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

There was a quorum of 8 present, 0 absent.

Public Session

Lynne Farrell – 25 Buddington Park

Good evening. I’m here to address the Board tonight but before I tell you why I’m here, I’d like to thank Mayor Lauretti and President John Anglace for helping us out with the situation that I’m going to report on.

A few months ago, there was a new section of road put in on Buddington Road, somewhere around #20 and 25, just as you come in from Nells Rock Road. At that time, the road, only that section, was changed, and according to people that seem to know about roads, it wasn’t banked properly, and so therefore, with the water that comes off of the hill on the west side of Buddington Road, now stays in the road where it used to run off, and we didn’t have an icing problem.

The icing problem began Tuesday morning, and I happened to be coming down the hill to get my papers as I usually do, and on the way back, I saw an accident. Now I knew as soon as I got back I was going to call Public Works to sand it, but it was too late – there was an accident already. I think there will be more and more accidents unless something is done to sand it. The asphalt companies are now closed, I’m sure, for the season, so the road cannot be torn up in that section and redone – that will have to wait until spring. However, now, if the sanding is done every morning, it might help. It’s not just when rain comes, and it’s not just when snow will be there, it is the runoff from the hill that is there every day that will cause the icing situation.
I know that our Mayor and John Anglace have been on top of this, and I certainly hope that they will continue to do so, but I just thought, for the sake of my neighbors who are calling me and coming over to see me in the past few days, that I would speak here this evening as I told them I would do so.

While I’m at it, the light at the corner of Bridgeport Avenue and Nells Rock Road, I know is scheduled for an arrow, but it has been scheduled for a long time. I have a letter dated July 2005 from the then-Chief Voccola of the Police Department who said that it would be done shortly and probably in conjunction with the car wash. Well, the car wash has been up a while now, and there is still no arrow, and some people, including myself and my neighbors, wait three and four times for the light to change before we can turn left into Nells Rock off of Bridgeport Avenue. Chief Hurliman, I have to commend him, he called me back the other day, right away, and said that he was on top of it, and going to consult with the State. So I know that the good people that are in office here are taking care of it, but I wanted to report it publicly to satisfy myself and the people in the neighborhood. Thank you for listening to me.

Judson Crawford, 8 Jordan Avenue,
Board of Apportionment and Taxation Finance Committee

Good evening Mr. Chairman. Per your agenda this evening, Section 9.2 under Financial Business New, I have one question as to how it got onto your agenda – the Hazmat Service Re-Bid for the Upper Elementary School. When a letter was sent to the Apportionment and Taxation Finance Committee to have this put on the meeting for 1/11 for this evening, to recommend for the award of a certain party, and where this was, and all of a sudden we came this evening, and our meeting was canceled. So how does this getting on to your agenda for this evening when this letter was, also I noticed, was sent to you Mr. Anglace, the president, a copy was sent to you also.

[long silence]

Mayor Lauretti asked, are you all finished?

Mr. Crawford replied, yes, I would request the information Mr. Mayor.

Mayor Lauretti stated, well, you should know after all these years that we don’t have a back and forth dialogue during the public portion and I don’t think anyone is prepared to do that tonight, so this is as far as it goes for today. If you have a specific request, and you want to forward it in writing, we’ll take care of it tomorrow or Monday or Tuesday of next week.

Mr. Crawford stated, very good.

Agenda Items

Alderman Anglace MOVED to add the following items to the agenda:

7.3 Amendment to Request For Proposal Process – Professional Services
7.4 Yutaka Trail Resurfacing - Discussion
Minutes for Approval

Alderman Anglace MOVED to waive the reading of and accept the minutes of the special Full Board meeting of December 5, 2006; SECONDED by Alderman Papa.

Alderman Panek asked that the minutes be corrected to reflect that all eight Aldermen were present at the meeting.

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

Alderman Anglace MOVED to waive the reading of and accept the minutes of the regular Full Board meeting of December 14, 2006; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7 Yes, 0 No, 1 Abstention (Finn).

5.1 FINANCE COMMITTEE

No items.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

5.2.1 Approval of Minutes

Alderman Papa MOVED to waive the reading and approve the minutes of the Special Public Health & Safety Committee meeting of November 8, 2006; SECONDED by Alderman Lanzi.

Alderman Papa stated, I want to bring to the attention of the Board members, I had Theresa Adcox make copies of the report of the infractions that the Police Department passed out, and as you can see, they’ve been pretty busy, and I think it’s a good showing of what they’ve been doing, to try to keep our City in proper safety and health conditions. Back in November, they had 254 citations running from failure to carry a license, not obeying traffic control, seatbelts, there are all sorts of infractions which they so noted. In December they had another 96 citations that they passed out. I want to commend them on the good job that they are doing for the City.

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

5.3 STREET COMMITTEE

No items.

REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

Alderman Anglace stated, this has to do with the suggested resumption of a procedure to approve minutes of the Board of Aldermen
subcommittee meetings – being Finance, Public Health and Safety, and Street Committee. The history of this is that the Board of Aldermen Clerk and I were discussing how clumsy and confusing approval of subcommittee minutes had become, when Robin Skowronski, a former Board of Aldermen Clerk, reminded us that the approval of Board of Aldermen subcommittee minutes was done differently and much simpler when she was the Clerk. She explained that subcommittees as a duly constituted official body had always approved their own minutes at their next meeting. The full Board had never had to approve them. She asked how and when this had changed. We could only surmise that over the years the process had somehow changed to require adoption of subcommittee minutes by the full Board, since all other actions of subcommittees had to be approved by the full Board. Consequently, after discussion, it seems a much simpler procedure, and I would share it with you tonight and then let you think about it and if you think it has merit, then next month we’ll put it on and change the procedure.

We’re recommending that the full Board adopt the procedure whereby the Board reverts to its earlier practice where each subcommittee approves its own minutes and that each Alderman be provided with a copy of the approved minutes via e-mail, with those not on e-mail receiving it in their packet. What we think happened there is that over the years, it just crept in, that since the subcommittees of the Board cannot approve any actions on their own, it must recommend to the full Board, that the minutes crept into that also. But we found, after researching it that the subcommittee is a duly constituted body under Robert’s Rules and they do have the authority to approve their own minutes. So it won’t be necessary for them come to the full Board for approval of their minutes. So, I throw it out to you for your consideration and then feed back to me your thoughts on it. If it looks like it has merit, we’ll put it on the agenda next month, alright? That’s all I have.

6.0 LEGAL REPORT

6.1 Corporation Counsel Billing

Alderman Anglace MOVED to authorize a total payment of $1,341.51 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated January 4, 2007 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.

6.2 Assistant Corporation Counsel Billing

Alderman Anglace MOVED to authorize a total payment of $770 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated January 1, 2007 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 Amendment to Ordinance #787 – Noise Ordinance

Alderman Anglace MOVED to approve Noise Ordinance #787 as amended and provided by Corporation Counsel which is included by reference; SECONDED by Alderman Papa.
Alderman Anglace stated, I have a couple of things. They’re very minor.

Mayor Lauretti stated, I hope you’re not going to try and change anything at the last minute.

Alderman Anglace stated, if you look on page 8 under section 6, exemptions, subparagraph c it reads, “noise generated by engine powered or motor driven lawn care or maintenance equipment on class A property between the hours of 8 a.m. and 9 p.m. provided that noise discharged from exhaust is adequately muffled to prevent loud noises there from,” and then the same reference is made in subparagraph e, to 8 o’clock. I just want to confirm that since we changed it in the beginning under section 2, under definitions, we defined day to mean, “shall be from 7:30 a.m. to 9 p.m.,” do we want to be consistent in our approach and change these times to 7:30, or do we want to leave it to 8?

Alderman Finn asked, would you want somebody next to you mowing their grass at 7:30 in the morning?

Corporation Counsel Welch stated, I do think that they are separate and distinct.

Alderman Anglace stated, okay, good.

Mayor Lauretti stated, there again, the problem was, and the answer to your question, Jack, is no. I think we all agree on that. Try to enforce something like that.

Alderman Finn stated, that’s true.

Mayor Lauretti stated, unless they have a real big lawn.

Alderman Finn asked, why change the hours?

Alderman Anglace stated, I just want to note in the discussion record here, if you go to section 6, subparagraph j, no, let me go back a little bit. Under exemptions, it reads, “noise created by solid waste and recycling collection is exempted.” I just want to note into the record for those who call and complain of early noise from solid waste and recycling collection, that this is exempted under section 7j, because the safety of these workers must take precedence over the noise. If you take these guys and put them on the streets at 11 o’clock, then you have a whole different ballgame here. Their safety is jeopardized.

Now, the next thing. Section 10, on page 10, deals with violations and enforcement. If you look down the fourth paragraph, it says, “any person violating this ordinance shall be subject to fine of $100 for each offense in accordance with Section 1-11 of the City Ordinance.” I just learned today that the State law has been changed – a Public Act in 2006 to allow municipalities to fine by ordinance up to $250.

Corporation Counsel Welch stated, $200.

Mayor Lauretti stated, I didn’t know we were going with this, but I’ve got to tell you that I think there’s going to be another movement to even up that, so maybe the language shouldn’t specify the dollar amount, but
should just reference allowable under State Statute. To the maximum amount allowable under State Statute.

Alderman Anglace stated, shall be subject to a fine allowable under State Statute. The maximum.

Mayor Lauretti stated, I was coming up Nells Rock late this afternoon and I see in our City open space, our parking lot, that some undesirable person had the audacity to dump a big pile of garbage right in the middle of the lot. It wasn’t there in the morning, so it had to happen during the day. And I said to myself, $100 or $200 really serves as no deterrent to people who do these types of things. There has got to be something more severe that can be inflicted upon them so that there’s a resounding message. We had this discussion a month or so ago so you know how I feel, and I think we all feel the same way about it. Public Works will be there tomorrow to clean it up.

Alderman Anglace stated, for the record, it’s Public Act 6-185.

Corporation Counsel Welch stated, I would offer, that provision should read, “any person violating this ordinance shall be subject to a fine that shall be the maximum allowed by Connecticut General Statutes Section 7-148 for each offense, in accordance with Section 1-11 of the City Ordinance.”

I would indicate also, along the same lines, I was speaking with Administrative Assistant Sandra Nesteriak today; we were going to endeavor going through the ordinances and come up with what each ordinance fine is so that the Board has that. I think it leads into the Mayor’s comments so that we can be prepared if and when the law does change.

Alderman Anglace asked, the law has changed, right?

Corporation Counsel Welch stated, yes, to $200.

Mayor Lauretti stated, I’m hoping that it will be more.

Alderman York stated, I had a question on the time of day on page two. Mr. Mayor, you wanted to make that change at our last meeting. We didn’t have a lot of discussion on it, but what is the reason for leaving it at 8 o’clock for engine powered lawn equipment and stuff like that, but changing the day definition from 8 o’clock to 7:30.

Mayor Lauretti stated, the reason is, for the people who work in construction. Some of these construction sites are not in people’s backyards, sometimes they are, but for the most part they’re not. I don’t think you want to make it too restrictive. I think there is a little bit of a compromise there, because if you tell someone 7, they’ll be starting at 6:15 or 6:30, and by the time you get out there to try to enforce it, and time has already passed, and they’re off and running. So if you say 7:30, it’s somewhat of a compromise and it’s still realistic, because most people are usually up and about by 7:30, or on their way to work, or getting ready for work. I mean, there’s nothing perfect about this.

Alderman York stated, I’d just like to put it out to the Board that I’d like to put it back to 8 o’clock for just that reason, because I think 8 o’clock they start at 7:30. I know we get quite a lot of noise construction in our backyard because we live on a hill and we hear everything. Believe it or
not, even when they were developing Split Rock down on Old Stratford Road and Bridgeport Avenue, I could hear everything every morning. Sometimes I thought I even heard people’s voices from back there, because the wind was blowing that way. So I had a little bit of a problem when you mentioned this at the last meeting, and I still do, I’d like to see it put back to 8 o’clock. Then, like you say, there’s a little bit of leniency there so let’s not up it any earlier than 7:30 and I think if we make it 7:30 they’re going to be starting at 7:15 or 7:20, which, by the way, in a lot of instances they are anyway.

Alderman Finn stated, if you’re working third shift down at Sikorsky’s, by the time you’re getting home it’s just about 7:30 or 7:45 and you want to get a good day’s sleep and all of a sudden you’re next to a construction area and it’s changed from where an individual thought, well at least I can get a half-hour’s sleep before the noise starts, he’s lost his whole day’s peace and quiet, trying to get a good night’s sleep during the day. We have to consider those people too, who are on the third shift. And the contractors, nobody has complained about the starting time a 8 o’clock, because I think you’re going to find out that a lot of the contractors, if you go from town to town, most of your towns in the State of Connecticut require 8 o’clock in the morning anyway, so what’s the difference – we’ll be consistent with 8 o’clock all the way through, and we don’t have to worry about 7:30. That’s kind of early to get a backhoe going next door to you too.

Alderman Anglace stated, right now, the definitions apply to all classifications of noise zones. You might want to consider that day could be 7:30 to 9 p.m. in a commercial zone and 8 to 9:30 in a residential zone.

Alderman Panek stated, I think the contractors are going to bend the rules and start a little early. If we make it 8 o’clock and they start at 7:30 and there are no houses around, nobody is going to call anyway. If they change it to 7:30, and you’re in a residential zone, and we start getting a flood of calls of people complaining, I mean, it’s only a half hour.

Alderman York stated, but it makes a difference.

Alderman Finn stated, I see no harm in keeping the 8 o’clock. I’m sure the contractors aren’t going to complain either.

Mayor Lauretti stated, you know, Jack, it’s easy for you to say up here, but I’ll guarantee that there is not one contractor in this City or outside our City that knows that we’re doing this. So that’s not really a fair statement. I’m not going to argue with anybody over a half hour. You’re going to try and dictate the work schedule of construction people, and I’m telling you, it’s just going to create more of a problem than it’s worth. You know, 7:30 is not unreasonable.

Corporation Counsel Welch stated, it was 7 o’clock.

Mayor Lauretti stated, it’s not just the noise that comes of the site, it’s the mobilization time that people start in the morning to get to the worksite and they actually start construction.

Alderman Finn stated, so, we’re all in agreement to keep it at 8 o’clock then?
Alderman Lanzi stated, I think we should keep it at 7:30. Come the warm weather, it’s light out at 5 o’clock in the morning, and you’re going to prevent people from starting their work. Baloney. Keep it at 7:30.

Alderman York stated, it cuts down on diesel exhaust for a half hour.

Alderman Panek stated, we all up here got elected by the residents and we have to answer to them if they start calling, you know, whoever lives by Split Rock, if they start bringing machines in there at 7:15, a little early, we’re the ones that have to answer to them, and so does the Mayor, not the contractors. It’s only a half hour.

Mayor Lauretti stated, you know what those contractors, and all of those construction workers will say? Just what you said – we live here, we pay taxes here too, we have to earn a living here too. That is what they’ll tell you.

Alderman Panek stated, it’s only a half hour.

Alderman Lanzi stated, leave it at 7:30.

Alderman Anglace stated, so the modification, then, would go from 7 o’clock to 7:30 – that is what is proposed; and what is now being recommended is to go from 7 to 8.

Alderman Finn stated, John, you also made the recommendation to have it from 8 to 9 in the residential and to change it from 7:30 to 9 for industrial – do you want to go that route – and that way we can keep the peace for another half hour in the residential zone.

Mayor Lauretti asked, does this ordinance exempt the City Public Works Department?

[Several people answered “yes” at the same time].

Mayor Lauretti stated, because we start at 6:30.

Alderman Finn stated, John had an excellent suggestion for different times for residential and industrial and commercial.

Alderman Panek stated, my company does a lot of work in municipalities and I don’t know of many towns where we can start before 8 o’clock. If we start running engines in a residential neighborhood at 7:30 in the morning, we’re going to get phone calls.

Mayor Lauretti stated, but a lot of your work is not in residential areas.

Alderman York stated, it says on page 8, letter I, “the Chief of Police may permit that the day noise standards which now are going to go back to the 7:30 versus the 8:00, the day noise standard may be applicable in industrial and commercial zones under circumstances which will not adversely affect the adjoining land owners as determined by the Chief of Police.” So, what does that mean? It almost sounds like it gives the Chief of Police a little bit of leeway to determine whether he is going to use the 7:30 or 8 o’clock standard, depending on whether or not there are complaints from adjacent landowners?

Alderman York continued, I say leave it at 8. It gives us a little less noise in the morning, especially during rush hour traffic – a little less
pollution in the air, and by 8 o’clock the community is up and at them, and 7:30 is still on the early side.

Alderman Papa asked, Mayor, do you get many calls from neighbors complaining about noise starting at 7:30 or 7 o’clock or 8 o’clock; do you have a lot of people calling you complaining about it?

Mayor Lauretti replied, most of the complaints are usually between neighbor and neighbor – there are some complaints that come from construction sites that are in subdivisions – where a subdivision borders – but there are not many right now – those are limited.

Alderman Anglace stated, the complaints I get are from 3 a.m. when the trucks come into Sikorsky’s or they come to the self-storage joint, or someplace else, and they’re unloading, or WalMart. Those are the ones I hear about. I don’t get the complaints about 7:30 or 8 o’clock in the morning. These are 3 o’clock in the morning – they woke me out of a sound sleep.

Alderman Finn stated, Planning and Zoning received a lot of complaints about Toll Brothers when they were first starting the construction up behind Bona Vista Terrace, and there was an agreement between the developer, Toll Brothers, and the homeowners, and Planning and Zoning, as to where they would not start any machinery until 8 o’clock in the morning. Everybody was in agreement about that and it worked out fine.

Alderman Anglace stated, one noise is particularly disturbing in neighborhoods – when they used to drill wells – the pile driver – when they’re driving footings. That is the kind of thing that I don’t like.

Alderman Panek stated, the ordinance went through committee, and it went to public hearing, and it was 8 o’clock all the way – so why are we going to change it now?

Alderman Anglace stated, I don’t think it was a homeowner either.

Mayor Lauretti stated, let’s vote on it and wherever it goes, it goes. We used a rationale to allow the City Public Works Department to start earlier, and the garbage. To my way of thinking when you do the construction, people are the same way because you want to get them off the roads as early as you can, when the traffic is the least. If nothing else, we do have a change, no matter which way you look at it.

Mayor Lauretti called the vote – all in favor?

[silence]

Mayor Lauretti stated, we’re voting on the motion for the Noise Ordinance.

Alderman Papa asked, are we changing the time?

Corporation Counsel Welch stated, the motion that is on the table is the motion for 7:30 as amended by Alderman Anglace with my proposed amendment.

Mayor Lauretti stated, and the fines.
A voice vote was taken and the MOTION PASSED 5 Yes, 3 No (Finn, Panek, York).

[Mayor Lauretti left the meeting at this point.]

7.2 Lease Agreement – Stepping Stones

Alderman Anglace MOVED to approve the fourth amendment to the lease agreement between the City of Shelton and Stepping Stones, Inc. and to authorize Mayor Mark A. Lauretti to execute same document; SECONDED by Alderman Papa.

Corporation Counsel Welch stated, just for the Board’s information, this is information I’ve been keeping abreast of with the Department of the Interior, dating back to the deed of 1965. You can see the amendment with regard to the tenant. If there’s a national emergency they’re going to step in and ask for a lease of the facility.

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

7.3 Amendment to Request for Proposal Process – Identification of Professional Services

Alderman Anglace MOVED to amend the list of professional services included in the resolution entitled Request for Proposal Process adopted by the Board of Aldermen on June 11, 1998, amended December 14, 2000 and January 11, 2001, to include the Broker of Record and the Human Resources Services; SECONDED by Alderman Papa.

The complete list is as follows:

Accountants
Appraisals
Architects
Attorneys
Auditors
Broker of Record for Insurance
Consultants
Drug Testing Services
Engineers
Human Resource Consultants
Municipal Software Providers
Physicians
Professional Labor Services
Real Estate Broker
Recruitment Testing
Surveyors
Title Insurance Companies
Title Services
Training Providers
Workers Compensation Third Party Administrators

Alderman Anglace noted that the two services being added are provided for in the current list but are being added to clarify any ambiguity. He also explained that the Broker of Record is our consultant for insurance purposes.
Corporation Counsel Welch stated, I believe that in the past, the two items that you see go under the term “Consultants.”

Alderman Anglace stated, we are obligated to identify annually which services are professional. The Board of Education has the same obligation; they do it separately from us. Normally, what we do, they mirror. I think we’re pretty close. If you look at the Human Resources Consultant, we could use a human resources consultant for some things, but we have somebody inside that we seldom used, but we need to go outside when we consult on the salary of the Mayor; we have an obligation by ordinance to go out and do a study. Here is what happens when we do the study – we go out for RFPs and get a number of proposals. We get some people from as far away as Florida who think this is a pie in the sky thing, and it’s not really. This is a relatively simple procedure. Factually, most of the documents and information just have to be gathered and a recommendation made to the Board by the consultant.

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

7.4 Yutaka Trail Resurfacing

Alderman Panek stated, I will still have some discussion, even though the Mayor left. I added this onto the agenda – as the Board members recall, at our last full Board meeting, as an add on we were asked to approve a bid waiver for the resurfacing of this road, it was an emergency situation, the Mayor stated the asphalt plants were only going to be open for another week. There were raised structures in the roadway; the roadway needed to be repaved.

The roadway has been repaved. It was done last month. When I was looking for this item, unfortunately the Mayor left one item ago, but I was looking for an update from the Mayor as to what the final cost was of this project – what contractor was selected for the project and what the date of completion was, and if a purchase order has been issued for the project.

I have been in communication with Purchasing Agent Bob Wilcox; I also spoke with the City Engineer today, as well as Sharon in Finance. Nobody has any information on the project. There is no purchase order that they can locate; nobody seems to have any information as to the cost. The City hasn’t received an invoice yet, so I had asked that this be put on the agenda tonight. According to Bob Wilcox, the person that can answer all of my questions is the person who requested the bid waiver – I believe in this case it was the Mayor who asked for the bid waiver.

Unfortunately, I probably can’t get an answer on this tonight unless somebody else on the Board has any of this information. I just got the e-mail from Bob Wilcox at 5 p.m. today about the process, because I wasn’t 100 percent clear on the process of when the Board of Aldermen approves a bid waiver, where the process goes from there. The road has been repaved, but,

Alderman Papa asked, this was an emergency, right?

Alderman Panek stated, the City had done some work on the street, there were raised structures in the roadway, it was the second week of December and they were worried about not getting the road paved. The
contractor that the City was using for other streets couldn’t get to it, so the Mayor asked us to approve – the cost was approximately $30,000. I was just doing a follow up on that to see what the cost was.

Alderman Anglace stated, the road was prepped. The culverts and everything were raised. If they missed the window and the plants closed they would have missed the window and couldn’t plow the street. That was the reasoning.

Alderman Panek stated, yes – the bid waiver was approved by the Board. I was just following up.

Alderman Finn stated, I wasn’t here for that meeting, but I learned about Yutaka Trail from reading the minutes. It seems that Highways and Bridges did an excellent job in putting the drainage – the new basins in. Brennan Construction Company was hired. They went in October and raised the manhole covers. From October to December, no paving took place. All of a sudden that was on the agenda for the 14th. That’s a two-month window. The original bidder was supposed to come in, who is doing the other roads, and pave Yutaka Trail. But according to Bid #27-54, Yutaka Trail was not listed on the bid sheet for the City of Shelton. Alderman Panek has some good questions. Mine would be, why did we wait two months until it did become an emergency.

8 FINANCIAL BUSINESS OLD

8.1 Approval of Appraisal Agreement for Wiacek Farms

Alderman Papa MOVED to approve the proposal (attached) for appraisal litigation support services dated December 21, 2006 with Sheehy Associates LLC regarding Wiacek Farms and to authorize Mayor Mark A. Lauretti to execute any and all documents to effectuate same. Funding shall come from the Professional Services account 001-0100-411.30-01; SECONDED by Alderman Lanzi.

Corporation Counsel Welch explained, it’s not a matter our office is handling, however,

Alderman Anglace interjected, I have an outline to quickly give to you. Sheehy LLC will provide analysis comparing data and methodologies and they’ll do pretrial preparation for litigation support services as required, and the total fee for the work is based on an hourly rate of $175, said hours shall be pre-approved by the Mayor or Assistant Corporation Counsel, invoices will be sent monthly, court testimony by the appraiser including preparation, travel and/or consultation will be provided by the appraiser at the same rate of $175 per hour. There will be no charges for the time that is expended to date on this by the appraiser.

This is going to court. He is going to have to be called upon. When we call on him, we’re going to pay $175 an hour when we call on him. That is the long and the short of it.

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

9 FINANCIAL BUSINESS NEW
9.1 **December Statutory Refunds**

Alderman Papa MOVED to approve the report of the Tax Collector relative to the refund of taxes for a total amount of $3,333.85 and that the Finance Director be directed to make payments in accordance with the Certified List received from the Tax Collector. Funds to come from the Statutory Refunds account #001-0000-311.13-00; SECONDED by Alderman Lanzi.

Alderman Anglace stated, just for the record, you'll note the change – the way we used to get this and the way we get it now – it’s a little bit different. The backup data, the details for everything you have on page two, three, and four is available in the Board of Aldermen Clerk’s office.

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

9.2 **HAZMAT Survey Re-bid for Upper Elementary School**

Alderman Papa MOVED to approve the contract between AMC Technology, Inc. and the City of Shelton to perform the HAZMAT survey for the Upper Elementary School project as recommended by the Shelton Upper Elementary School Building Committee and authorize Mayor Mark A. Lauretti to sign all documents pursuant to the agreement and to effectuate said agreement and further appropriate the sum of $33,135 to be paid from Upper Elementary bonding; and subject to the awarding of Bid #27-88 by the Board of Apportionment and Taxation; SECONDED by Alderman Lanzi. A voice vote was taken and the MOTION PASSED 8-0.

---

10. **- LEGISLATIVE - NEW**

10.1 **Amendment to Ordinance #540 – Annual Audit**

Alderman Anglace stated, this is an ordinance to public hearing.

Alderman Panek asked, does this have to go to committee, or has this already been to committee?

Alderman Anglace stated, technically, that’s what the Charter reads. We do it as a committee of the Board. The entire Board is the committee that takes the public hearing.

Corporation Counsel Welch stated, we tried to change it in Charter Revision but it has always been, you can send it to committee or do whatever you want.

Alderman Anglace stated, we’re going to have to hear it; hear what people have to say, and we’ve always figured that all eight of us attend the public hearing, listen to what’s said, and we all come away informed. If we send it to a subcommittee, first of all, which subcommittee? [several answered, Finance]. So then only the Finance members are there.
Alderman Panek stated, that’s the purpose of the committee – work on things and then bring them. But to send something right to a public hearing – I think we have 35 days to send it to a public hearing, and Finance is going to meet in two weeks. Unless this is some rush.

Alderman Anglace stated, we have designated public hearing dates throughout the entire year. When we hold a public hearing, that’s the date it is.

Alderman Panek asked, did somebody on the Board propose the change? Who proposed the change?

Alderman Anglace asked, what change?

Alderman Panek replied, the change to the ordinance. The recommended change to the ordinance – it’s just a page with nothing.

Alderman Anglace stated, that came from the Mayor’s office.

11.0 Executive Session

At approximately 7:55 p.m. Alderman Finn MOVED to enter into Executive Session to discuss the following items:

11.1 Gardner Heights Realty LLC v. City of Shelton
11.2 Hewitt Realty, LLC v. City of Shelton
11.3 Shelton Lakes Realty v. City of Shelton
11.4 Zambelli Fireworks v. City of Shelton

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

Return to Regular Session

At approximately 8:15 p.m. Alderman Olin MOVED to return to Regular Session; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

11.1 Gardner Heights Realty LLC v. City of Shelton
11.2 Hewitt Realty, LLC v. City of Shelton
11.3 Shelton Lakes Realty v. City of Shelton

Alderman Papa MOVED to approve the motion for judgment and stipulation for judgment in the tax appeal regarding Gardner Heights Realty, LLC, Hewitt Realty, LLC, and Shelton Lakes Realty, LLC v City of Shelton as presented; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

11.4 Zambelli Fireworks v. City of Shelton

No action.

Adjournment

Alderman Anglace MOVED to adjourn; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.
The meeting adjourned at approximately 8:18 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: _______________

DATE APPROVED: _______________ BY: _______________

Mark A. Lauretti
Mayor, City of Shelton