82 Agricultural Related Activities

9. Undeveloped, Unused and Reserved Lands & Water Areas
   91 Undeveloped & Unused Land Area
   93 Water Areas
   94 Vacant Floor Areas, except 941
Lands designated as “Class C Noise Zone” shall generally be industrial where protection against damage to hearing is essential and the necessity for conversation is limited.

The specific SLUCONN categories in Class C shall include:

2. Manufacturing - Secondary Raw Materials
3. Manufacturing - Primary Raw Materials
4. Transportation, Communications & Utilities, except 46, 47, 49
6. Services
   637 Warehouse & Storage Services
   66 Contract Construction Services
   672 Protective Functions & Related Activities
   675 Military Bases & Reservations

8. Agriculture
   83 Forestry Activities & Related Services

NOISE POLLUTION SECTION 3 (Cont)

84 Commercial Fishing Activities & Related Services
85 Mining Activities & Related Services
89 Other Resource Production & Extraction, Not Elsewhere Classified

SECTION 4. NOISE ZONE STANDARDS

No person shall emit or cause to be emitted sound exceeding the sound levels stated herein when measured at any point on a tract or parcel of land not under their ownership or control. The determination of allowable sound shall be in accordance with the following objective numerical standards for the respective Noise Zone Classes:

<table>
<thead>
<tr>
<th>Class</th>
<th>C</th>
<th>B</th>
<th>A-Day</th>
<th>A-Night</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class C Emitter to</td>
<td>70 dB A</td>
<td>66 dB A</td>
<td>61 dB A</td>
<td>51 dB A</td>
</tr>
<tr>
<td>Class B Emitter to</td>
<td>62 dB A</td>
<td>62 dB A</td>
<td>55 dB A</td>
<td>45 dB A</td>
</tr>
<tr>
<td>Class A Emitter to</td>
<td>62 dB A</td>
<td>55 dB A</td>
<td>55 dB A</td>
<td>45 dB A</td>
</tr>
</tbody>
</table>

Sound levels determined by the Police Department or Planning & Zoning Administrator to be in excess of these values shall constitute proof of
violation of this ordinance. Further, it shall be a violation for any person to:

a. Use or operate any construction equipment singly or in combination with other equipment on any construction or demolition site if such use or operation results in the emission of noise, measured at any boundary of the nearest receptor in any noise zone in excess of the values listed below:

<table>
<thead>
<tr>
<th>Zone</th>
<th>L-50</th>
<th>L-10</th>
<th>**Maximum Level of Sound</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>70 dB A</td>
<td>80 dB A</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>75 dB A</td>
<td>85 dB A</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>80 dB A</td>
<td>90 dB A</td>
<td></td>
</tr>
</tbody>
</table>

(**) The minimum level shall not be exceeded for longer than six (6) minutes in any one hour period.

b. Conduct a utility street work installation or repair, paving work or sewer cleaning which produces a sound level exceeding the following limits at a distance of fifty (50) feet from the operation:

- After January 1, 1977: 85 dB A
- After January 1, 1980: 80 dB A

**NOISE POLLUTION SECTION 4 (Cont)**

The provisions of this ordinance directly preceding this paragraph (a and b above) shall not apply to those construction devises commonly referred to as “impact tools”, including but not limited to grinders, pile drivers, paving breakers, jack hammers, rock drills or well drilling rigs, provided that such impact tools shall have intake and exhaust mufflers recommended by the manufacturer thereof, installed and working.

In addition to the above objective standards, no person shall emit noise exceeding an overall sound level of 70 dB.

The Chief of Police and Planning & Zoning Administrator shall be responsible for developing the measurement methodology to determine compliance with this ordinance.

**SECTION 5  EXCLUSIONS**

This ordinance shall not apply to:
a. Sound generated by natural phenomena including, but not limited to wind, storms, insects, birds, amphibious creatures and water flowing in its natural course.

b. The un-amplified sound of the human voice.

c. The un-amplified sound made by wild or domestic animals.

d. Sound created by bells, carillons or chimes associated with specific religious observances.

e. Sound created by a public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency, or located within or attached to a building, pole or other structure for the purpose of sounding an alarm relating to fire or civil preparedness.

f. Sound created by safety and protective devices provided that such device is sounded as a warning of imminent danger or from the release of pressure buildup.

g. Sound created by intrusion alarm provided that the emission of noise from such devices does not exceed 10 minutes when attached to any vehicle or thirty minutes when attached to any building or structure.

h. Backup alarms required by OSHA or other Municipal, State or Federal safety regulations,

I. Farming equipment or farming activity.

NOISE POLLUTION (Cont)

SECTION 6. EXEMPTIONS

The following noise shall be exempted from the provisions of this ordinance:

a. Noise created by signal testing, principally siren-testing by city fire departments and civil preparedness units.

b. Noise created by the regularly scheduled signaling of a specific time of day.
c. Noise generated by engine-powered or motor driven lawn care or maintenance equipment on Class “A” property between the hours of 8:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud noises there-from.

d. Noises created by snow removal equipment at any time provided that noise discharged from exhausts is adequately muffled to prevent loud noises there-from.

e. Noise created by blasting provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. at specified hours previously announced to the local general public or hours as determined by the Fire Marshal or Planning & Zoning Commission for approved projects.

f. Noise created by on-site recreational or sporting activity which is sanctioned by city government.

g. Patriotic or public celebrations, such as parades, carnivals and firework displays, are exempted provided that a permit has been obtained in advance from the Chief of Police.

h. Noise created by aircraft, or components designed for, or utilized in the development of aircraft.

SECTION 7. VIOLATIONS AND ENFORCEMENT

The Police Department under the direction of the Chief of Police shall be responsible for investigating complaints of noise pollution.

The Police Department or Planning & Zoning Personnel shall be responsible for making acoustic measurements to determine that a violation has in fact occurred at the request of the Chief of Police or his designee.

The Chief of Police shall formulate a schedule, based upon economically reasonable and technologically feasible noise control procedures that will bring the noise emitter into compliance with this ordinance.

Any person violating this ordinance shall be subject to a fine of $100.00 for each offense.

Each separate instance shall be considered a separate violation
SECTION 8. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance which can be given effect without the invalid provisions or application; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

10.2 PUBLIC HEARING - REQUEST FOR WATER MAIN EXTENSION – RIPTON ROAD (# 165 – 180 RIPTON ROAD)

PUBLIC HEARING SCHEDULED FOR SEPTEMBER 26, 2006

10.3 PUBLIC HEARING – REQUEST FOR WATER MAIN EXTENSION – WALNUT TREE HILL ROAD (#343 – 352 WALNUT TREE HILL ROAD)

PUBLIC HEARING SCHEDULED FOR SEPTEMBER 26, 2006.

[ALSO ADD SORGHUM ROAD WATER MAIN EXTENSION TO THE PUBLIC HEARING ON SEPTEMBER 26, 2006]

10.4 AGREEMENT BETWEEN THE CITY OF SHELTON & YANKEE GAS

Alderman Anglace MOVED to approve the Agreement between Yankee Gas Services Company and the City of Shelton entitled “Agreement for General Gas Service Rate 10” in the form attached hereto and further to authorize Mayor Mark A. Lauretti to sign said agreement; SECONDED by Alderman Papa.

Alderman Anglance stated, I noticed this contract came in a little close to the meeting time. Has counsel reviewed it?

Corporation Counsel Welch replied, yes. It was sent out when the memo was sent out; we’ve had it.

Mayor Lauretti stated, there is nothing exceptional about this license agreement – it’s a standard boilerplate agreement they have with all of the users.

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

10.5 APPOINTMENTS – ANIMAL SHELTER BUILDING COMMITTEE
Mayor Lauretti stated, this is another agenda item that is long overdue. The Animal Shelter is 30+ years old. It is in need of repair and it’s time that we did that. I think we probably should establish a building committee to review our options, to employ the services of an engineering company or an architect to look at a maybe a knock-down and new building, other locations. That building committee can certainly do that in conjunction with the Chief of Police who oversees the Animal Shelter and his employee, Sheryl Taylor. My intention is to add more people as we go along, but for now we need to get the ball rolling.

Alderman Anglace stated, I thought we would probably get started with a study group, fact finding group if you will, to get to the bottom and see what this is all about, because if you talk about a building committee you get into specific requirements under the Charter of things that have to be done.

Mayor Lauretti stated, we are well beyond fact finding and those things that you mentioned. We are at the point of action. This committee has to come back with recommendations that the Board can act on, even if it is a rehab of the facility, it will certainly exceed the dollar amount that the Charter references for building committees.

Alderman Anglace stated, so it will be in excess of $100,000.

Mayor Lauretti replied, I would think.

Alderman Anglace moved to appoint the following electors to the Animal Shelter Building Committee:

A.J. Grasso - Republican
Tony Minopoli - Democrat
Steve Martino - Unaffiliated
Linda Hooper - Republican
Roberta Reynolds - Republican

SECONDED by Alderman Papa.

Mayor Lauretti stated, as I said, as we get down the road a bit we certainly can add people to this list. I know there would be a number of people in the community that would like to serve on this. There is a pretty good contingency in every community that are animal lovers and have a deep affection for their well being. We can take recommendations in a couple of months.
Alderman York asked, the purpose of this committee is going to be to start design, and needs and space, in other words, probably tear down and rebuild, that is what the purpose of this committee? What is going to be the purpose of this committee?

Mayor Lauretti replied, to evaluate our options with the Animal Shelter. There are some extenuating issues down there that need to be addressed.

Alderman York stated, so they’ll meet with the staff to find out what the space needs would be and how big we need to go?

Mayor Lauretti stated, exactly. I’m sure that they’re going to want to employ the services of an architect or an engineer to help them in that evaluation. They’ll be responsible for selecting and submitting a name for the Board’s approval, and they’ll be looking for some funding for that. There is a variety of things.

Alderman Anglace stated, to get an architect they’ll have to come back for money. It would seem to me that the first thing they have to do is evaluate the needs and what our needs are going to be into the future. The size of the facility, etc.

Alderman Panek stated, typically I think of a building committee as, the money is already there, the project is already approved, the building committee is going to run the project, and then come back to us as they want to spend money. That’s why I think it’s a valid question. The Mayor’s comments sound like the fact finding has already been done. This is the first that I’ve heard about it. I don’t know if they’ve already been working on it.

Mayor Lauretti stated, well, we have, and I should tell you that Sandy Nesteriak spent the better part of a year trying to coordinate a regional facility with Stratford somewhere on the Shelton/Stratford line that really came to a dead end and didn’t move any further. I want to assure you, it’s not for lack of effort on our part. I just don’t think that we should sit around any longer. We need to do something. We haven’t touched that facility in 30 years. Codes have changed, the demands are greater. It’s time. You need someone that can get in there and evaluate it and that’s what this group will do. You’ll be able to figure out if they’re qualified to do that when they come back with a presentation to you. You know, when the Board of Education does a building project, they employ the services of engineers and architects and then they have a subcommittee
Alderman York stated, one thing you might want to encourage along with this is looking for donors that might be willing to help us through their donations, either architectural plans or people who might be interested in donating some of their time. One of these people might be appointed to that job of doing some kind of a fund drive for the Shelter. There are a lot of animal lovers out there and we have a lot of corporations in this community that might be willing to help us out a little bit. It might be nice, not that it’s going to override anything, but just to encourage that sort of thing to go along with it.

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

10.6 ACTION REGARDING MAYOR’S VETO – OPEN SPACE ORDINANCE

Alderman Anglace asked, does Counsel have a resolution?

Mayor Lauretti replied, yes, we do.

Alderman Finn asked, are we going to put the motion on the floor for discussion?

Mayor Lauretti replied, let’s put the Resolution on the floor.

Alderman Finn MOVED to override Mayor Mark A. Lauretti’s veto where the Mayor advised the Board of Aldermen of his vetoing the amendment to Open Space Ordinance #735; and further,

MOVED to adopt the amendment to Ordinance #735 as presented at the public hearing of August 10, 2006 and July 25, 2006; SECONDED by Alderman Panek.

Alderman Anglance stated, the reason that I asked if Counsel had a resolution and if he would explain it was because I’d like him to explain, he and the Mayor to explain, the reason, the technical nature of the Mayor’s veto and what they’re suggesting and recommending be done and how it’s going to work out.
Mayor Lauretti stated, the only explanation that could be had is the one that was given in the veto message. You couldn’t make it any plainer than that.

Alderman Anglace stated, some of the members believe, I imagine they must believe otherwise if they put on a motion to override the Mayor’s veto.

Mayor Lauretti stated, well, like you heard in the public portion, there are some members on the Board that if I said “white,” they would say “black.” We know that from past experience. So let’s try to discuss what is pertinent here. What is factual and what makes sense.

Alderman Panek stated, my point of view on this is the following, and I’m not here to dispute past open space issues and funding of the Open Space Trust Account. But when we passed the revisions to this ordinance, I understood that we were doing it within 45 days of the commencement of the fiscal year. Now I went back and counted the days on the calendar, and we did pass this ordinance within 45 days of the commencement. So as I understood it, we were going to put the $250,000 into the Open Space Trust Account in this current fiscal year. Now, if in fact the Mayor believes that we don’t have to put that $250,000 in because this ordinance wasn’t revised in time, then the previous ordinance would still be in effect and regardless of what has been done by past boards in terms of funding it, if the previous ordinance was still in effect then the account would have to be funded based on the previous ordinance. So I don’t see how it can go neither of those two ways and how we can just revise the ordinance again and say it’s not going to start until the fiscal year 2007-08. And that’s not being, I’m saying ‘black’ and you’re saying ‘white,’ that’s just how I read it and how I understood it when we passed this ordinance.

Mayor Lauretti stated, well, the 45 days prior to the commencement of the fiscal year, the budget is already set. You know, because you’ve been through the budget process that we ratify the budget by May, the Charter says 15th but we do it a couple of days before. So the die is already cast for the fiscal year, and that is the point of view that I come from. I’ll make the point again. For 14 years we’ve spent $17 million on open space. You know what the average is, you know how to do math. So why, I don’t understand why this becomes an issue other than for the purposes of politics.

Alderman Panek stated, I believe that the $250,000 should be put in there. We voted on this. It was within 45 days of the commencement of
the start of the fiscal year. I don’t see, it doesn’t, you just said ‘prior’ to the commencement. It doesn’t say ‘prior’ to the commencement in there. It was within 45 days of the start of the fiscal year. Maybe I misunderstood it, but that’s how I read it when we passed the revision to this ordinance, that we were going to put the money in there for the current fiscal year.

Mayor Lauretti stated, but how could you understand it that way when the budget was already approved? The budget was already approved two months prior to that.

Alderman Panek stated, the money should be appropriated within 45 days of the commencement of the fiscal year. How many times in the past 14 years or with the previous ordinance was the money put in there before the start of the fiscal year? We just did it in the last day of the fiscal year back in June, we used the bonding money to cover the ordinance. So you didn’t follow that ordinance, so as I read this, and that’s not politics to me, it’s reading the ordinance.

Mayor Lauretti stated, listen, when you spend on the average of $1 million a year, how could you suggest that we have not met the intent of the ordinance? And that is what you’re doing.

Alderman Finn stated, I think what we’ve got to do is not look at the past, but look at the present and look at the future.

Mayor Lauretti stated, oh, no, we’ve got to look at the big picture. You guys are notorious for carving out things out of context to demonize Mark Lauretti. I’ve been going through this for 14 years. You heard the people in the public portion.

Alderman Finn stated, forget about them. We want to, we’ll just look at the present and look at the future. We want to look at the ordinance that we have here in front of us putting up $250,000 and that’s it. The budget was passed, yes, with $50,000 in it. But we always can adjust that by taking the $200,000 out of the General Fund Surplus and transferring it over to the Open Space Trust Account line item. And then there’s $250,000 in there. We committed to continue to fund open space in that amount and we also committed to adhering to the ordinance that we passed.

Alderman York stated, Mr. Mayor. Don’t flatter yourself. Not everything is all about you.
Mayor Lauretti replied, thank you.

Alderman York continued, there is another issue here. You’ve got members of the Board who want to try to keep the Open Space Ordinance as strong as we possibly can, especially within the next couple of years. I am in a real quandary now because I voted against amending the original ordinance, because I liked it the way it was. It was going to have more hard cash in it, more hard cash to buy more open space. So I voted against the ordinance. Now you vetoed it so now what do I do? If I vote against overriding the veto, it’s not because I agree with you, it’s just because I don’t agree with why we even changed it in the first place. It has nothing to do with politics. It has nothing to do with demonizing Mayor Mark Lauretti, it has everything to do with a few Aldermen really trying to keep the Open Space Ordinance as strong as we possibly can with hard cash in it, not with borrowed money, but with hard cash, so it’s available for things when they come up and we want to move fast on it. That is as simple as it was a couple of months ago, and that’s as simple as it is now. The only one clouding the issue, I think, is you, when you talk about, ‘look how much I’ve done,’ and well, let’s keep that going. Why did we change it? If it was all working so well, why did we change it?

Mayor Lauretti stated, because my point is very simple, that when you spend $1 million a year on average for 14 years, why do you even need an ordinance? How could you even question the commitment? How could you say we need hard, cold cash on hand to buy these properties in a hurry? We have done that. How much do you think we could buy?

Alderman York stated, it was a little thorn in your side that you had to have actual hard cash in a trust account that could have been used for things, so you got rid of it.

Mayor Lauretti stated, see, now you’re making it about me. You just advised me not to do that, and now you’re doing that yourself.

Alderman York stated, that’s, that’s basically, I asked you why we had, and that’s another thing too, the fact that you made, I was upset over the fact that it was portrayed to the public that we had some real good discussion on this thing. We had no workshops. We never got together informally and really got everything out on the table and talked about it. This thing was kind of shoved down our throats, either a do or a don’t. I voted against it because I didn’t want to amend what we already had because it was very strong, it would have put a lot of money in there,
and hey, let’s maintain the veto as far as I’m concerned, but not for the right reason.

Alderman Anglace stated, my turn. I don’t want to go back and rehash. I don’t want to go back to the beginning. But I think I want to build on what Chris said. And that’s Alderman Panek. Pardon me. I think we all passed this ordinance and we’re all looking for $250,000 minimum to be spent. If there is a way we’re going to spend in this fiscal year, more than $250,000 or $250,000, I think we want to be comforted in knowing that money is going to be there. Now, you mentioned something to the effect that we’re going to spend somewhere in the vicinity of $400,000 to $600,000. I know that my friend, Tom Harbinson, has a number of recommendations that he’s going to make to us to spend money this year and we can’t say this publicly, because it’s a quality of life issue, it’s executive session, and we don’t want to divulge who we are negotiating with. So it’s hard to identify for you, specifically, where it is. But it can be done in executive session. My feeling is, we ought to identify what we are going to spend, what we expect to spend, and for what, the rest of the year, so everybody knows it’s going to be spent. I think that will make us all feel comfortable.

Alderman Papa asked, wasn’t that $600,000 land that we’re going to purchase in that veto motion that the Mayor made? He’s going to spend it this fiscal year? Which is more than $250,000.

Alderman Anglace stated, that’s what he said but we want to know, we’d all like to know how it’s going to be spent. What’s coming down the pike.

Alderman Papa stated, I’m sure, if he’s talked to Tom and you, and he’s got parcels of land he’s going to purchase and mentioned that in that letter, I’m assuming that is what’s going to be spent. Do you think he’s going to spend less, or none?

Alderman Panek stated, if you’re going to follow the logic that we’ve spent this much every year, why have this ordinance at all? Why doesn’t the Mayor recommend totally eliminating this ordinance, ask Conservation and Open Space and get their recommendation that we don’t need this ordinance. We worked on this, this Board, through committees and through recommendations with Tom Harbinson, and the eight members of this Board passed this ordinance. It was worked on for six months.
Mayor Lauretti asked, did you hear what he just said? You said it was shoved down your throat and that you had no input.

Alderman Panek asked, may I finish speaking?

Mayor Lauretti stated, yes, I just had to make that point.

Alderman Panek stated, thank you. As long as I can finish. So, I just find it hard to believe that the Mayor all of a sudden read it, a month after we passed it, and realized that the wording had to be changed. You know, why weren’t, why didn’t you recommend this a month and a half ago before we passed it?

Mayor Lauretti stated, if you recall, at the meeting where this was passed, I had said to you, why do you think I’ve been silent on this issue, why do you think I’ve sat on the sidelines and said nothing? I haven’t really paid attention to it because I don’t need to. I know what my commitment has been. I know what this Board’s commitment has been. We did what we said we would do, from 1991 on. We exceeded everyone’s expectations in the areas of open space purchase, not only in this community, but probably in the State of Connecticut. That is what I said at that meeting. Now if you want to try and undermine that, go right ahead. The facts do speak for themselves. It wasn’t until the day after that I realized that we had already established a budget and that ordinance change reflected this fiscal year that we’re in. I wasn’t of the mind that we should go ahead and modify the budget. I didn’t see the need to. I still don’t see the need to. I had a recommendation that would solve this thing, and we go on. But no, you want to continue to debate it. So let’s debate it.

Alderman Finn stated, so in other words, Mr. Mayor, you had your mind made up prior to us passing the budget when the $50,000 was in there.

Mayor Lauretti stated, no, I didn’t say that. You’re not listening, either that or you’re doing what you always do, take things out of context and make your statement so that you can make me look like I don’t know what I’m doing. Jack, I’ve been through 14 1/2 years of this with you. Come on.

Alderman Finn stated, well, let’s not give up now.

Mayor Lauretti stated, I won’t. I assure you that.
Alderman York stated, just to make one statement. Where did the initiation to amend the Open Space Ordinance come from? Was it a resolution of this Board? When did the Board ever come together and say to you, ‘we need to take a look at the Open Space Ordinance, we need to amend it.’ It came from somewhere. It didn’t come from this Board.

Alderman Anglace stated, it came from me. I’m the one that did it. I did. And then, after two or three unsuccessful attempts, this Board authorized me and Tom Harbinson to put it together with the Conservation Commission and we did.

Alderman Finn stated, now a month later, we’re trying to override the veto to secure that $250,000 so it stays intact.

Alderman Anglace stated, that is exactly what we’re trying to do – we’re all interested in making sure that at least $250,000 is spent. Isn’t that what we’re trying to do?

Alderman Finn stated, that’s what the ordinance says, yes.

Alderman Anglace stated, but are we trying to make sure that $250,000 is spent each year on open space, or, are we trying to budget? We can’t budget because we’ve already budgeted. We can’t budget.

Mayor Lauretti stated, Tom, would you like to say something? Come to the podium, please.

Mr. Harbinson stated, your ordinance is not about spending money, it’s about appropriating money. It’s putting money into a restricted account that can grow. Okay? It’s not about how much the Open Space Committee or Conservation Commission now would be recommending on parcels as needed for expenditure to buy a piece of open space here there or yonder. You know that the Conservation Commission has a quality of life list of properties, and some of those properties we do have ongoing discussions with the property owners to establish a relationship with them, just as developers are trying to establish a relationship with them to acquire the property for development. Those properties, as you know, in Shelton, will not be cheap. $250,000 a year was an appropriation that we thought into the Open Space Trust Account would allow us to be able to use for studies, some small acquisitions and so on. Large acquisitions, such as what you recently talked about and discussed and have authorized for a referendum for something like the Jones Farm, which is just purchase the development rights, are of such a large
nature, that it will require bonding and borrowing. There is no getting around that fact.

So when I read things in the paper about people talking about, ‘we don’t want to bond for purchases of open space,’ well, unless you decide you’re going to put $1 million a year into an Open Space Trust Account, you’re going to end up bonding for it. $250,000 a year into a restricted account was something that was decided upon by the Open Space Committee, the Conservation Commission, you had two public hearings on it, John and I worked on it for many months, you knew all about it for many months, I brought it to your attention when I audited the Open Space Trust Account, I’ve e-mailed all of you regarding my thoughts on this and I’m surprised at the debate that I see before me. Thank you.

If you have any questions, I’d be willing to answer them.

Alderman York asked Mr. Harbinson, that $250,000 that will be appropriated, what can it be used for?

Mr. Harbinson replied, frankly, all of you Aldermen should be reading all of your documents. You would know that your Plan Update Advisory Committee recommended to do the Animal Shelter, for example.

The Open Space Trust Account can be used for open space needs such as the identification, determination of suitability, purchase of land, title searches, appraisals, title insurance, etc., in conjunction with the open space program. The funds may also be used for the development of plans regarding the desirability and use of lands designated open space. That is also on the Internet, I have posted it on a website.

Alderman York stated, so we’ll make a nice little working budget for the Conservation Commission.

Alderman Finn stated, if there is no further discussion, I’d move the question.

A voice vote was taken and the MOTION FAILED 2 Yes (Finn, Panek), 6 No.

Alderman Anglace stated [to Mr. Harbinson], you stated quite eloquently in an e-mail your position, and I believe it was your personal position as opposed to the Conservation Commission’s position, with respect to the Mayor’s veto. Would you mind sharing that publicly with us?
Mr. Harbinson stated, sure. I was speaking personally. I believe that when you vote for an ordinance, that ordinance does not become law until the Mayor signs his signature. At the time the Mayor would have signed the signature would be far beyond the 45 days after the budget appropriation would have to be made, so I thought the issue was moot that we weren’t even talking about the fiscal year 2006-07, that the ordinance was clearly only applying to the upcoming fiscal year, or future fiscal year 2007-08 and beyond. So I thought the issue was moot, and in essence, what the Mayor had amended was really unnecessary because I thought it was clear that the ordinance would not be effective until a future year. It was not talking about a past year. I personally feel it’s inappropriate to try and adjust the budgetary process, which has a Board of Apportionment & Taxation and so on, through an ordinance. That’s not appropriate. So it wouldn’t be appropriate to be even thinking about an ordinance modifying the budget.

Mayor Lauretti stated, yes, but the Charter does allow you to modify areas of the budget. I’m just not interested in doing that this year. I have no problem with the ordinance starting in 2007-08, in fact the motion that I had offered as a resolution that would just keep everything in place. And knowing that we’re going to spend every bit of $200,000 this year, and that we would just make the appropriation next year. What’s the issue? What’s the big deal? I don’t think it’s so hard to live with.

Mr. Harbinson stated, the end result of what the Mayor has proposed in his letter of veto and what I had commented on personally in my blog is the end, same result. So talking about past expenditures and so on is really not much use.

Alderman Panek asked, was the previous ordinance still in effect then? The previous ordinance was still in effect at the start of the fiscal year, so what do we do with that ordinance, we don’t have to follow it?

Corporation Counsel Welch replied, [inaudible] you have that lapse, you have that review, you have the old ordinance versus the new ordinance.

Alderman Panek stated, I’m not going to rehash what we did at the end of the last fiscal year, but, the City makes ordinances, I just don’t see how the legislative body, the Board of Aldermen, can just ignore ordinances or not fund items that are required by ordinance.

Mayor Lauretti stated, I know you want to continue to belabor that point, but for me it’s important to continue that discussion because, if you look
at the ordinances that have spending requirement or appropriation requirements, we’ve met the intent of that ordinance. And the Board of Aldermen certainly has the authority to transfer, if you want to make it technically correct, you could transfer the money through that account and make the expenditure. I think it was done at the end of last year. You know, we’ve done that with fire trucks, with public works trucks.

Alderman Panek stated, let me just read a statement that Tom made. This is when we were going over it, I think this may have been the public hearing. “Tom Harbinson reported that the Open Space Trust Account has been under-funded as follows: $209,000 in 03-04; $9,000 in 04-05; $400,000 in 05-06.” So,

Mayor Lauretti interjected, and that’s correct. Again, my point is, you spend $1 million a year, what is the difference, if it not be in a specific line item. You’ve met the intent of the ordinance.

Alderman Panek asked, why have the ordinance? If you plan on spending the money every year, why have the ordinance?

Mayor Lauretti stated, that’s true. That’s a valid point.

Alderman Anglace stated, let me comment. When you use Tom’s words that the ordinance is “under-funded,” you know how Tom determined that? We were up in Finance with the Assistant Finance Director. The Board of Aldermen funded what we were told to fund in the Finance Department. Nobody was even aware that it was less than what the numbers worked out to mechanically. I mean, that’s not making – to make the statement that it’s under-funded makes a carte blanche statement that it was done willingly and intentionally. Nobody even knew it until it was audited.

Alderman Panek stated, that was before I was on the Board. I’m just reading it, going back through all the documents today.

Alderman Anglace stated, apparently, this motion was drafted by Counsel.

Mr. Harbinson stated, Chris asked, what is the importance of having an open space account. It is important when we apply for grants to illustrate that there is an ongoing commitment from the community and you as the fiscal authority to pledge toward open space an annual amount that can grow and be utilized in an account. Things like a referendum – that’s the public furthering their comments that that’s the
right direction to head. So having an Open Space Trust Account is important for us when we apply for grants and as you know, we’ve been pretty successful with that.

Alderman Panek stated, I’m agreeing with that statement, and that’s why I want the $250,000 in this fiscal year. I’m following the Mayor’s logic, which is great. He has spent the money, and the Board has spent the money, and I’ve never stated up here publicly that the Mayor hasn’t spent the money on open space or isn’t an advocate of open space. But following that logic that we’re going to bond every year for $500,000 or $1 million, if we follow that logic then why do we need the ordinance?

Mayor Lauretti stated, let me tell you why. You need several different vehicles for funding, and if you look at how we have financed these land acquisitions over 14 years there are three, maybe four different ways we did it. You know, we’re getting to the point now where we’re spending so much, why should this generation of taxpayers have to foot the bill? This really should be spread out over time. Perhaps maybe 20 year bonds should be in order for some of these land purchases, because as Tom indicated a moment ago, land is not cheap any more. Of course, I could say that if we had bought land years ago, a lot cheaper, with a little more foresight, we might not be in this situation, we’d be farther ahead, or my critics prior to me.

Alderman Papa stated, you mean prior to 1991.

Mayor Lauretti stated, exactly. Again, we’re not going to talk about the past any more.

Alderman Anglace stated, let’s look at a different approach to this thing. If some members concern is that $250,000 be in the Open Space Trust Account, and we expect that we’re going to spending some more money, say $600,000 or $500,000 or $400,000 this year for open space, why don’t we just put that money into the Open Space Trust Account now and try and keep it there for when it’s time to spend it – it’s the same thing. Do everything in advance.

Mayor Lauretti stated, in order to do that, you have to have the appropriation tied to something. It can’t be tied to an empty box. I have about two more minutes for this conversation, and then it’s going to be over. We are not making any progress. I’d like to offer a compromise that solves what everybody needs to have solved, and keep moving. We have a good thing going on here. I’d like to offer this motion.
Alderman Anglance stated, before you do, I want to make one final comment. The last thing that we as a Board of Aldermen want to do is to tear down what good work has been done up to this point and the success that we’ve had. We’ve got a lot of volunteers working in Conservation, and they come to us, and the last thing that they and other people want to hear is that, well, when you’re on Conservation, you say, ‘are we going to get the money to buy this property that we need?’ And they want to know the money is there, that we’re going to come through. And we’ve always said to them, ‘look, you identify the property, we’ll find a way to finance it.’ And we’ve done it, as the Mayor has said, a number of ways. Cash – we’ve paid as much as $3.25 million in cash from General Fund Surplus for French’s Farm. We’ve bonded – over 10 years. We’ve had 3-5 year repayment with no interest. We’ve made it a number of ways.

Mayor Lauretti stated, and now as I sit here my memory is starting to come back. You mention those years where the Open Space line item only had ‘x’ amount of dollars in it. But no one mentioned that in another place in the budget there was another line item that says ‘Property Purchase – Klapik Property’ and that was a four-year appropriation.

Alderman Anglance stated, $685,000.

Mayor Lauretti stated, that was the last year, but prior to that I think it was $400,000 for the first three years and then a balloon at the end. So, one line item or another line item. Do you want to call a technicality? Okay. I won’t argue with that any more. I’m not.

Alderman Anglance stated, this is what infuriates me. When you look at the money that has been spent, and then you say, ‘look at that one line item, Open Space, how much money is in there?’ It doesn’t matter. When you’re spending taxpayers’ money – do the math. $17 million divided by 15 years. How much does that come to a year?

Mayor Lauretti stated, I’d like to offer this motion for your consideration and you can do what you’d like to do.

Alderman Anglance MOVED to accept the Mayor’s veto and pursuant to Section 4.7.3 of the Charter, amend paragraph 3 of the proposed Ordinance in accordance with the Mayor’s veto letter dated August 17, 2006, which reads:
3. Appropriation of funds

Commencing with fiscal year 2007-2008 and each fiscal year thereafter, the Board of Aldermen shall allocate $250,000 from the annual budget to the Open Space Trust Account which sum should be appropriated within forty-five (45) days of the commencement of the fiscal year. The Board of Aldermen shall allocate $50,000 from the annual budget to the Open Space Trust Account for the fiscal year 2006-2007;

All other provisions of the proposed ordinance shall remain unchanged; and further, that the Ordinance shall be published in summary form; SECONDED by Alderman Papa.

Alderman Anglace stated, this clarifies the intent of the Open Space ordinance? Is that what that does?

Mayor Lauretti stated, that would be my recommendation.

Alderman Panek stated, essentially the only thing that has changed here is that we’re not going to put the money in this year, and we’re going to start it next year. I fully support the ordinance as it was worked on and as it was originally written. I support the $250,000 to be put in there annually. I supported Alderman Finn’s motion that we should be putting money in for the current fiscal year, but for the Board’s majority voted against it, so be it.

Alderman Anglace stated, I think what this is saying and what we’re going to do, you’re saying, we’re not going to put the money in. We are going to put the money, but in a different form, in a different way.

Mayor Lauretti stated, but that’s not what the amendment says. The amendment says you’re going to put $50,000 in this year. Anything else you spend during the course of this year is going to be transferred through that Trust Account, which would be above and beyond.

Alderman Finn asked, Counsel, does this have to go back to public hearing.

Corporation Counsel Welch replied, no.

Alderman Finn stated, I don’t agree with overriding and letting the Mayor’s veto stand. I disagree with that wholeheartedly. I agree with the fact that we should be funding the Open Space Trust Account in the
amount of $250,000 starting this fiscal year, not just $50,000 this year and commencing next year with the $250,000. I totally disagree with that.

Alderman Papa stated, Mr. Mayor. It says 45 days after we pass the budget. It spells it out that we can’t allocate it.

Alderman Finn stated, you’re also aware that we can transfer money to make up the money. The Mayor indicated that this evening as well as myself. So that can be done.

Alderman Lanzi stated, did we beat this enough? Can we just move on?

Alderman York stated, I am, and have always been opposed to any amendment that would weaken the original Open Space Trust Account and the original formula that was used. So I am opposed.

A voice vote was taken and the MOTION PASSED 6 Yes, 2 No (York, Finn).

Mr. Harbinson asked that the Clerk send the ordinance in its final form to the Conservation Commission, and he thanked the Aldermen for their support of Open Space.

NOTE TO CLERK – PLEASE SEND THE ORDINANCE IN ITS FINAL FORM TO THE CONSERVATION COMMISSION.

11.0 Executive Session

At approximately 8:55 p.m. Alderman Lanzi MOVED to enter into Executive Session to discuss the following items:

11.1 PERMISSION TO COMMENCE SUITS
11.2 WORKERS COMPENSATION – JOHN PIOTROWSKI
11.3 ASPEN RIDGE

and invite Corporation Counsel Welch to remain in the Auditorium; SECONDED by Alderman Olin. A voice vote was taken and the MOTION PASSED 8-0.

Return to Regular Session
At approximately 9:28 p.m., Alderman Finn MOVED to return to Regular Session; SECONDED by Alderman Olin. A voice vote was taken and the MOTION PASSED 8-0.

Alderman Anglace noted that there were no votes taken in Executive Session.

11.1 – Permission to Commence Suits

No action.

11.2 – Workers Compensation – Ronald Piotrowski

Alderman Papa MOVED to approve the stipulation of all claims pursuant of Chapter 568 of the Workers Compensation Act in the workers compensation matter of Ronald Piotrowski; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

11.3 – Aspen Ridge

No action.

Adjournment

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

The meeting adjourned at approximately 9:30 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: 

DATE APPROVED: BY: 

Mark A. Lauretti
Mayor, City of Shelton