Call to Order / Pledge of Allegiance

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

Roll Call

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

Administration:

Mayor Mark A. Lauretti
Corporation Counsel Tom Welch

There was a quorum of 8 present, 0 absent.

Presentation

Mayor Lauretti noted that Eagle Scout Spencer Tate could not be here tonight, he had another commitment to honor.

He then stated, the Girl Scouts are with us tonight and I have a Proclamation to read and present to them. It's nice to see so many of you here tonight; we often get a lot of Boy Scouts, and we're starting to get more and more Girl Scouts. The Board of Aldermen and the City have long supported the Scouting movement. Shelton represents a very large portion of the Housatonic Council Boy Scouts of America, about 50 percent, and it represents about 900 to 1,000 boys. I know that the Girl Scouts are well in those numbers in addition, with numbers somewhere upward of 800-900 girls involved in the program. Scouting is a great program; it supports a lot of values needed during the course of one’s life. I think the Scouting movement really serves our youth well.

Mayor Lauretti then read aloud and presented a Proclamation.

Public Session

Connie Chaffee, 11 Lane Street

I’m here to hopefully get the vote to put my sewers in. It’s very important. I am living with flooding. I hope everybody votes to get those sewers in today. It’s been three years since I’ve sought this. I would like to get my sewers in on Lane Street. Thank you.
Alderman Anglace asked if any other member of the public wished to address the board. Being none, he declared the public session closed.

**Agenda Items**

**Minutes for Approval**

Alderman Anglace MOVED to waive the reading of and accept the following meeting minutes.

1. Regular meeting of March 8, 2007
2. Special meeting March 27, 2007
3. Public Hearing on Ordinances March 27, 2007

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

**5.1 FINANCE COMMITTEE**

**5.1.1 March Statutory Refunds**

Alderman Kudej MOVED to approve the report of the Tax Collector relative to the refund of taxes for a total amount of $957.74 and that the Finance Director be directed to make payments in accordance with the Certified List received from the Tax Collector with funds to come from the Statutory Refunds Account #001-0000-311.13.00; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

**5.1.2 Adoption of Tax Collector’s Suspense List**

Alderman Kudej MOVED to approve that the Tax Collector’s Suspense List in the amount of $59,531.12 be adopted and transferred from the Grand Lists into suspense per State Statute Section 12-165:

<table>
<thead>
<tr>
<th>GRAND LIST</th>
<th>TAX</th>
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<tbody>
<tr>
<td>2000</td>
<td>$1,002.99</td>
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<td>2001</td>
<td>$1,823.09</td>
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<td>2002</td>
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<tr>
<td>2003</td>
<td>$17,556.94</td>
</tr>
<tr>
<td>2004</td>
<td>$30,448.74</td>
</tr>
</tbody>
</table>

A full copy of the suspense list can be found in the Board of Aldermen Clerk’s office.

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

**5.1.3 Funding for Payroll Automation Software**

Alderman Kudej MOVED to authorize the Finance Department to transfer $18,375 from Contingency General account #001-9900-900.99-00 to Accounting Other Outside Services #001-5700-412.30-23 for implementation costs for payroll automation software; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.
5.1.4 Brownfields Annual Administrative Dues FY 2006-2007

Alderman Kudej MOVED to authorize the Finance Department to transfer $800 from Contingency General account #001-9900-900-99-00 to Valley Council of Governments, account #001-6500-414.79-13; SECONDED by Alderman Anglace. A voice vote was taken and the MOTION PASSED 8-0.

5.1.5 Recycling Contract Price Adjustment

Alderman Kudej MOVED to approve that the recycling collection contract with Latella Rubbish Removal, LLC be increased by three percent (3%) to $298,654 per year effective July 1, 2007 (an increase of $8,698) per the recommendation of the Recycling Coordinator and the Mayor; SECONDED by Alderman Papa.

Alderman Panek stated, we discussed this in Finance. I thought there would be a letter from Latella regarding the increase.

Mayor Lauretti asked, what did you expect the letter to say?

Alderman Panek stated, well, it looks like a request that came to Marilynn Gannon. Did the contract require or give that?

Mayor Lauretti explained, the contract allows for an increase of up to 3 percent for ‘x’ amount of years, I think it’s 3 years. This is the 3 percent increase that has to be approved by the Board. I think the contract date is July 1st. Quite honestly, Latella called and doesn’t want to renew the contract; they want to get out of it. For the very reason that, when they entered into this contract 2 ½ years ago, the gas prices were such. Now, everybody knows what is happening. This is a meager increase by comparison.

Alderman Panek stated, as we discussed in Finance, nobody was upset about or debating the 3 percent; it is whether Latella actually requested the increase, or the contract stated that we had to give them the increase.

Mayor Lauretti stated, we may actually do the same thing with Latella that we do with Trash Master and let them fuel up at the City pump and reimburse us, to create an incentive to keep them viable. In this economy, it is not very difficult for these contractors to walk away. They lose money. With all the things – with the electric rates being the way they are, gasoline prices, and the State Legislature supported by the Governor being the way they are, the prices are just cost-prohibitive for people to do business in the State. You’re going to see more and more of that as time goes on.

Alderman Anglace stated, whatever information, if it is available, I will get it to you. I do want to say that Latella has picked up additional work at no additional charge. We’re now in the fourth year of the contract with the cost of the contract remaining the same, and the cost of doing business hasn’t remained the same.
Alderman Panek stated, one other thing was brought up in Finance too, the line item returned $20,000+/- last year. I don’t know if we have an answer on that.

Mayor Lauretti stated, I don’t know the answer to that.

Alderman Panek stated, the contract is a set amount. There was money left in the line item last year. I’d think the line item would be set for the exact amount for the fiscal year.

Mayor Lauretti stated, that was last year’s and I don’t have an answer for that. Just look at what is budgeted for this year and see if it corresponds.

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

5.1.6 Request to Over Exp mend – Gasoline/Diesel – Highways & Bridges

Alderman Kudej MOVED to approve the over expenditure of Account 001-3200-712.40-01 by Highways and Bridges; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

5.1.7 Engineering Services for Required Change Order – Reconstruction of Perry Hill Road – State Project 126-156

Alderman Kudej MOVED to authorize the Mayor to execute an amendment to the original Perry Hill Road engineering services agreement for additional engineering services to prepare required construction drawing revisions and change orders and to appropriate an amount not to exceed $11,000 with funds to come from Surface Transportation Program #209-0000-710.80-75 in Special Revenue (balance of $19,000 has been verified by Finance Department); SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

5.1.8 Beacon Point Marina

Alderman Anglace stated, this came from the Finance Committee without a recommendation. We asked that all comments be directed to Alderman Perillo to be consolidated, because of his background with Planning and Zoning will share the consensus with us.

Alderman Perillo stated, I’m sorry it didn’t get to you folks earlier. I aggregated what I heard from the meeting and what I heard subsequent to that. General concerns, thoughts, and issues about Beacon Point Marina. There were a number of different thoughts.

In general, there was concern about an amendment to the Plan of Conservation and Development, but then there was also further discussion by some Aldermen that felt that was not necessarily insurmountable and that if there were to be a change or amendment to the text of the Plan by the Planning and Zoning Commission, that it should be done in a manner that is so specific so as not to create any unwanted feeling of precedent setting for other applicants on some
unwanted land uses in the future on other parcels. There is a lot here. I can go through much of it, but I think it might make more sense for me to field questions.

Alderman Finn stated, I had the opportunity this afternoon to sit down and read this and I was quite surprised to see your comments that we could bring the sewers up to take care of the problems with the septic systems at the other condo. We have to get permission from Stratford.

Mayor Lauretti stated, everybody is aware of that.

Alderman Finn continued, as I stated, we have to stand by our Plan of Development. We just put it in place. This is the second challenge to the Plan of Development by developers. Bridgeport just said no, they’re not changing their Plan of Development for development in Bridgeport. Shelton should stand by their Plan of Development and make no changes. They want to put those 300 slips in down there, they want to put the clubhouse in, they want to put the pool in, that’s fine. We should still maintain our rights to the waterway and we should say no to change the Plan of Development with the 24 condos.

Alderman Perillo stated, you actually had an interesting comment to me by e-mail where you suggested that we should maintain the right-of-way that is the paper street of Murphy’s Lane. That’s a nice principle, but the problem is that there is a 50-foot elevation difference from River Road along the right of way to the riverfront along the right of way, so basically it’s a paper road that could never be built. So if the interest is in providing public access, it probably shouldn’t be done through a right of way that could never handle a road.

Alderman Finn stated, we want to make sure that the residents still have access to that river.

Alderman Perillo stated, I would agree that public access is important, but I don’t necessarily agree with you that a right-of-way is the way to do it.

Alderman Finn stated, they indicated that they’re going to put a ramp in there for Shelton residents to use to launch their boats with, and Alderman Anglace brought up a very good point. Inadequate parking as it is now down at the Sunnyside Boat Ramp. If we’re not going to have enough parking spaces for those going down with trailers down at this marina we’re going to end up with the same problem they have down at Sunnyside. Our problem is going to be that they’re going to be parking on 110. We don’t want to see that happen.

Mayor Lauretti stated, that is not our problem. That would be their problem. If the marina is going to provide access with a boat launch, I would think it would be the boat owner’s responsibility to do whatever they have to do with the car and trailer. They’ve got an opportunity to put a boat in the water. The right of way as it exists now is useless to us.

Alderman Finn stated, where are the Shelton residents supposed to park the boat and trailer? They’re supposed to have enough parking spaces for us. That’s where I’m getting at.

Alderman Perillo stated, it would be up to the Planning and Zoning Commission – it’s their purview to make sure that there would be
adequate parking spaces for slips, the clubhouse, the boat launch. It’s not really our gig.

Alderman Finn stated, we’re passing our thoughts on to them. Basically, if they’re going to put a boat ramp in, that’s fine.

Alderman Perillo stated, there was agreement among the group.

Alderman Finn stated, we also want the boat ramp so we can put them in at low tide, as well as high tide, the boats. You can’t do that down at Sunnyside. We want to make sure there are enough reserved parking spaces for Shelton residents.

Alderman Perillo stated, my recommendation includes that there should be a provision of adequate public access.

Mayor Lauretti stated, you shouldn’t think that there is going to be – your definition of ‘adequate’ ends where? What is your definition of ‘adequate’? How many spaces should there be? As a public entity we don’t have adequate parking for the facility that we run.

Alderman Finn stated out of 300, if they want to put a boat ramp, I would say, 15.

Mayor Lauretti stated, I do know you have to be realistic about these things.

Alderman York stated, Mr. President, I gave you an e-mail on this but I didn’t have a chance to check for a reply, I don’t know. I want to go back to square one and find out what the proper procedure is if, for the Planning and Zoning Commission to be able to deviate from the 10-Year Plan that was just adopted. I just heard through the grapevine that it is supposed to be approved by the Board of Aldermen before they can deviate. What is the formal process that has to happen, if any?

Alderman Perillo explained, it basically functions in the same manner it did when the Plan was originally approved. The Board of Aldermen, when it comes to a Plan of Conservation and Development functions as an advisory board. We offer our thoughts. If we were to say “yes” Planning and Zoning would hear that, if we were to say “no,” Planning and Zoning would hear that. Planning and Zoning is the ultimate arbiter of changes to the Plan.

Alderman York stated, I have just one other comment I want to go on the record – that this is something new for this town. We do have marinas, but never an expansion of this size. I don’t support the condominiums, and I also want to strongly suggest that as this project goes forward, that we either make a recommendation, whatever it is that we’re going to write up, I’m guessing the Planning and Zoning wants a formal comment from us on this. Whatever gets written up, that they do a formal environmental impact on this, and I don’t believe our Planning and Zoning Commission is qualified to do that. I think they’re going to need to request a consultant or request that the developer hires a consultant of our choosing to do an environmental impact. I know it’s going to have a coastal review, but I think we should also have our own.

Alderman Panek stated, the change in the Plan only affects the residential portion. If the Planning and Zoning decides to go ahead and
change the Plan, does the developer have any other option in terms of getting residential on that site?

Alderman Perillo stated, in the future land use plan from the Plan of Conservation and Development, there are no zones in that, but there's an area called “restricted commercial,” “restricted business.” When you read what that means, it specifically addresses things like marinas. It was foreseen that there would be a marina. It does not mention residential, which is my guess the reason for the change.

Alderman Panek asked, they need a change in the 10-Year Plan to get residential on the site?

Mayor Lauretti stated, a portion of it is residential now. There are two homes there.

Alderman Panek stated, I know we discussed the tax benefit to the City. I looked it up, and I remember seeing it in the Planning and Zoning minutes. Currently the property generates $10,000 a year; and the developer estimates $385,000 a year with the expansion. Are we going to move on – this document will go from us to Planning and Zoning, at what point in the process of this discussion,

Alderman Perillo stated, it doesn't have to. We can decide to offer an opinion formally, we can decide not to. We can decide to vote, or not to vote. It is entirely up to us. We have no obligation to offer our opinion. Planning and Zoning has an obligation to let us know and give us the opportunity to offer an opinion. So we can do whatever we want. We can even just hand them the minutes to this meeting and say, “here you go.”

Mayor Lauretti stated, I believe that each individual Alderman should send their comments over to the Chairman.

Alderman Perillo stated, if I missed anything, it wasn't intentional.

Mayor Lauretti stated, I want to make a general statement about the Plan of Development. In general, plans of development, budgets, long range plans, are blueprints to be guided by. I have always believed that you have to have flexibility moving forward, because things change. Things change dramatically in 10 years. While the changes are not meant to be sweeping or catastrophic, you do have changes, and you have to have the ability to do that. If anybody thinks this is a big departure from the Comprehensive Plan of Development, I would just have to shake my head and throw my hands up in the air and not even respond to that. As an example, look at what we did Downtown. The Zoning Commission does need the flexibility and the tools to be able to provide productivity in certain areas of our community, and we also need to protect other areas of our community. I am never going to be one to get hung up on, ‘the plan says we must do this or else.’ Life just doesn’t work that way in my eyes. I think they’re good to have, they call attention to certain things, and they remind us of how to be guided. But in the big picture of things, you’ve got to be able to make decisions that move things in the right direction. I know everybody’s got a different opinion of what the right direction is.

Alderman York stated, I went to a public information meeting on this Beacon Point Marina expansion a year ago that was sponsored by Beacon Point when they were going for their permit from the Army Corps of
Engineers to change the channel. I thought it was pretty clear that what they said was, because I asked, I said, do you have to go for that large of an increase of the number of boat slips - from 50 to 300 to me is pretty sweeping. And his comment to me was, we either go for that many boat slips and make it economically feasible for us, if we don’t get that many boat slips we’re going to have to put condos in there to make it economically feasible. At that point, there were kind of some moans and groans from the audience, and the consensus in the room was that the people would rather give them the boat slips than ever have to have condos down there. This was a year ago. Next thing I know when I see the formal, and according to the Planning and Zoning this hasn’t really even been formalized yet, but now they’re going for everything. So, I just thought that was interesting, because what they were saying way back then isn’t what the plan looks like now.

Mayor Lauretti stated, I think the number of boat slips is really guided by the Army Corps of Engineers and the DEP. I don’t know how much of a say so we have in that. I agree with you, I think that number is a significant change - I was quite surprised myself.

Alderman Anglace stated, I was alarmed when I first heard the number. So I contacted, before they became a formal organization, the fishermen. The guys that fish down there. I asked, how is this going to impact you? They said, it’s a good idea. A good idea? I didn’t think it would be a good idea. And they said, oh no, no problem, that channel is deep enough, you can go all the way out, no problem. I said whenever you drive by there, you’ve got to slow your boat down so you don’t make the waves. And they said, that’s no problem, you’ve got to slow down at every marina.

Mayor Lauretti stated, that may be the fleece lining here, that we get people to slow down a little bit, because if you think they’re fast on the roads, they’re just as fast on the water, too. That’s getting to be an issue.

Alderman Panek stated, our plan is so new that it was just done and the work that was put into that, and they looked, obviously, at that property. If this sets a precedent, if the next person down the road comes and says, you know we want to do condos and you let this guy do condos over here, what effect does that have on future properties in that area.

Alderman Perillo stated, I had conversations with both Rick Schultz and Tony Panico about that exact precedent-setting issue, and I don’t know if you’re familiar with the way Planning and Zoning does things like this, they do very detailed resolutions. Provided Planning and Zoning made its comments and rationale specific to the parcel in question – the subject parcel - and also to the land use category in question. I would imagine it’s difficult for somebody else on the other side of town or another zone or another project to say, well you did it for them. We did it for them for these 12 reasons we’ve spelled out – yours doesn’t have any of those. But you’re right, it’s something they need to be aware of.

5.1.9 Funding for Naugatuck Valley Health District

Alderman Kudej MOVED to authorize the Finance Department to transfer funds in the amount of $17,419 from Contingency General Account #001-9900-900.99-00 to Naugatuck Valley Health District Account #001-2900-611.80-22; SECONDED by Alderman Anglace.
Alderman Anglace stated, this was a very lively discussion that we had with Valley Health and we have set a course for next year of how we’re going to go about when we accept their budget.

Mayor Lauretti stated, this really doesn’t sit well with me. There is a reason that when I did my budget I left it short. At some point you’ve got to draw the line and say hey, this is a significant increase, and it just keeps coming and coming and coming. Everybody starts to do the same thing. There is a pattern here. I don’t know where it ends. It will end if you want it to end, if you’re going to keep doing this then it doesn’t end. Somebody’s got to keep picking up the tab.

Alderman Anglace stated, the choices that were open to us, by state law they set their budget. Once they set their budget they determine the per capita charge, and that per capita charge applies to the census numbers from our town, and that is what we must pay. If we refuse to pay it, they can go to court and collect the money. That’s the law. So we decided was, we’ve got to backstop this. We told them we will not tolerate a nine percent increase in their budget. They explained to us that the reason that their budget went up nine percent was because state and federal governments failed to fund them. So we said, great, so you’re passing it on to us, the local people, and then you want to cap what we can tax. We’re all for a cap, but you can’t do this, you can’t go up by nine percent. The place to catch it is before they set their budget. We’ve had members sitting on there from Shelton on that Board of Directors who vote on this. We had them here and we told them in no uncertain terms we want to meet again, talk to them, we want them to advise us when the budget process is taking place so we can go and get our two cents in and in effect, we won’t tolerate nine percent. That leaves us with one choice - to get out of Valley Health. Then we’ve got to decide, can we do this job for $200,000, can we do it for less or do we stay with them? That is really the bottom line.

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

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

No items presented.

5.3 STREET COMMITTEE

5.3.1 Pawtucket Avenue

Alderman Olin MOVED to accept the recommendation of the City Engineer and the Planning and Zoning Commission to not endorse the proposal to construct the paper portion of Pawtucket Avenue; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

Alderman Anglace stated, I have received this evening names for recommendation to the Long Hill School Baseball Field Renovation Committee.
The names are:

Stanley Kudej, 43 Plaskon Drive
Jim Dew, 73 Far Horizons Drive
Anthony Mingrone, 118 New Street
Jeff VanScoy, 110 Longfellow Road
David Kudej, 105 Prospect Avenue

These are the five names to form that committee. Since this is not on the agenda for tonight, I will refer it to next month’s meeting to make the appointments.

6.0 LEGAL REPORT

6.1 Corporation Counsel Billing

Alderman Anglace MOVED to authorize a total payment of $5,244.71 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated April 5, 2007 with funds to come from the following Legal Services Accounts:

- Legal Fees: 001-1900-411.30-03 $4,444.71
- Foreclosure Fees: 001-1900-411.50-01 $350.00
- Miscellaneous Fees: 001-1900-411.80-03 $450.00

SECONDED by Alderman Finn. 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 $1,422.75 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated March 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 Appointment – Board of Education Building Technology Committee

Alderman Anglace MOVED to appoint Robert E. Gesullo (R) of 23 Wicklow Lane to the Board of Education Technology Building Committee (BOETBC) effective immediately; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

7.2 Appointment – Energy Management Building Committee

Alderman Finn stated, there's no action on this Mr. Mayor. I just received the resume this evening and the other resume, the gentleman is in Florida and I won’t be receiving that until May.

Alderman Anglace stated, could you explain that, we thought we had two openings on the committee, but as it turned out, only one person resigned. So we could only appoint one person, is that correct?
Alderman Finn stated, that’s correct, one person resigned, the other individual said he would be at our next meeting. If he shows up we’ll send him another letter.

Mayor Lauretti stated, you can add people to this committee, what do you have, five people?

Alderman Finn replied, we have six.

Mayor Lauretti stated, you can add; you can go up to as many as nine. Just add them.

7.3 Shelton Sanitary Sewer Collection System Improvements – Amendment 1; Amendment 7

Alderman Anglace MOVED to approve Amendment #1, Shelton Sanitary Sewer Collection System Improvements; CWF 473-C on the recommendation of the Water Pollution Control Authority and to authorize Mayor Mark A. Lauretti to execute this amendment; and further,

MOVED to approve Amendment #7, Shelton Waste Water Treatment Facility Expansion and Upgrade; CWF #165-C on the recommendation of the Water Pollution Control Authority, and to authorize Mayor Mark A. Lauretti to execute this amendment;

SECONDED by Alderman Papa.

Alderman Finn stated, on Amendment 7, I noticed there was no cost – it was a wash. But reading the documentation we have in front of us, I couldn’t determine whether there was an increase in cost on Amendment 1.

Mayor Lauretti stated, I believe there is, and I think it’s in the neighborhood of $7,000 or $6,000.

Alderman Finn stated, I couldn’t find that in the information.

Alderman Papa stated, it says here $3,900.

Alderman Finn stated, yeah, that’s in the motion, I saw that. There’s nothing in the amendment itself indicating what the cost was. As long as it says $3,900 that’s fine.

Mayor Lauretti stated, there’s a matrix you have to follow for the schedule on how we arrive at the fee. That may not be in there. It’s already approved in the referendum.

Alderman Finn asked, this is going to come out of the Contingency account?

Mayor Lauretti stated, no. If you don’t know, and it’s hard to file. If there’s an additional cost, it should be stated in there. I will double check it out with Tom tomorrow if he’s in. If it’s not in here, the funding may already be in place. You’re going to have another meeting next week, we’ll have a special. Take no action.

Alderman Perillo MOVED to TABLE; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.
7.4 Lane Street Sewer Project

Alderman Perillo stated, this is the first time I’ve seen this. I would like to get a handle on it. I’ve read the old minutes, read the newspapers, stuff like that. I understand the financial aspects – the $10,000, that’s easy to understand. But actually, Alderman Panek, if you could fill me in on the other side of the equation?

Alderman Anglace MOVED to waive bids for the installation of a sewer line on Lane Street based upon a recommendation from the Water Pollution Control Authority and a letter from the Purchasing Agent, and to authorize Mayor Mark A. Lauretti to sign all necessary documents; SECONDED by Alderman Papa.

Alderman Panek stated, I don’t know how familiar you are with the issue itself. The initial issue from the previous time this was on the agenda was basically that it involved a bid waiver, WPCA acted, and the Sewer Administrator started negotiating with a contractor prior to the Board of Aldermen approving the bid waiver, and then came before the Board of Aldermen for approval of the bid waiver. The concern from some members of the Board was that the proper process wasn’t followed in terms of, the bid was not waived. WPCA negotiated with a contractor and it was a contractor that bid on the original project.

Since then, it’s been back to us at end of 2006 for questions and answers regarding the issue. As I’ve explained to several other Aldermen, obviously all of our concern is to get the lowest price and fix the problem on Lane Street for the homeowners. That was never an issue. It was unfortunate ...

TAPE ONE, SIDE TWO

... you know, it wasn't a bid waiver on purchasing a vehicle or something else, it is having a direct effect on them and what they're ultimately going to end up paying.

Alderman Perillo stated, so it’s illegal to waive the bid and do the negotiation?

Alderman Perillo stated, it’s not illegal to waive the bid, but there is a process for a bid waiver to come before the Board of Aldermen first, and it didn’t happen.

Alderman Perillo asked, so there is no provision for it in the Charter?

Alderman Finn stated, I believe what Alderman Panek is saying is that the chain of events indicated that they did a waiver of bids, it went to the Board of Apportionment and Taxation, the Board of Apportionment and Taxation only approved one waiver of bid, and from there it came in front of us, and at that time it was just for Rocky Rest, Rocky Rest was approved, and all of a sudden Lane Street showed up. Apportionment and Taxation never authorized the waiver of bid, or reject the bid. So everything was out of sync. The proper procedures were not being followed. And before it got to the Board of Aldermen, the Water Pollution Control Authority according to the minutes authorized Mr. Sym to sit down and negotiate a price with an individual that did not submit a bid.
Mayor Lauretti stated, but Apportionment and Taxation doesn’t waive bids.

Alderman Finn stated, they reject the bids.

Alderman Perillo stated, so what happened, just so I understand, is not illegal, the Charter provides for it.

Alderman Finn stated, no, not the action they took.

Alderman Perillo asked, the Charter doesn’t provide for a waiver of bid if things are too high and then renegotiation,

Alderman Finn stated, the Charter provides for a waiver of bid but I just indicated to you that they didn’t follow procedure.

Alderman Panek stated, the Charter doesn’t provide for departments and Department Heads to go and negotiate with contractors until the Board of Aldermen approves the waiver of bid. There’s a sequence of events I think everybody would agree should occur. If we’re going to stand up here and say that we’re going to allow department heads to go and negotiate with contractors out of the public eye, and if we think that’s a good precedent to set, I would disagree with that.

Alderman Perillo stated, well it’s hard to negotiate with somebody in the middle of a meeting. So somebody’s got to negotiate, somebody’s got to sit down with somebody, so there’s got to be a negotiation at some point.

So in December, I think I read the minutes. Mr. Sym came back and informed us of this negotiation. He told us in a meeting. So then it came before the public eye. I’m just trying to think this out. So Tom Sym did something he was authorized to do, with a procedure that our Charter allows for. It’s not illegal; it’s legit. And he actually did a pretty decent job at it, because he cut the cost in half, and two homeowners could conceivably pay $10,000 less each, and the City saves another $10,000. And, that’s bad, I’m lost. So we are concerned about somebody having a negotiation because a couple of Aldermen think the Administration’s after their Lucky Charms or something? What’s going on?

Alderman Panek stated, so you think that it’s okay for a Department Head, that Apportionment and Taxation opened a bid tonight on purchasing a Police vehicle, and tomorrow the Police Chief is meeting and speaking with somebody who didn’t bid on it at a car dealership and says, ‘I’ll give you this price.’ Okay Board of Aldermen, we need to waive the bid because I just talked to this dealer and he’s giving me a better price. Do you think that’s a good precedent to set?

Mayor Lauretti stated, well it’s not an apples to apples comparison. I wouldn’t disagree with you, though, because you can use that as a lever to get what you want. But the prices are so far apart that, it was kind of like a no-brainer. You’re not going to put the sewer in for the bid prices, just not going to do it, you can’t afford to.

Alderman Finn stated, as I indicated, even prior to the bid waiver coming from the Board of Aldermen, public record shows it in the Water Pollution Control Authority’s minutes, that they told him to go out and start negotiating before a waiver of bid was even given.
Alderman Perillo stated, I would imagine that’s because Water Pollution Control Authority saw the price and said, ‘oh good God, this is ridiculous.’

Alderman Finn stated, you can’t do it.

Alderman Perillo stated, let me tell you something. Jack, I’m going to be totally honest with you. If this were my grandmother’s house on Willoughby Road, or my father’s house out by where the Mayor lives, and this happened, and this didn’t get approved, I’d be pixxed.

Alderman Finn stated, watch your language.

Alderman Perillo continued, I’d be livid. I’m telling you that right now. To pay $10,000 extra – that’s an undue hardship.

Alderman Finn stated, you know, you’re beating the bush on something you’ve read and you should have knowledge of. You’d know this if you sat down and read the minutes.

Alderman Perillo stated, I did.

Alderman Finn stated, then you know exactly what happened. So we’re not here to play politics.

Alderman Perillo stated, I’m here to try to get these folks a deal, and try to get them some sewers is what I’m trying to do.

Alderman Finn stated, we’re here to address the situation. I’m glad to see that you’re on board with us.

Alderman Papa stated, the bottom line here is, the Sewer Administrator went out and got prices because the bids that we got were so high, and so out of whack, that if we accepted those bids, it would have been a travesty for the people who live on that street and the taxpayers. So he did a fine job in getting some quality prices, a savings to the City and to those homeowners on Lane Street. I don’t see why we’re even discussing this. This is good common sense. We have a good price. They’ve had to wait a year and a half to two years. And who knows what happened with that river, speaking of the environment, there might be a problem with the river. Why are we debating this for the last year or however long it’s been? I mean, the City is saving $10,000 and so are the taxpayers. I don’t see why we’re even talking about this. I think it’s foolish. And you’re saying it’s not political? These people live in Shelton. They pay taxes. Why can’t we help them out? What is the problem?

Alderman York stated, I think if this Board was so interested in saving these people money then they should have done it properly from the beginning when the Aldermen who had problems with things stated very specifically what those problems were, and all everybody had to do was go back and fix it. There is a history to this. We’re talking about Lane Street. Lane Street had serious well damage on it. We were concerned because we were handed this, with a hand-scribbled thing across the bottom, no name, no nothing. I got a better deal and I can save everybody $10,000. Well we’ve seen instances that we’ve investigated, our past bid waivers, where we didn’t save anybody money. It ended up costing more money. This was an effort on our behalf to make sure we knew exactly what we were getting for what price. There was a bid here for over $300,000. There was a bid here for $76,000. There was a bid here for $58,000. I was concerned. Why would one of these
construction companies think that it was going to cost so much money to
do that job unless maybe they thought that there was an issue there that
was going to cost a lot more money to correct properly, than someone
who was going to come in and do a half you-know-what job, and perhaps
cause more damage on a road that was already damaged. So, we asked
for backup. We asked for more information and we gave everybody
plenty of time to get it. So let’s not get high on the hog here and act like
you know what’s going on and you got a real problem and you can’t
understand, because if you were here from the beginning, and if you
were following what was going on on that street, we were concerned
enough about the residents on that street to make sure they were
getting the best job possible for the money. That was the issue and that
is the only issue and that continues to be the issue. And that is the end
of that.

Mayor Lauretti stated, if that is the only issue, then you should vote in
favor of this and find out whether in fact the guy who bid $358,000 is out
to lunch, or the money that is on the table will really do the job for the
right price.

Alderman York stated, it took two meetings to get Tom Sym up there to
explain what was going on to us to our satisfaction.

Alderman Papa asked, why do we have to drag it out another year so
these people have to

Alderman York stated, I’ll tell you why I didn’t vote. I don’t know about
the other ones. Because, I can’t prove it, but I found inconsistencies in
what he said and it made me even more leery after his testimony. When
I said ‘to our satisfaction’ what I mean was, we finally got him up here to
talk to us about the specifics of what was going on. But there were
inconsistencies in what he said.

Alderman Papa stated, you know, sometimes these contractors bid so
high, they give a really high number because they don’t really want it
because it’s only two households. To a big contractor, it’s probably not
that important. So they throw a big number out there and if we’re
gullible enough to go with them, they hit a home run. It’s unbelievable.
Maybe they negotiated with somebody that needed the work, maybe
they were slow and the time to do it would be now, and that’s why they
offered a better price. These bids are way out of whack, and if we accept
them, the contractor makes out real well. I think it was a good deal for
Tom Sym to go out and negotiate a better price. I feel if we don’t pass
this now, it’s a travesty.

Alderman Anglace stated, first of all, Tom Sym did not act on his own. He
acted following rejection of all bids by the Board of Apportionment and
Taxation. He clearly saw that it was December and the asphalt plants
were about to close. The contractors had a short window. If they’re going
to put their people to work someplace and they have a chance to take a
job – so they throw in a bid - $300,000. If they get it, it’s a home run. If
they don’t get it, there’s nothing lost. They’ve got plenty of work to take
them to the end of the season.

The point is that the Water Pollution Control Authority which is a
separate body and has the authority under State Statutes, directed Mr.
Sym to negotiate prices. He didn’t do it on his own. In December when
he came to our meeting, he analyzed, and gave us all the information we
really need to know. The original low bid on the job was $58,860. The
negotiated price with Key Septic and Drainage, which he told us in December, was based on a 30 per lineal foot cost to dig the trench, sell us the pipe, to backfill it and to pave it. Alternatives, Key Septic pointed out that for the $30 per lineal foot they’re going to make alterations to the existing manhole, this is just recent, on Huntington Street, excavate the installation of pipe, backfill, pave approximately 450 feet for the sewer main and approximately 50 feet of laterals and their total estimated cost for that work is $15,000. The engineering for the job done by Jim Swift was $7,000. So there’s a total cost in there of $22,000 for outside people.

Now, the City, the Water Pollution Control Authority, is going to put up the difference. The Water Pollution Control Authority is going to supply the piping, the installation, the fixtures, the elbows, all that stuff, manholes, etc. So you’ve got $6,000 in the job for it to come up to $28,000. That would be a considerable savings and the way to go. I think we’ve beat it to death long enough.

Alderman Panek stated, in communication between Tom Sym this week and today, I was provided a copy from Key Septic, which is something I wanted to see, on their letterhead, which stated the cost and the scope of work. I was satisfied with that. Another concern that Alderman York touched on was a bid waiver that was recently approved for Yutaka Trail road repaving. As the minutes of our meeting reflect, it was stated that the cost was going to be around $30,000.

Mayor Lauretti disagreed, stating, the cost, I stated, would be around $39,000. The minutes are wrong.

Alderman Panek read an excerpt from the minutes of the December 14, 2006 Board of Aldermen Regular Meeting: “Mayor Lauretti replied, we’re estimating that it’s going to cost somewhere in the neighborhood of $30,000 to $31,000.” Fast forward to February 8, 2007: “Mayor Lauretti stated, we do know what the amount was. The City has received an invoice that was paid on January 31st in the amount of $42,300.” It’s in the minutes of the meeting. If the minutes are wrong, then we can revisit the minutes.

Mayor Lauretti stated, I’m going to listen to the tape, because I was never under the impression that it was going to be $30,000 to $31,000. It was always $39,000, that I was told.

Alderman Panek stated, that brings me to the concern of approving a bid waiver with no dollar amount in it.

Mayor Lauretti stated, and if you’ll recall, what I also said at that meeting and had great regret that I had to come before this Board for a bid waiver for this project because of those certain reasons.

Alderman Panek stated, the only reason I bring that up, and the minutes can reflect them and if the minutes are wrong then we’ll state they’re wrong. I want to make sure we’re firm on the price of $28,000 and therefore, I’d like to offer an amendment.

Alderman Panek MOVED to AMEND the MOTION to add “for a total cost not to exceed $28,000; SECONDED by Alderman Finn.
Alderman Panek stated, I think if we can make this amendment and we have the backup here, we can move forward on this, take it from there, and get these homeowners satisfied.

Mayor Lauretti stated, wait a minute. There’s a little discrepancy about the dollar amount here. I’m under the impression that this is going to be a $15,000 project, and it’s going to come from the Revolving Sewer Account, so we’re not going to appropriate any money. But it should be in the motion, to sign necessary documents with Key Construction in an amount not to exceed $15,000.

Alderman Anglace stated, $15,000 is just one part of it. $7,000 is the design, and then we have to supply the labor. Jim Swift is $7,000.

Mayor Lauretti stated, he’s not with Key – that’s a separate contract.

Alderman Anglace stated, they got a private contractor to design it. $7,000.

Alderman Finn stated, there’s a first and a second on that motion, Mr. Mayor. I’m in agreement with, this locks it in for $28,000. This way the homeowner knows that their pocketbook won’t be affected over $10,000 for the installation of the sewers. That’s their fair share.

Alderman Panek stated, it reads $28,000 on this untitled and undated document.

Mayor Lauretti stated, isn’t this what Tom Sym gave you today? What does the dollar amount say?

Alderman Panek replied, $15,000.

Mayor Lauretti stated, that’s the motion that’s on the table, not $28,000.

Alderman Anglace stated, here, page five of the December minutes, this is Tom Sym speaking: “the job is not going to cost $40,000 so I got Jim Swift to design it for $7,000. This is the way I wanted to work this job. This is for two houses. We’ve never done a sewer line in town that was for two houses. If we use McGuire’s original number, and the low price of $58,000, it would have been $100,000 for this job. We can now get it done for $35,000 or less.” So he’s got figured in there the $15,000 for the contractor, the $7,000 for design, and the City’s share, Water Pollution Control Authority’s share. They got to put in the bedding, the installation, crushed stone, stuff like this.

Corporation Counsel Welch stated, you’re only waiving the bid for Key Septic, and you’re only entering into contract with Key Septic for $15,000. The other items having to do with the City’s share and part of the Revolving Loan Account and the professional services of Jim Swift are items that the Water Pollution Control Authority pays for. The only reason this is coming before you is the waiver of bids and the amount of that waiver of bids. The contract that they enter into at their discretion and their guidance, the Water Pollution Control Authority doesn’t have the ability to waive bids. That’s why a sewer project is coming before you. So the only issue on the table is the $15,000 and it is only in regard to Key Septic and not other aspects of the project.

Alderman Finn stated, for public record, we also have another document here it says Lane Street Sewer Project and it was distributed to the
Board of Aldermen in December. It says, assessed per household $9,333.33. The City’s share would be $10,000. Mrs. Chaffee’s share would be $10,000 and Mr. King’s share would be $10,000. That’s $28,000 for all three and it equals a 52 percent reduction for public record.

Alderman Panek stated, can we put a dollar amount in.

Mayor Lauretti stated, $15,000.

Corporation Counsel Welch stated, you have to, in this particular instance. I’ve added language:

“enter into contract with Key Septic and Drainage in accordance with correspondence dated April 11, 2007 in the amount of $15,000”

Insert that after the word “Purchasing Agent” as a friendly amendment.

Alderman Finn stated, Counsel, we want to be assured that all of a sudden the Water Pollution Control Authority doesn’t turn around and say, “oops, we forgot, now I’m sorry Mrs. Chaffee your share is now up to $15,000.”

Corporation Counsel Welch stated, whatever the cost of the project is, they have to follow the ordinance. I think that’s an estimate to indicate that is a fixed cost. They haven’t gone through the assessment. After the sewer goes in, Bob Kulacz will come back with a certified assessment.

Mayor Lauretti stated, the discussion stops now. There’s a proposed amendment on the floor. Chris, do you want to restate your amendment?

Alderman Panek MOVED TO AMEND THE MOTION TO READ: “and further, MOVED to authorize Mayor Mark A. Lauretti to sign all necessary documents with Key Construction in an amount not to exceed $15,000.” Alderman Papa SECONDED the AMENDMENT. A voice vote was taken and the AMENDMENT PASSED 8-0.

Motion as amended:

Alderman Anglace MOVED to waive bids for the installation of a sewer line on Lane Street based upon a recommendation from the Water Pollution Control Authority and a letter from the Purchasing Agent, and further,

MOVED to authorize Mayor Mark A. Lauretti to sign all necessary documents with Key Construction in an amount not to exceed $15,000; SECONDED by Alderman Papa.

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

8 FINANCIAL BUSINESS OLD

No items.
9 FINANCIAL BUSINESS NEW

9.1 Shelton High School Renovation and Building Committee Construction Contingency Request

Alderman Anglace MOVED to authorize the Shelton High School Renovation and Building Committee to expend $15,565 (see attached schedule) from the Fusco Construction Contingency General Account for the Shelton High School Reconstruction Building Project; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

9.2 Gasboy Upgrade at Police Department; Installation at Highways and Bridges

Alderman Anglace MOVED, per the recommendation of the Acting Purchasing Agent to waive bids for the upgrade and installation of the Gasboy fuel management system at the Police Department and Highways & Bridges, respectively; and further,

MOVED to appropriate $21,233 for this purpose broken down as follows:

Police Department Upgrade - $5,970
Highways & Bridges Installation - $15,263

With funds to come from LOCIP; and further,

MOVED to add this item to the Capital Improvement List; SECONDED by Alderman Papa.

Mayor Lauretti stated, before you give the explanation on the numbers, I just want to tell you that this is not LOCIP eligible.

Alderman Anglace stated, that just puts us in taking $21,233 from Contingency General Account #001-9900-900.99-00. We'll have to change the motion for the money to come from the Contingency General Account.

Mayor Lauretti stated, the last conversation I had a 5:00 with Charlene DeFilippo is that it wasn’t allowed in the regulations that she had, and she was seeking a clarification from the State, that didn’t come in on time, and I don’t hold high expectations that they’re going to approve it if it’s not in the written regulations.

Alderman Anglace stated, there are a couple of things she should use in talking to them, and that is the fact that in both cases, there is something called a TLS that you have to monitor, and it’s an EA requirement. So that might help. Why don’t we proceed in this form, and if this isn’t the right form, we’ll come back and amend it next month.

Mayor Lauretti stated, there’s nothing wrong with the form, just the funding.

Alderman Anglace stated, you’re sure you want to change it now? It could be eligible.

Mayor Lauretti stated, if you want to pass on it, we can certainly wait another week or so. We’ve waited this long. I do want to tell you
though, that the diesel tank at the Highways & Bridges garage is probably out of date and that’s my feeling right now through my discussions with Bill Mooney. So we’re going to be back for tank replacement, and we’re going out to bid on that.

Alderman Finn stated, in the e-mail we received from the Acting Purchasing Agent, he points out to us that the City is in violation of the EPA standards by not having this TLS.

Mayor Lauretti stated, that’s because of the tank.

Alderman Finn asked, what is a TLS?

Mayor Lauretti stated, I’m not sure what the technical definition of it is. It’s associated with the tank, and I told them, forget about that – we’re just replacing the tank. It’s an in-ground tank and it’s too old. Even if it’s not too old, in a couple of years it’ll be too old. So the time to replace it would be now. We want to get an above-ground enclosed tank just like we have at the Police Department for gasoline storage at Highways & Bridges.

Alderman Finn asked, what would the violation be with EPA according to their standards?

Alderman Panek stated, if I read the back-up properly, the tank leveling system basically keeps what is being pumped, what’s being put in, at the same level to make sure probably that the tank’s not leaking. If they pump so much in a month, and they’re putting in more than they’re pumping in a month, there’s probably a problem with the tank or a leak or something.

Mayor Lauretti stated, it has something to do with the tank. I couldn’t give you the definition.

Alderman Anglace stated, I want to enter something that I think is important into the record. I just want you all to know that I spent most of today working on this, trying to pull teeth, trying to get information, I won’t like to see this happen again in the future. Items of this type should go to the Finance Committee and not to the full Board, because they’re not ready. We got the information 2 o’clock this afternoon. This is irritating.

Mayor Lauretti stated, but you have all the information, and what you have is accurate. It’s not going to change.

Alderman Panek stated, but we got this information at 6:55 when we walked into the meeting.

Mayor Lauretti stated, we’ve been talking about this for months.

Alderman Anglace stated, maybe you have, but not me.

Mayor Lauretti stated, we’ve been talking about it at this Board.

Alderman Finn as of the 10th we had no idea what Gasboy was, until we got the e-mail.

Mayor Lauretti stated, Jack, you were here when you approved the original Gasboy that we put in.
Alderman Finn stated, that was automated fuel systems.

Mayor Lauretti stated, and then the Gasboy. And so was John, and John.

Alderman Anglace stated, my personality suffers as a result of all this, very bad. Marilynn Gannon called me today late in the day, and unfortunately, she discovered it first hand. Call the question.

Mayor Lauretti asked, what's the motion? Are you going to go with the motion that's on the floor?

Alderman Anglace stated, yeah, go with the motion. If we have to change it, change it.

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

Corporation Counsel Welch stated, just for the record, the motion was such that the funds would come from Contingency General Account #001-9900-900.99-00, not LOCIP.

9.3 CRRA Storage Agreement

Alderman Anglace MOVED to approve the storage agreement between the City of Shelton and the Connecticut Resources Recovery Authority (CRRA) to store the ‘fire truck’ in the CRRA building on River Road from April 1, 2007 through December 31, 2008 for no charge or consideration; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any necessary documents; SECONDED by Alderman York.

Corporation Counsel Welch stated, I had some comments which were provided this evening. The only comments were that the storage agreement provides for certain insurance requirements. We signed that document. I'm going to have those eliminated, we will not provide them certain insurance; we are self insured for the two categories that are mentioned in the letter. That is the amendment I will make to that agreement before you sign it.

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

10. - LEGISLATIVE - NEW

Ordinances from Public Hearing

10.1A Amendment to Ordinance #723 – Salaries Fire Department Personnel

Alderman Anglace MOVED to adopt the amendment to Ordinance #723 – Salaries Fire Department Personnel – as presented at the Public Hearing on March 27, 2007; and further,

MOVED that this Ordinance be published in summary form with a full copy available for review in the Office of the City/Town Clerk; SECONDED by Alderman Papa.
Alderman Finn stated, I passed out to everybody tonight the correspondence I received from Tom Welch pertaining to this dated April 5th indicating that what we have in our ordinance we cannot do.

Mayor Lauretti stated, you passed it out tonight?

Alderman Finn replied, yes. The way it’s written, we can’t approve the ordinance as it’s written.

Corporation Counsel Welch explained, the issue that arose is relative to the stipends. There currently are two forms of Deputy Fire Marshal – a stipend Deputy Fire Marshal and an hourly Deputy Fire Marshal. What the Ordinance proposed, and you certainly have the right to take whatever course you deem necessary, from our office’s standpoint I think you’ll run into difficulty if you take stipend positions out of the ordinance. Obviously you can have your hourly as part of your budgetary process, certainly, but a stipend position is something that should be part of the ordinance. All of our stipend positions are different. In the majority of stipend positions, it’s not based upon hourly work, but upon duties performed. We just thought it led to more complications. I’m not sure of the actual purpose of what was proposed, but if the intent was to have all hourly, that’s one thing, but if the intent is to have all stipend positions, that’s another. From our position a stipend position should remain as part of the ordinance.

Mayor Lauretti asked, what stipend position?

Corporation Counsel Welch stated, in this particular case, the Deputy Fire Marshal Stipend Position should remain as part of the ordinance. As I stated in the memo, if you take out a stipend position, there’s no place that says ‘that’s what he’s going to get for the work performed.’ You’re telling somebody that if you perform the work, you’ll get $5,000. If it’s part of the budgetary process, it’s nowhere.

Mayor Lauretti stated, I’m missing your point. I don’t know why that prohibits us from just saying that these are the stipend positions.

Corporation Counsel Welch stated, where does it say that the stipend position is ‘x’ dollars?

Mayor Lauretti stated, it says it right here.

Corporation Counsel Welch stated, you’ve taken it out.

Mayor Lauretti stated, it says here, “Fire Chief, Deputy Fire Chief,” we’re not taking that out.

Corporation Counsel Welch stated, but the Deputy Fire Marshal is the only one I was referring to. The Deputy Fire Marshal stipend was removed from the prior ordinance and not inserted in this.

Mayor Lauretti asked, so why can’t you do that?

Corporation Counsel Welch replied, because as those stipend positions, I indicate that you can take whatever step, I think it leads to problems for the sole reason that nowhere does, you’re leaving certain stipend positions in. I’m just trying from a practical standpoint that there is no place that says the stipend position is for $5,000. The hourly positions,
if someone is retained, you’re going to submit a time card based upon ‘x’ dollars, say $7.35.

Mayor Lauretti asked, so what’s wrong with that?

Corporation Counsel Welch stated, there’s nothing wrong with that. What is being proposed is that the stipend positions will remain but not be part of the ordinance, they would be just part of the budget, so you’re mixing what I consider apples and oranges. You’re asking that the Deputy Fire Marshal, there are two types, one is stipend and one is hourly. You’re taking them both out of the ordinance. What I’m suggesting is if you’re going to keep these stipend positions to remain part of the ordinance, other Deputy Fire Marshals that are hourly have no problem.

Mayor Lauretti asked, who determines what is a stipend position and what isn’t? I think the change in the ordinance says that we’re differentiating between the two. One is, one is not.

Corporation Counsel Welch stated, the ordinance takes out the stipend position.

Mayor Lauretti stated, right. How else do you do it?

Corporation Counsel Welch stated, you leave the Deputy Fire Marshals stipend position as part of the ordinance.

Mayor Lauretti asked, but why? If you’re going to use a different form of payment, why do you leave it in there?

Corporation Counsel Welch stated, you’re saying something different. I’m saying if you keep a stipend position. You’re saying that everyone goes to hourly.

Mayor Lauretti stated, that’s what’s appropriated in the Fire Marshal’s budget.

Corporation Counsel Welch stated, that’s not how I understood it. I understood it that they were going to keep stipend Deputy Fire Marshals and hourly Deputy Fire Marshals. And if you’re going to have a stipend person, our opinion,

Mayor Lauretti stated, if you’re going to have both, then I understand what you’re saying. I’m not sure that’s what’s being proposed here.

Corporation Counsel Welch stated, and you indicated that the Board has discretion to adopt or amend as you deem appropriate. I also indicated I was not aware of what the purpose behind the ordinance was, so that’s why I said my opinion was limited in scope. If you’re going to keep a stipend position as part of it, you’re not going outside of the position, they’re all going to be hourly, they don’t have to be part of the ordinance.

Mayor Lauretti stated, and that’s what this proposal says.

Alderman Finn stated, but the budget indicates that he has both stipend and hourly positions.

Mayor Lauretti stated, so the budget gets amended. When you set the budget on May 15th you make that change. You’re not going to do it
before you change the ordinance. I think the Fire Marshal did it that way just because of the uncertainty.

Alderman Finn stated, there’s no need then, if they’re going to do that, to have his notation at the bottom, “the salaries of Deputy Fire Marshal and Assistant Fire Chief of Prevention are included in the budget,” that should just be eliminated totally from the ordinance in front of us.

Mayor Lauretti stated, so there’s no reference to stipend positions.

Alderman Finn stated, that’s absolutely correct. That’s if you’re doing away with the stipend positions.

Mayor Lauretti stated, I wouldn’t disagree with that.

Alderman Anglace stated, I’m more than confused on this. First you would note that we had no speakers during the Public Hearing on the subject. Secondly, when I view the definition of a stipend position, it means that every Alderman, as an example, every Alderman would be entitled to a stipend of $5,000. It doesn’t say what I have to do to earn it, I don’t have to do anything; I just automatically get it. That’s why I have difficulty with the use of the word “stipend.” You pay by the hour, that’s fine. I get paid when I work. If you’re paid by the month, and I have to put in ‘x’ amount of hours a week, then that’s fine. That’s a salary. But when you just say ‘stipend of $5,000’ it tells you, what does the City get for $5,000, or whatever.

Alderman Finn stated, we just agreed to do that task for $5,000.

Mayor Lauretti stated, listen, if you’re in contention with the word ‘stipend,’ okay. But there’s nothing confusing about this piece of paper before us. Enclosed are the stipend positions of the Fire Department. The Fire Marshal’s positions are not included.

Alderman Anglace stated, in other words, there’s no reference to ‘stipend.’ And that, to my way of thinking, is the way it should be. If you’re the Fire Chief, and Fire Chief being defined in the fire laws, it’s $15,000 a year. That’s what you get. No matter who is the person. If you’re Deputy Fire Chief, that’s $10,000, and if you’re Assistant Chief, each one, how many, three of them? They get $7,500 each.

Mayor Lauretti stated, but they may add more positions, so don’t think when you’re looking at this there’s only going to be one of each. That number changes according to what gets approved in the budget and what the Board of Fire Commissioners wants.

Alderman Anglace stated, it says ‘each’ and Superintendent of Alarms gets $3,000.

Alderman Finn stated, it should probably be rewritten and resubmitted.

Mayor Lauretti asked, why? I think the only point is the one you made about taking the note out at the bottom.

Alderman Finn stated, once we take the note out at the bottom, we’ll have to bring Labor Counsel into it because now you have stipend positions and you’re going to be creating part-time positions.

Mayor Lauretti asked, what are you talking about?
Alderman Finn stated, just answer the question. Will Labor Counsel have to be involved or not?

Mayor Lauretti stated, it has nothing to do with that. These are – you have full-time positions in the Fire Marshal’s Office, you have part-time positions in the Fire Marshal’s Office. You have that now. You’re eliminating the stipend for the Fire Marshal’s Office. Make them all part-time, hourly.

Alderman Panek asked, who was the author of the ordinance revision?

Corporation Counsel Welch stated, the ordinance we see came from the Board of Fire Commissioners.

Alderman Finn stated, no, it didn’t.

Mayor Lauretti stated, a request came from the Board of Fire Commissioners and it’s,

Alderman Finn stated, no, not this one.

Mayor Lauretti stated, yes, this one.

Alderman Finn stated, you would have to go back to August 2006, that is the proposal they submitted to us. That included all the positions and the Fire Marshal’s Office included, in the ordinance.

Mayor Lauretti stated no, this just came to us this year.

Alderman Finn stated, I don’t think this came from the Fire Commissioners’ Office.

Alderman Panek stated, what has me confused is in the minutes of their meeting that are attached here, it doesn’t discuss eliminating any positions. If they came from them, and there’s no discussion by them, how did it get to the point of what we have in front of us where the positions are eliminated?

Mayor Lauretti stated, this is what was sent to us, with no recommendation about stipends for the Fire Marshal’s Office. It’s my thought that they should be broken out, that they should be all hourly.

Alderman Finn stated, then it came from your office.

Mayor Lauretti stated, no, it didn’t come from my office. It came from the Board of Fire Commissioners. It came without a recommendation for increases for the Deputy Fire Marshals.

Alderman Finn stated, they also came for increases for the Fire Marshals office correct. That was the original one in 2006. The letter is correct. The document behind the letter is not correct. This did not come from the Board of Fire Commissioners. You’ve got a commissioner here shaking his head no, they didn’t submit this.

Mayor Lauretti stated, they most certainly did because they sent a letter the night of saying that they wanted to withdraw it. Don’t you remember? We had a discussion about that. That’s in the minutes too, they wanted to withdraw it. I said, ‘why?’ if you want to modify it, they
can modify it after the public hearing. And there was no response. They sent the document over without any recommendations for increases to the Fire Marshals. My suggestion is, take them out.

My concern is this didn’t come from the Board of Fire Commissioners, there is nothing in their minutes about them wanting to remove stipend positions. If it was their request to change the ordinance, I mean, nobody came and said anything at the public hearing and I agree with that, but there’s nothing in the back-up that said that they wanted those removed. I have a concern passing this as it is.

Mayor Lauretti stated, there isn’t. The only request came that they wanted to upgrade the dollar amount for the stipends. Period.

Alderman Panek stated, so at what point, who decided to remove those positions?

Mayor Lauretti stated, I’m saying it. Because you’ve got positions,

Alderman Panek stated, so you took it out of the ordinance.

Mayor Lauretti stated, I didn’t take it out of anywhere. This is a proposal.

Alderman Panek stated, well who, the ordinance that we have in the amendment, who is the author of this page right here, the Amendment to Ordinance 723 that has no date on it, there’s no author. If it came from them,

Mayor Lauretti stated, this had to have come from the public hearing. This had to be referred from the public hearing.

Alderman Panek stated, the second page, who is the author of that document that doesn’t have the positions in there.

Mayor Lauretti stated, that had to come from the Board of Fire Commissioners. If this is what came from public hearing, that’s what they sent. Then they sent that other letter, the night we had the board meeting, saying that they wanted to withdraw it. And we didn’t withdraw it, we scheduled the public hearing. It’s not confusing at all. There will be two types of Deputy Fire Marshals, one hourly, one stipend, or you’re going to have one or the other.

Alderman Panek stated, since this affects the stipend positions of the Fire Department, I have to look at the back-up here,

Alderman Papa stated, but these are increases.

Alderman Finn stated, read the letter. The one dated April 5th. You indicated that you agreed with me that if you want to approve this, we have to take the note out at the bottom. I’m sure that the Board of Fire Commissioners sent this to us, and they wouldn’t have put down ‘note – the salaries of the Fire Marshals are in their budget.’ It doesn’t make sense that the Commission would do something like that. It would just have the other positions.

Alderman Perillo stated, so, your issue is, and I see your point. There is nothing in here from the Board of Fire Commissioners that mentions anything about doing anything with the Fire Marshal’s Office, yet we have an ordinance before us that includes that. So where did it come
from. We don’t have anything from the Board of Fire Commissioners that suggests that is what they want to do. Nothing in their minutes.

Alderman Finn stated, that’s correct.

Alderman Perillo stated, they had to have sent this to us, right?

Alderman Finn stated, if we go back to the August 6th letter, which is also included in the packet, that had the original ordinance that went to the Finance Committee for approval. At that time, the Finance Committee tabled action on the ordinance due to the fact until they felt the job description of the Fire Chief was resolved, they wouldn’t act on any increases in salaries. Then this showed up.

TAPE TWO

[Alderman Finn speaking] … increases in the salaries. Then this showed up.

Alderman Papa asked, so what’s the difference who it came from? I mean, this is part of

Mayor Lauretti stated, it’s clear who it came from. There is no debate about where it came from; there shouldn’t be.

Alderman York stated, I think it just goes back to the recommendation I made that when there’s an item on the agenda that affects a department or something, there should be a representative here so that if we have some questions. We could assume all we want, but it would be nice to have somebody here to answer our questions.

Mayor Lauretti stated, this is a financial issue. That’s all this is. If you want to make it complicated, you can. That is the nature of things today. This is pretty simple, I think.

Alderman York asked, does it make any difference when you designate someone, there are salaried employees, hourly employees, and stipend. Salaried employees often received different benefits versus hourly. Does that come into play at all because I know it’s all part time, and, you know.

Corporation Counsel Welch stated, in reference to salaried and stipend, it’s one and the same. If you look at the budget forms, that’s why the proposed 2007-2008 expenditure request from the Fire Marshal’s Office separates out from the stipend positions includes two Deputy Fire Marshals at $5,000 totaling $10,000, and subsection (b) says Deputy Fire Marshals 17 hours x hourly wage x 5 hours per week. So the Board would then have to take whatever income they had in the stipend position and put it down as hourly. The issue we discussed is we were leaving it as currently placed in the budget form and would still be part of the ordinance. To pass the ordinance in its present form we’d just have to move those positions down [inaudible].

Alderman York stated, it doesn’t open the door for overtime situations or, for instance, I’m paid a certain amount every year no matter how many hours I put in, that’s my contract and that’s what I get paid. Hourly people are very different. If hourly people go over a certain number of hours, they’re entitled to getting overtime pay. So that’s my question. To change their status at all, it’s really a matter of words that doesn’t mean
nothing – we’re just changing the word and not the definition of the word so we’re not really changing anything about the position except giving them an increase and changing the word we use and not the definition of how they’re being paid.

Mayor Lauretti stated, what we’re doing here is eliminating the reference to Deputy Fire Marshals in the ordinance, as a stipend.

Alderman Finn stated, on page 3 of 4 in the information we received, this is right from the Board of Fire Commissioners minutes dated August 1, 2006, “there was discussion among the board on stipends being paid to employees for certain positions, which should be changed in the ordinance. It was decided at this time to change the pay of the Fire Chief and Assistant Chiefs and to add a new position, Deputy Fire Chief, to the ordinance. A motion was made by Commissioner Sekelsky to send a letter to the Finance Committee, Board of Aldermen, asking them to change the ordinance pertaining to the stipend positions of the Fire Chief from $10,000 to $15,000; Assistant Chief from $4,500 to $7,500; also amend the ordinance to include the new position of Fire Chief as a stipend of $10,000; seconded by Commissioner Chase and approved unanimously.” There is no mention of taking out the positions from the Fire Marshal’s office.

Mayor Lauretti stated, that’s right. So you answered your question before. This is where the request came from. This is how this document got in front of us.

Alderman Finn stated, I just read what they wanted. They did not make the recommendation to take those positions out. I just read it to you in black and white.

Alderman Panek stated, the ordinance was originally going to come before the Board of Aldermen’s Finance Committee and then all of a sudden, a month ago, this whole thing was expedited to get before us to get to public hearing, and I really wish that this could have come before Finance as was going to happen last year, we could have asked the Board of Fire Commissioners in and sat down and hashed the whole thing out and found out what they wanted. Instead now we’re at a point where some people up here being confused as to things being removed, now we have a memo from Corporation Counsel Welch. This involves a stipend position of the Fire Department, I certainly want to take into consideration what the Board of Fire Commissioners’ thoughts are on the changes.

Mayor Lauretti stated, what is the nature of the request here? What is the nature of the change? Is it not financial? Is it not an increase in the stipend amount? Is it anything more than that?

Alderman Panek stated, it’s the elimination of a stipend position.

Mayor Lauretti stated, that’s not a problem, that’s just practical.

Alderman Panek asked, do we need to vote on this tonight?

Mayor Lauretti stated, we don’t need to, no.

Alderman Finn stated, we could send it to the Finance Committee.
Alderman Panek stated, I don’t know what everybody else’s thoughts are, but I don’t see a problem with sending it back to Finance and sitting down next month with the Board of Fire Commissioners if they wish to. If they wish to offer no more comment, nobody spoke at the public hearing, then next month the board could vote on it.

Mayor Lauretti stated, if that’s the Board’s pleasure, you can certainly do that.

Alderman Anglace stated, I’m sitting here, and I thought that’s what you said, but they originally came to Finance Committee, then they withdrew it, then we had the public hearing, and nobody showed up. How much more can we do? We’ve got to make a decision. We’ve got to get a job done, we’ve got to pay for it. I just want to be clear about it. I have no problem with the money, I want to be clear about what people are going to do for the money. They’re not going to get $5,000 and sit on their heels.

Alderman Finn stated, there’s no problem in sending it back to committee, and if they don’t show up we send it back and just take out the bottom section where it mentions Fire Marshals office because there’s no need to put that in the ordinance.

Alderman Panek stated, there is no rush to act on this tonight. Maybe we’ll invite the Fire Marshal as well to the Finance Committee and let them all comment on it.

Mayor Lauretti stated, I’ll tell you in the end what my position will be. Just what I stated tonight. Stipends come out of the ordinance, and they can get paid hourly. If you want to wait until next month, or the month after, it’s okay with me.

Alderman Papa MOVED TO TABLE; SECONDED by Alderman Panek. A voice vote was taken and the MOTION PASSED 8-0.

Ordinance #723
Salaries – Fire Department Personnel

Be it ordained by the Board of Aldermen that:

Ordinance #723, Salaries for Fire Department Personnel adopted by the Board of Aldermen on May 24, 1998 and approved by the Mayor on May 20, 1998 is hereby rescinded and the following substituted:

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Chief</td>
<td>$15,000</td>
</tr>
<tr>
<td>Deputy Fire Chief</td>
<td>$10,000</td>
</tr>
<tr>
<td>Assistant Chief, each</td>
<td>$7,500</td>
</tr>
<tr>
<td>Superintendent of Alarms</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

NOTE: the salaries of the Deputy Fire Marshals and the Assistant Chief of Fire Prevention are included in the budget of the Fire Marshal’s Office and are amended though the budget process.

10.1B Amendment to Ordinances – Increase of Fines

Alderman Anglace MOVED to adopt the amendment to Ordinance #’s 302, 310, 325, 521, 559, 558, 571, 578, 621, 648, 649, 670, 713, 715,
716, 718, 726, 755, 757, 803 – increase of fines as presented at the Public Hearing on March 27, 2007; and further,

MOVED that this Ordinance be published in summary form with a full copy available for review in the office of the City/Town Clerk; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

BE IT HEREBY ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON that the following Ordinances shall be amended for the sole purpose to increase the Current Fine to the Proposed Fine, to wit:

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Name</th>
<th>Current Fine</th>
<th>Proposed Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>302</td>
<td>Licensing of Massage Estab.</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>310</td>
<td>Housing Code</td>
<td>$25 - $50</td>
<td>$250</td>
</tr>
<tr>
<td>325</td>
<td>Material Left in Street</td>
<td>$25</td>
<td>$250</td>
</tr>
<tr>
<td>521</td>
<td>Use of Public Sidewalks</td>
<td>$50</td>
<td>$250</td>
</tr>
<tr>
<td>559</td>
<td>Storage, Collection of Solid Waste</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>558</td>
<td>Tow Away Ord</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>571</td>
<td>Poss. of Liquor by a Minor</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>578</td>
<td>Solicitors and Canvassers</td>
<td>$50</td>
<td>$250</td>
</tr>
<tr>
<td>621</td>
<td>Handicapped Parking</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>648</td>
<td>Collection and Disposal of Solid Waste</td>
<td>$500/$100</td>
<td>$250</td>
</tr>
<tr>
<td>649</td>
<td>Scenic Roads</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>670</td>
<td>Pawnbroker License</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>713</td>
<td>Open Burning</td>
<td>$25</td>
<td>$250</td>
</tr>
<tr>
<td>715</td>
<td>Traffic Control</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>716</td>
<td>Pooper Scooper</td>
<td>$25</td>
<td>$250</td>
</tr>
<tr>
<td>718</td>
<td>Adult Oriented Bus. Establishments</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>726</td>
<td>Street Vendor</td>
<td>$250</td>
<td>$250</td>
</tr>
<tr>
<td>755</td>
<td>Littering or Dumping</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>757</td>
<td>Anti-Blight Ord</td>
<td>$99</td>
<td>$250</td>
</tr>
<tr>
<td>803</td>
<td>Noise Ordinance</td>
<td>Maximum Allowed by Statute</td>
<td>$250</td>
</tr>
</tbody>
</table>
10.2 Water Main Assessments – Nichols Avenue Water Main Extension

Alderman Anglace MOVED to accept the recommendation of the City Engineer and hold a public hearing on May 1, 2007 at 7 pm at City Hall; SECONDED by Alderman Papa, A voice vote was taken and the MOTION PASSED 8-0.

10.3 Trademark of the Title “Shelton Life”

Corporation Counsel Welch stated, we received a copy of correspondence from Fred Musante of the Economic Development Commission which is self-explanatory. I investigated trademark law, patent laws, special license, specialty. It will cost less than $2,000 to do this if it is something you wish to pursue, I can contact a patent attorney to take it on. Most of it is filing fees, filing a license with the State. Best protection is to file with the Federal Government. If that is something this Board wishes to pursue I can do that. I didn’t want to contact anybody without your authority. I can bring back proposals next week or next month.

Alderman Finn stated, Fred brought this up in the budget process and it sounded like a good idea to pursue it.

Mayor Lauretti stated, is it the Board’s pleasure to pursue it?

Several Aldermen answered, sure.

Corporation Counsel Welch stated, I’ll have a full proposal next month.

10.4 Open Space Dedication from Aspen Ridge Development

Alderman Anglace MOVED, per the recommendation of Planning and Zoning, to accept Aspen Ridge Subdivision open space parcel (.61 acres) as identified on the attached maps, subject to a favorable recommendation from the Conservation Commission; SECONDED by Alderman Papa.

Alderman Anglace stated, I imagine that there’s a legal description of the property.

Alderman Panek asked, in reviewing Conservation Commission’s minutes from their last meeting, they spoke about this, but they didn’t come up with a recommendation yet. Do we need to have a concern about approving these items before we get a recommendation? I know it says, “subject to.” Is there a time constraint on this?

Corporation Counsel Welch stated, the two options are to accept the land or say we don’t want it.

Mayor Lauretti stated, and really, you don’t need anybody’s recommendation. If the Board wants to accept it, they can accept it. If they don’t want to take it, even if somebody recommends it, you don’t take it.

Alderman Finn stated, but there’s no time frame that we have to act on this?
Alderman Panek stated, it says subject to a favorable report. What if Conservation at their next meeting says ‘unfavorable?’

Alderman Anglace stated, then this motion would not affect it.

Alderman Panek stated, so why do we have this prior to getting the recommendation? That is my question. Why wouldn’t we just wait? In their minutes from last week they stated in there that they needed more information, more input, and they tabled it until their next meeting.

Alderman Anglace asked, is there a time limit on this?

Mayor Lauretti replied, no.

Alderman Anglace stated, we’ve always asked Conservation for their review and recommendation because they know more about what fits in, what is where, and it’s helpful.

Mayor Lauretti stated, there have been times that we haven’t agreed. And there have been times that we haven’t taken their recommendation, or Zoning’s for that matter.

Alderman Anglace stated, but their recommendation is helpful, and we should have it. We don’t have to act on this. We can table it and wait because it’s on their agenda.

Alderman Finn MOVED to TABLE; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

10.5 Items to Public Hearing

10.5a Housatonic River Estuary Commission

Alderman Anglace stated, when I looked at this I had some questions. First of all, I don't know what an Estuary Commission is. Somebody is going to have to educate me. I thought the part of the river that we’re concerned about is bordered by Shelton and Derby. Why do we have to have Orange, Ansonia, Stratford and Milford involved? Just do it with Shelton and Derby.

Mayor Lauretti stated, because the legislation calls for all of the other surrounding communities. And you have, I think, more strength in numbers. You'll have a greater voice in Hartford.

Public Hearing to be held at 7 p.m. April 24, 2007 in the Auditorium at Shelton City Hall.

10.5b Fiscal Year Budget 2007-2008

Pursuant to Section 7.6 of the City Charter, a public hearing regarding fiscal year budget 2007-2008 will be held at 7 p.m. April 24, 2007 at City Hall.

11 Executive Session

Corporation Counsel Welch stated, Item 11.1 Conservation Easement will not go forward tonight, and I will not be participating in the Executive Session this evening.
Corporation Counsel Welch left the meeting at this point.

At approximately 8:53 p.m. Alderman Anglace MOVED to enter into Executive Session to discuss the following items:

11.1 Conservation Easement
11.2 Acquisition of Property
11.3 Wiacek Farms

and invite Tom Harbinson 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 9:20 p.m. Alderman Anglace MOVED to return to Regular Session; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

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

Adjournment

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

The meeting adjourned at approximately 9:20 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: ______________

DATE APPROVED: ______________BY: _______________________
Mark A. Lauretti
Mayor, City of Shelton