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 (7:36 p.m.)
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
Assistant Corporation Counsel Ramon Sous

There was a quorum present.

Special Presentation

Mayor Lauretti stated, the first item on tonight’s agenda was a special presentation, however the recipient is not here so we will hold off on that item.

Public Session

Alan Tyma, 231 Coram Avenue

Good evening. You have an item on your agenda, what I am going to ask you based upon what we’ve discovered and ascertained is, you don’t need to act on it, it’s a withdrawal of a request for an abandonment of Edgewood Avenue. This came up some time ago. As a matter of fact, Assistant Corporation Counsel Sous and I have discussed this. We were uncertain as to a portion of Edgewood Avenue which was shown on some old City maps as to whether or not the City had any ownership. When the title searches were done, it revealed that in fact I am the sole owner of the property. So as a result of that, the request for abandonment which we thought was necessary, isn’t necessary. Just to let everybody know, this would not have been in order to create more space, in order to create a lot. We had done a small subdivision up where my wife had lived, off of Edgewood Avenue, and this was the last remaining parcel in the front. This was about twice the size, or is the twice the size of what is needed for that particular area in an R4 zone. So the only abandonment would have just been because there might have been a City interest in all of that.
But apparently the title search has revealed that there is no City interest in terms of a fee simple ownership, so there wouldn’t be a need for a request for abandonment.

With that, this evening I would just ask that you honor that withdrawal from the agenda. I don’t know if you have any questions; I think it’s really a Zoning consideration.

Thank you very much.

Mayor Lauretti stated, so there’s no action necessary on our part tonight.

Attorney Tyma replied, not at all Mayor, thank you.

[Mayor Lauretti left the meeting at this point, and Alderman Anglace assumed the Chair.]

**Rich Conklin, One Two House Lane**

I moved to Shelton as a kid in 1949 and I’ve lived there pretty regularly since. Most of that time, within a block of River Road. Every day for the last 13 years I ride my bicycle up and down River Road without fail. Quite often, I get stopped on my bicycle ride by people in cars asking me the same question. And the question they all ask me is, “Where is River Road?”

All of us know where River Road is, but obviously there are a lot of people that don’t know where it is. I noticed a lot of people going to the ice rinks for instance, don’t know where River Road is. People who live on River Road or have businesses on River Road, their address is “River Road,” it’s not “Route 110.” My question to you folks is, there are 20 cross roads on River Road in the three miles of River Road, and not one of them has a sign that says “River Road.” I don’t see a sign anywhere in Shelton that says “River Road,” yet River Road is on the maps, it’s on everyone’s address. My question to you folks is, can we get River Road identified, and why hasn’t it been identified in the past?

Thank you.

Mayor Lauretti stated, I think that is a question that maybe the State can answer for us. It is a state road, and I don’t know if we can put up a sign. I suppose we could, but we probably have to ask them. They do all the signage on their own roads.

**Lieutenant George Rodrigues, Shelton Police Department**

I would just like to say thank you for the new Ordinance that will be coming out for the Commercial Vehicles parked on our streets. The Police Department has reviewed the ordinance and we’re very happy. It gives us another tool and it’s also very fair in the sense that it gives the owner of the vehicle a chance to move, or make arrangements to move the vehicle before any fines are issued. Thank you for your time.

**Irving Steiner, 23 Partridge Lane**

Good evening ladies and gentlemen of the Board of Aldermen and the audience. My name is Irving Steiner, cofounder of We-R-1, a senior citizen, and also a member of the Blasting Ad Hoc Committee.
I am speaking tonight with regard to Item 10-4-A listed on the agenda titled “Senior Citizens Tax Free Ordinance.”

I’m a little unhappy with the handling of this approach to this ordinance. This tax relief is long overdue and well deserved for our senior citizens. Without such relief many senior citizens with a life history going back many generations would be forced to settle elsewhere. Examples of this happening have recently occurred in a number of Connecticut municipalities. Increased taxation in recent years has initially driven away the youthful generation just starting careers and now the senior citizens are also feeling the pinch. An administration that is sensitive to these issues and had empathy for the plight of senior citizens would have recognized this fact immediately when the mill rate was set and taxes on older homes skyrocketed. Immediate steps should have been taken to neutralize the impact on our senior citizens. This administration didn’t. They had another reason for performing as they have. Empathy was not the driving force or it would have been done as I suggested. Instead the administration would benefit more if this action was taken closer to the election. In other words, the administration would like to buy the senior citizen vote with this gesture. I have empathy for the plight of senior citizens and feel this gesture was delayed for that purpose. Please also understand that I have no axe to grind here. Though I am 78, I do not fit the criteria to benefit from this tax relief and never will.

First knowledge of the existence of this proposed ordinance came yesterday to Shelton citizens via an article in The New Haven Register which Board of Aldermen Chairman John Anglace was interviewed and gave a thumbnail review of the merits of the proposed draft ordinance. Your Aldermen also found out about this ordinance via that very same paper or through a late revised Board of Aldermen schedule. This seems to be a common method now being used by the administration to inform council members via the press of activities of their own committee or commission. The Blasting Ad Hoc Committee also experienced a similar premature leak of a letter to The Connecticut Post sent in draft from the Blasting Ad Hoc Committee to the Governor by John Anglace. Though I agreed with most of the basic information, our committee did not see or act on this letter before Mr. Anglace sent it to the press. Today’s Connecticut Post contains more additional information regarding the Senior Tax Freeze Ordinance with some facts from the Shelton Tax Assessor. This is more than the Board of Aldermen have received from John Anglace to evaluate the ordinance so I ask you as to why an ordinance without backup is on the agenda. This is all I could find, which is about two lines.

The present process just described is in violation of the City Charter Section 471 which describes such proposals, and I quote, “the Mayor or any member of the Board of Aldermen may propose an ordinance to the Board and not later than the next regular meeting following its submission. The Mayor shall refer the ordinance without the requirement of a vote, to the proper committee of the Board of Aldermen.” That being the Finance Committee, which apparently has not seen the proposed ordinance yet. Why didn’t it go to them first? It will be a tight schedule for the Finance Committee to accept the proposal and return it to the Board of Aldermen by September 25, which is the target date.

In closing I would like to ask the following questions. Does anyone know the effect that this proposal will have on the rest of the taxpayers? Is it going to raise our mill rate next year?
Since the Tax Assessor was quoted in The Connecticut Post, why couldn’t she be here or supply the backup information that is not included with the agenda or given to the Aldermen? To answer John’s question in The Connecticut Post, which was “I don’t know why people wouldn’t want to do this,” we most definitely want to do this, and the senior citizens deserve it. But the word that you left out was “properly.” When you are spending taxpayers dollars the public deserves the right to see the facts and not have to buy a pig in the poke. This procedure, which appears to be bypassing a subcommittee is called fast tracking. It was one of the requested changes by the administration in the last Charter revision, and as we all know it was defeated.

I thank you for your time.

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

**Agenda Items**

**Minutes for Approval**

Alderman Papa MOVED to waive the reading of and accept the minutes of the Regular Meeting of August 9, 2007; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 7-0.

Alderman Papa MOVED to waive the reading of and accept the minutes of the Public Hearing of August 28, 2007; SECONDED by Alderman Perillo.

Alderman Panek stated, I have a correction. On the roll call it doesn’t list me as present. I was at the meeting, and the minutes reflect me as being at the meeting. If you read the minutes, I was there.

A voice vote was taken and the MOTION PASSED 7-0.

[Mayor Lauretti returned to the meeting at this point, and assumed the Chair.]

**5.1 FINANCE COMMITTEE**

**5.1.1 JULY STATUTORY REFUNDS**

Alderman Kudej MOVED to approve the report of the Tax Collector relative to the refund of taxes for a total amount of $19,275.77 be approved 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 Panek. A voice vote was taken and the MOTION PASSED 7-0.

**5.1.2 NON COLLUSIVE BID CERTIFICATE**

Alderman Panek stated, this has to go back to Finance Committee. I spoke to Tom Welch earlier this week, and he has a copy of the non-collusive bid certificate, and he recommended that he attend the next Finance Committee meeting for discussion of this.
5.1.3 METCALF AND EDDY INVOICES FOR AAI STUDIES ON ROLFITE, AXTON CROSS AND CHROMIUM PROCESS

Alderman Kudej MOVED to approve the payment of invoices to Metcalf and Eddy in the amount of $7,137.50 for AAI studies on Rolfite, Axton Cross, and Chromium Process to be taken from Contingency General Account #001-9900-900.99-00; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

5.1.4 BONDING RESOLUTION FOR RECONSTRUCTION AND IMPROVEMENTS TO FORT HILL AVENUE, RIVERVIEW AVENUE AND ROCKY REST ROAD

Alderman Kudej MOVED to appropriate the sum of $200,000 from Capital Project Fund Account #401-0000-950.80-75 for reconstruction and improvements to Fort Hill Avenue, Riverview Avenue, and Rocky Rest Road with reimbursement from funding to be provided by bonding, pursuant to Section 7.1.6 of the City Charter; SECONDED by Alderman Perillo.

Note: Some contribution towards Rocky Rest Road may be available from WPCA funding.

Alderman Anglace stated, you had indicated, as the note says here, ‘some contribution toward Rocky Rest Road may be available from WPCA funding.’ In a last minute e-mail from Tom Sym, I believe he is alluding to the fact that $33,000 may be the contribution. Would you like us to change the number from $200,000 to $167,000?

Mayor Lauretti replied, no, because first of all, these are only estimates by the City Engineer. I don’t know what the final quantities are going to be for all of the projects that we’re doing. Right now we’re on a very tight budget with some of the other roads, and we’re trying to get done before the snow flies and the plant closes. There is going to be a share from the WPCA, it will just go back into the General Fund.

Alderman Anglace stated, it might be a good idea to give us a report when these jobs are over on how they came out.

Mayor Lauretti stated, you should also note too that there will be more road resurfacing associated with that particular sewer project that is not part of this. This is just for Rocky Rest Road.

A voice vote was taken and the MOTION PASSED 7-0.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

No items presented.

5.3 STREET COMMITTEE

5.3.1 ABANDONMENT OF EDGECWOOD AVENUE

(See public session). No action necessary.
REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

None presented.

6.0 LEGAL REPORT

6.1 CORPORATION COUNSEL BILLING

Alderman Anglace MOVED to authorize a total payment of $4,617.10 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated September 5, 2007 with funds to come from the following Legal Services accounts:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Account Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Fees</td>
<td>001-1900-411.30-03</td>
<td>$3,891.70</td>
</tr>
<tr>
<td>Foreclosure Fees</td>
<td>001-1900-411.50-01</td>
<td>$725.40</td>
</tr>
</tbody>
</table>

SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

6.2 ASSISTANT CORPORATION COUNSEL BILLING

Alderman Anglace MOVED to authorize a total payment of $665 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated September 1, 2007 with funds to come from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 7-0.

7 LEGISLATIVE - OLD

7.1 ITEMS FROM PUBLIC HEARING

7.1 A COMMERCIAL VEHICLE PARKING ORDINANCE

(PUBLIC HEARING WAS HELD ON AUGUST 28).

Alderman Anglace MOVED to approve the Commercial Vehicle Parking Ordinance as provided by Corporation Counsel which is included by reference; SECONDED by Alderman Papa.

Alderman Anglace stated, Alderman Panek had brought to our attention that we needed to get the latest version, and I believe everybody has the latest version tonight.

Alderman Papa stated, the Public Health and Safety Committee worked with the Police Department, Planning and Zoning and Corporation Counsel Welch to come up with this ordinance, which I think is going to be very helpful. As you heard before, Lieutenant Rodrigues gave us comments. It’s going to help the Police Department to enforce this ordinance and it is something that is well needed.

Mayor Lauretti stated, it’s also going to help the Mayor’s office - a few less phone calls.

A voice vote was taken and the MOTION PASSED 7-0.
BE IT ORDAINED BY THE BOARD OF ALDERMEN THAT:

COMMERCIAL VEHICLE PARKING ORDINANCE

WHEREAS, the Board of Aldermen of the City of Shelton and the Planning and Zoning Commission of the City of Shelton in conjunction with the Traffic Authority of the City of Shelton believes that the parking of commercial vehicles on City streets in residential neighborhoods is a threat to the public health and safety of the citizens of the City; and

WHEREAS, the Board of Aldermen have discussed the issue with the Traffic Authority and have determined that the regulations and prohibition of commercial vehicles parking on City streets in residential areas will help in protecting the public health and safety of the citizens of the City of Shelton.

COMMERCIAL VEHICLE PARKING ORDINANCE

1. (A) For purposes of this ordinance, Commercial Vehicle means:
   
   (i) Any vehicle requiring a commercial driver's license ("CDL").
   
   (ii) Any motor vehicle which exceeds a gross weight rating in excess of twelve thousand (12,000) pounds or has two (2) rear axles or more.
   
   (iii) A vehicle, with the exception of those used and housed at an approved school or house of worship, designed to transport sixteen (16) or more passengers, including the driver.
   
   (iv) A “Semi-trailer” which means any trailer type vehicle designed and used in conjunction with a motor vehicle so that some part of its own weight and load rests on or is carried by another vehicle.
   
   (v) A “Tractor” or “truck tractor” which means a motor vehicle designed and used for drawing a semitrailer.
   
   (vi) A “Tractor-trailer unit” which means a combination of a tractor and a trailer or a combination of a tractor and a semi-trailer.
   
   (vii) A “Trailer” which means any rubber-tired vehicle without motive power drawn or propelled by a motor vehicle.
   
   (viii) A “Truck” which means a motor vehicle designed, used or maintained primarily for the transportation of property.
   
   (ix) A "Commercial Trailer" means any non-motorized vehicle, whether attached or not attached to a motor vehicle, used in the conduct of a business to transport freight, materials or equipment.
   
   (x) A "Camp Trailer" means any trailer designed and used exclusively for camping or recreational purposes.
   
   (xi) A "Utility Trailer" means any trailer designed and used to transport personal property, materials or equipment whether attached or not attached, with a gross vehicle weight rating (GVWR) of 10,000 pounds or less.
A "Camper" means any motor vehicle designed or permanently altered in such a way as to provide temporary living quarters for travel, camping or recreational purposes.

2. No Commercial Vehicle shall be parked on a City street in any Residential Zone, as defined in the City of Shelton Zoning Regulations, or in a public right-of-way longer than one hour, unless said Commercial Vehicle is actively engaged in the delivery of the specified commercial service, and the parking of such Commercial Vehicle is necessary to carry out the delivery of services at a specified address within said zone.

3. For a first violation of this ordinance, a written warning shall be issued. For subsequent violations of this ordinance, a ninety-nine dollar ($99.00) fine shall be imposed for each violation that the vehicle(s) is so parked. Each hour shall be an additional violation. In addition, said vehicle(s) may be towed and impounded at the driver's and/or owner's expense.

7.1 B - PROCEDURE TO SELL CITY PROPERTY

PUBLIC HEARING WAS HELD ON AUGUST 28, 2007 AT SHELTON CITY HALL.

Alderman Anglace MOVED to approve the Procedure to Sell City Property Ordinance as amended and provided by Corporation Counsel which is included by reference; SECONDED by Alderman Papa.

Alderman Anglace stated, this is the one that Alderman Panek noted for us, and we have the latest version.

Alderman Panek stated, I have a question. I don't think that this ordinance ever went to any committee of the Board, it just went to public hearing and is back before us now. I have a concern about where it says "Definition" in the ordinance – the last sentence reads, "this procedure pertains only to property with or without buildings on it which the Board of Aldermen consider significant." My concern is what the word "significant" means – how is the Board of Aldermen going to determine what is significant? It's too wide open of a word to be referred to in an ordinance where we're going to decide whether or not we're going to sell a certain piece of property. Is significant an acre? Is it a $100,000 property? What does that mean? Unfortunately this didn't go to a committee, so we haven't had a chance to,

Mayor Lauretti stated, send it back to committee and get it clarified.

Alderman Panek stated, does anybody else have a concern with that word? That leaves it kind of open to interpretation of what is "significant." It says that the procedure only pertains to property which the Board of Aldermen considers "significant." What does that mean? What is "significant?" What might be significant to me might not be significant to you.

Mayor Lauretti asked, what would be the appropriate committee for this to go to?

Alderman Panek replied, Finance Committee. It involves selling property.
Mayor Lauretti stated, let’s send it to the Finance Committee.

Alderman Panek stated, I think we might have to tighten up the language on that.

Alderman Papa stated, this was sent to Corporation Counsel Welch and this is what he recommended. I don’t have a problem if you want it to go back to the Finance Committee to review, that’s not a problem.

Alderman Panek stated, it leaves it too wide open.

Alderman York stated, under the second bullet where it says, “if the answer were yes, and the Board of Aldermen agrees, the Board of Aldermen will consider this information.” This is referring to the first bullet when we’re going to send it to Conservation first. On the original ordinance it used the wording, instead of “will consider this information,” it used the wording, “will be guided by” instead. So seeing as though we have Assistant Corporation Counsel Sous with us, which, legally, is stronger? “Guided by,” or,

Corporation Counsel Sous stated, I don’t think either one makes any difference Alderman York, I think the issue at this point, it’s up to the Aldermen to make a decision, and they want the input from the Conservation Commission and they’re going to take it under consideration. So whether they take guidance from them or they get it any other way, in my opinion it’s the same thing.

Alderman York stated, my personal preference is, I liked the original wording. My suggestion would be to put “guided by” back in there as opposed to “will consider.” I feel “guided by” is stronger and I feel that it puts more emphasis on the opinion of the Conservation Commission, and that is what was in the original ordinance and I’d like to keep it in there instead of changing it. This was one of the recent changes.

Mayor Lauretti stated, okay. No action will be taken and it goes back to Finance Committee.

NO ACTION.

PROCEDURE TO SELL CITY PROPERTY
REVISION TO ORDINANCE - #782

Definition:

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

PROCEDURE:

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

The Conservation Commission and Parks & Recreation Commissions are asked for their opinion. The Board of Aldermen specifically wants information regarding the property’s open space, conservation or recreational value to the City.
If the answer were “yes” and the Board of Aldermen agrees, the Board of Aldermen will consider this information.

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

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

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

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

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

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

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

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

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

7.2 AMENDMENT #2; SHELTON SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS; DEP CWF – 473-C – Mayor’s Veto

Mrs. Bruder read the Mayor’s veto letter aloud, as follows:

August 21, 2007

Ms. Theresa Adcox
Clerk of the Board
Board of Aldermen
City of Shelton
54 Hill Street
Shelton CT 06484

Dear Ms. Adcox:

Per Section 4.8.3 of the City Charter of the City of Shelton, I hereby veto the action of the Board of Aldermen at its regular meeting of August 9, 2007 regarding Item 7.3, Amendment #2, Shelton Sanitary Sewer Collection System Improvements, DEP CWF-473-C, for the following reason:
It is necessary to clarify the recommendations and time schedule as presented by the State of Connecticut Department of Environmental Protection in their June 13, 2007 Sanitary Sewer Collection Improvements, Phase I, Design Memorandum.

Sincerely,

Mark A. Lauretti
Mayor

Alderman Anglace MOVED not to override the mayoral veto of Item 7.3 from the Regular Board of Aldermen Meeting of August 9, 2007, Amendment #2, Shelton Sanitary Sewer Collection System Improvements, DEP CWF-473-C; SECONDED by Alderman Papa.

Alderman Panek asked, can the Mayor provide any further clarification? I requested a copy of the memo from the Department of Environmental Protection. As I read it, it says that the revisions to Phase I are acceptable to the DEP. Phase 1 should now proceed to the final design and construction to be initiated no later than August 30th. It appears that the DEP is in agreement with proceeding with this, which is how we voted last month. Is there something else to the issue that made you veto it? Can you explain any further on your interpretation of the memo?

Mayor Lauretti replied, it’s not a question of agreeing or disagreeing with the project – it’s the time frames that fall into question here. I don’t think we can meet the time frames. In addition, it's also subject to a matter that may be litigated, and I’m not at liberty to speak about that right now.

Alderman Anglace stated, my sense of this is that if the negotiations are ongoing and the Mayor needs more time to work this out, it’s not a question of whether or not he agrees with them, he is going to agree or not at the end, and this thing is going to come back to us for final approval.

Alderman Panek stated, I’m confused as to why last month we didn’t know he needed more time. There was never any mention of that at the last meeting. As a matter of fact, the Chairman of Water Pollution Control Authority spoke at our last meeting regarding this item and Water Pollution Control Authority has already voted in favor of this item. That is what led me to vote in favor last month, based on their recommendation.

Mayor Lauretti stated, I don’t think they were not aware of it either. I didn’t discover it really until after the fact, as I was going through it the next day.

Alderman York stated, is it because there is a concern that we are going to be held to something that we don’t feel we can fulfill?

Mayor Lauretti replied, absolutely. I know we can’t fulfill it. As I said, there is a dispute between the City and the DEP that the suggestion of this creates an omission, in my opinion. I can’t go much further than that, in public session anyway.

A voice vote was taken and the MOTION PASSED 5 Yes, 2 No (Panek, York) opposed.
7.2 CONNECTICUT STATE TRADEMARK APPLICATION – SHELTON LIFE

Alderman Anglace MOVED to approve the disclaimer for the Connecticut State Trademark Application – Shelton Life as provided for and set forth in Attorney Bradford Adolphson’s letter dated July 23, 2007, and to authorize Mayor Mark A. Lauretti to execute any necessary documents to effectuate same; SECONDED by Alderman Papa.

Alderman Anglace stated, I asked that this be explained in English. I was told, ‘it is English.’

A voice vote was taken and the MOTION PASSED 6 Yes, 1 No (York).

7.4 HIGHLAND GOLF CLUB REQUEST TO RELEASE DEED RESTRICTION

Alderman Anglace MOVED to TABLE Item 7.4 – Highland Golf Club – Request to Release Deed Restriction; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

8 FINANCIAL BUSINESS OLD

8.1 COMMUNITY CENTER HVAC APPROPRIATION – WAIVER OF BIDS

Alderman Anglace MOVED, per the recommendation of the former Acting Purchasing Agent, to waive bids for the purchase and installation of miscellaneous replacement parts to the HVAC system at the Community Center.

Further, move to appropriate a sum not to exceed $14,000 with funding to come from Unappropriated General Account #001-9900-900-9900; SECONDED by Alderman Papa.

Mayor Lauretti stated, I think that the motion reads incorrectly. We already waived the bid at the last meeting, the thing we didn’t do was appropriate funds.

[Alderman Finn arrived at this point, 7:36 p.m.]

I attached for your review a list of the miscellaneous items that incorporate all of the work that needs to be done with a few extra dollars in there because I know that there are more things coming. As you can see, the parts that are necessary for replacement are the lion’s share of this cost, with labor to follow.

I reported to you last month that the chiller and the dehumidifier were out of service – out of service for quite some time. I want to report tonight that the chiller has been repaired and is online, has been for about two weeks and is working quite well. The Energy Management Consultant feels that the electricity savings for this particular unit will be significant as it is a 400 amp unit and was running constantly even during peak hours. The system is designed to make ice in the evening so it runs anywhere from four to seven hours in the evening, and doesn’t run during the day.
The dehumidifier is another situation, and we were less fortunate in that regard. There are two compressors associated with that dehumidifier – one works and one doesn’t. It is not capable of carrying the entire load. In addition to the compressors with the dehumidifier, the coils are badly eroded and have probably outlived their useful life. We are in the process of going out to bid for a new dehumidifier, which will be a significant capital expense.

Alderman Anglace stated, there’s an alternate approach to this – you take the money out of the Maintenance Department budget, and when that’s exhausted then you can come and ask us for money to replace that. That’s another approach.

Mayor Lauretti stated, that can be done as well.

Alderman Anglace continued, it probably, the nature of this thing is details and the uncertainty of what you’re going to need, that’s probably the best way to go and then when you run down that account you can come and we’ll replace it out of unappropriated. It’s kind of early in the year.

Mayor Lauretti stated, I wouldn’t disagree with that, we certainly can do that. We’re probably at the bottom of those repairs that need to occur in terms of the function of the HVAC system. The good news is that we know pretty much what we’re going to spend on miscellaneous items, the bad news is that the dehumidifier has seen better days, it needs to be replaced, and that’s a big ticket item.

Alderman Anglace stated, you can use the monies that are in the Maintenance Department account and when you exhaust it, let us know.

Mayor Lauretti stated, so there is no action required.

Alderman Panek stated, I have a question on the funding amount. The bid waiver we approved last month was $10,000, and this appropriates $14,000. Shall we change the amount from $10,000 to $14,000?

Mayor Lauretti stated, that would be in order.

Alderman Finn stated, last month, wasn’t that for nine out of 10 fresh airs? Nine out of 10 of them won’t work at the Community Center?

Mayor Lauretti stated, this is over and above that. We had spent some money on outside services to analyze the chiller and the dehumidifier. I also mentioned that the actuators for the fresh air dampers were not serviceable. In addition to that, I gave you a list in your packet of all the items that need replacing.

Alderman Finn stated, when we were completing the Community Center we asked the contractor to come up with a list, floor by floor, of what had to be addressed in the building and submit it to the administration. Once this was completed the system in the Community Center should be running at top speed.

Mayor Lauretti stated, maximum efficiency.

Alderman Panek stated, so the two funding amounts are separate. The reason I thought it was the same was because the minutes for that motion were attached to all this stuff.
Mayor Lauretti stated, this was separate. The actual costs for what we did last month was about $9,000, from the Maintenance line items. There were miscellaneous things. This is separate. We’re going to spend about $25,000 for all the miscellaneous repairs, which really isn’t all that bad.

Alderman Anglace WITHDREW the MOTION; Alderman Papa WITHDREW the SECOND.

Mayor Lauretti stated, there is no action required.

9 __ FINANCIAL BUSINESS NEW

9.1 FUNDING FOR PROBATE COURT REFURBISHMENTS

Alderman Anglace MOVED to add miscellaneous repairs/enhancements such as painting, flooring, bathrooms, code upgrades, heating repairs and future air-conditioning to the new Probate space on White Street to the Capital Improvement Plan with Funding in the amount of $10,000 to come from LOCIP; SECONDED by Alderman Papa.

Alderman Finn asked, what code upgrades are we looking at?

Mayor Lauretti stated, mainly handicap accessibility in the bathrooms and the entrance ramp. This is a ballpark number. A lot of the stuff, we’re pretty far down the road now, most of it has been done by our employees, our trades people and funding has been taken out of our Maintenance line item. We didn’t spend an awful lot of money, but I know that I’m going to need some. I don’t know what the heating system is going to bring. There is no air conditioning in the building at all. I do have some time, through winter, and the need for air conditioning right now is not pressing, but perhaps over the winter I’ll get that put in.

The move for the Probate is slated for October 15, 2007, so we’re about a month away from that. I’ll continue to work on the space once they’ve moved in.

Alderman Papa asked, are there any other locations, or is the this the only one we have available. They have a vault, right? Is that the reason they’re going back to this building?

Mayor Lauretti stated, that is the sole reason, because there is a vault requirement and I couldn’t satisfy that requirement by the time we needed for them to move. There are other locations but a lot more costly. Much more costly. The codes, when you build something new now, are very different as opposed to something that’s pre-existing.

Alderman Papa asked, there is no area that we could rent that has a vault?

Mayor Lauretti replied, so far the costs aren’t significant, but if you get into a rental situation and that keeps going.

A voice vote was taken and the MOTION PASSED 8-0.
9.2 JONES FAMILY FARM SURVEY

Mayor Lauretti stated, I don’t know if we’re ready for that tonight.

Mr. Harbinson, from the audience, stated, the Board of Apportionment and Taxation met, I will give you their recommendation.

Mayor Lauretti stated, I would suggest we do this at a special meeting next week so we’ll have all the information and everybody can see what it is that they’re voting on. We’re going to meet next week on something, just tack it onto the agenda.

Alderman Papa asked, this A2 survey, is that an environmental survey?

Mayor Lauretti stated no, that’s a land survey.

9.3 DIESEL TANK INSTALLATION AT HIGHWAYS & BRIDGES

Alderman Anglace MOVED to add the installation of a diesel tank in the City Yard of the Shelton Highways and Bridges Department at 41 Myrtle Street to the Capital Improvement Plan with funding in the amount of $41,240 to come from LOCIP; SECONDED by Alderman Kudej.

Mayor Lauretti stated, this is not a new item, this has been before the Board before. This is actually the second time we went out to bid on this.

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

9.4 PURCHASE OF CHEMICAL CONTROLLER FOR COMMUNITY CENTER POOL

Alderman Anglace stated, before I read this motion, there is some information we got that I’d like to share with everybody. If this is a repair, it is not LOCIP eligible. If it is new, then it is LOCIP eligible. Depending on whether it’s new or a repair will change the motion.

Mayor Lauretti stated, it’s a replacement. It’s a new replacement. It’s a brand new unit. It’s not a repair.

Alderman Anglace MOVED to approve the appropriation of funds for the purchase and installation of a chemical controller for the pool at the Community Center in the amount of $1,950 with funding to come from LOCIP; and further,

MOVED to add this to the Capital Improvement fund. SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

9.5 TELECOMMUNICATION CONSULTING SERVICES FOR CITY’S FIRST RESPONDERS

Alderman Anglace MOVED, per the recommendation of the Public Safety Council, to accept the report of Oliver Associates dated August 10, 2007 and authorize Oliver Associates to secure the necessary UHF frequencies as described in that report with a cost not to exceed $7000 with funding to come from the Contingency General Account #001-9900-900.99-00,
with the provision that all reports from Oliver Associates be provided to Chief Millo and Chief Hurliman; SECONDED by Alderman Papa.

Alderman Finn stated, I believe it was the Board of Fire Commissioners that started the ball rolling on this communications upgrade. They also should be included in receiving any reports back so that they’re aware of what is going on.

Mayor Lauretti stated, everybody could get the report, it’s public information.

Alderman Finn stated, it specifically says Chief Millo and Chief Hurliman.

Mayor Lauretti stated, well, they’re the main contacts. That’s the only reason it’s instructed like that.

Alderman Finn asked, how will the Board of Fire Commissioners find out? Is the Chief going to forward it to them? I don’t see any reason why we just can’t make it part of the motion since they’re the ones who brought it to everybody’s attention. They brought it to the Public Safety Council and the Public Safety Council is only an advisory board, and they made the recommendation based on the Board of Fire Commissioners.

Mayor Lauretti stated, you can send it to whomever you’d like; it doesn’t make any difference. There’s got to be a contact point to the City and that is how the Public Safety Council operates.

Alderman Finn MOVED to AMEND THE MOTION to include the words, “Board of Fire Commissioners,” before the words “Chief Millo and Chief Hurliman”; SECONDED by Alderman York. A voice vote was taken and the AMENDMENT PASSED 8-0.

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

9.6 RELEASE OF CONSTRUCTION CONTINGENCY FUNDS FOR SHELTON HIGH SCHOOL RENOVATION BUILDING COMMITTEE

Alderman Anglace MOVED to authorize the Shelton High School Renovation and Building Committee to expend $61,463.16 for the Shelton High School Renovation and Building Project from the Shelton High School Fusco Corporation Construction Contingency Account; SECONDED by Alderman Papa.

Alderman Panek stated, this is for items that weren’t in the original scope of work? How do we determine who is at fault for [inaudible] scope of work? We keep getting requests out of this contingency fund every month, more money more money more money. I reviewed all of the backup in there. There was information about ductwork in there and it wasn’t in the original plans. Does the Building Committee give us any kind of report on why these items aren’t included in the original plans or are they asking whomever did the original plans why these items aren’t included?

Mayor Lauretti stated, the answer to that is yes. It happens all the time where things get left out and people just don’t pick it up. We had a situation today up on Perry Hill Road, the final construction. The project is over by $500,000 because of all extras – things that didn’t get picked up on the plans that were approved by everybody. That is what
contingency accounts are primarily set up for, to accommodate those unforeseen issues, or issues that have been omitted.

Alderman Anglace stated, I don’t have a problem with authorizing the $61,000, but I do have a problem with, it’s month after month, every month, the Shelton High School Renovation Building Committee cannot meet our deadlines. Our deadline for submission of the request is Friday prior to the meeting of the Board of Aldermen. This is always last minute, always rush, always the most important thing to come down the pike. I’d like to state my view, and that is, next month if you have a request, and it doesn’t get here by Friday, it is not going on the agenda. End of story.

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

10. - LEGISLATIVE - NEW

10.1 PROPOSED NEW STRATFORD INTERMEDIATE PROCESSING CENTER CONTRACT

Mayor Lauretti stated, it doesn’t have to happen tonight.

Alderman Anglace stated, the issue here is that the member towns, if they want to withdraw, and I can’t see any reason why we’d want to withdraw from this, but we would have to make a decision by September 15th to be effective July 1, 2009.

Alderman Finn stated, we want to stay members.

Mayor Lauretti stated, I’m reading the note from Attorney Welch now.

Alderman Finn asked Assistant Corporation Counsel, if we take no action, is it still in effect?

Assistant Corporation Counsel Sous stated, I am looking at it now.

Alderman Finn stated, for the record, Attorney Finn is no relation,

Mayor Lauretti stated, we will take no action on this tonight. If action is required, we will bring it back next week.

Several Aldermen stated at once, the deadline is September 15th.

Mayor Lauretti stated, no, it isn’t. That is for SWEROC to act – the 15th.

Corporation Counsel Sous stated, we would have to take unilateral action to withdraw. We’re not taking any action to withdraw.

[Several people talking at once].

10.2 RELOCATION OF CONSERVATION EASEMENT AVALON II

Alderman Anglace MOVED to approve the relocation and adjustment of the existing dedicated conservation easement from the rear line to a position along Huntington Street as shown on a site plan layout Avalon Shelton II Avalon Bay Communities, Inc. Bridgeport Avenue Shelton Connecticut prepared by Milone and MacBroom and made a part hereof; and further,
MOVED to authorize Mayor Mark A. Lauretti to execute any and all documents to effectuate same, subject to review by Assistant Corporation Counsel; and further,

Subject to the conditions outlined in the April 9, 2007 letter from the Conservation Commission Chairman Thomas Harbinson to Aldermanic President John Anglace, Jr.

SECONDED by Alderman Finn.

April 9, 2007

John Anglace, President
Board of Aldermen
City of Shelton
54 Hill Street
Shelton, CT 06484

Subject: Avalon Bay Shelton II, PZC #07-16
Bridgeport Avenue and Huntington Street
Relocation of Existing Conservation Easement

Dear Alderman Anglace:

The Conservation Commission was asked to review a proposed relocation of the existing conservation easement at the Avalon Bay site on Bridgeport Avenue. The existing easement is located along the southeast boundary and was meant to provide a buffer between the existing hotel to the south on Bridgeport Avenue and the residential neighborhoods along Huntington Street to the north. The applicant has asked to move the easement to the northwest boundary of the site along Huntington Street. Copies of the site plan “easement analysis” have been attached.

This commission feels that in consideration of a less dense residential development, that the Board of Aldermen should look favorably upon the proposed easement swap but only if the Board were to take the following steps to protect the neighbors and the streetscape of Huntington Road:

1) If the Planning and Zoning Commission deems the proposed emergency access across the new conservation easement as shown on the map is absolutely required, the Board should state that it should not be paved and instead that grass pavers be used with minimal clearing of trees.

2) The Board should require the applicant to revise the site plan to extend the conservation easement along the entire length of Huntington Street in a north-northeast direction, recognizing that from the stream crossing to the northerly boundary to the property line there is going to be site disturbance. The Board should require post-site disturbance plantings at that location with a mixture of hardwoods and evergreens. This will help protect the streetscape.

3) To buffer the homeowners, on the northerly-northeast boundary of the line that the Board should the developer to grant the City a conservation easement down to the 272 proposed contour line with appropriate grading & topsoil to support vegetation and it should be similarly planted with a combination of evergreens, hardwoods and deciduous trees. A Performance Bond to ensure this landscaping is done and that all the trees survive one year should be required.

4) To provide a minimal buffer to the residential properties to the South, the applicant should be required to provide more plantings than just shrubs along the extreme property line on the south against the residential properties.

5) To provide protection against unreasonable intrusion to all single-family residences surrounding this project, the City should require a lighting plan be filed with and approved by the P&Z Commission to minimize light pollution.

6) The Conservation Commission requests the right to review the language of the easement.

7) Finally, and very importantly, you will note that the developer grants with one hand and then proposes to take it away with the other, as its plans call for significant disturbance [i.e. – tree removal] within the same conservation easement it proposes to grant to the City. This will defeat the entire purpose of the proposed easement swap making it a sham. The applicant claims it needs to put drainage controls there. Our response is simple – place the drainage controls outside the easement, such as under the newly paved areas. We strongly urge the Board to mandate that there be no site disturbance of the proposed conservation easement area except for the proposed additional areas requested, those being north of the stream crossing and the northeasterly boundary.
Thank you providing this commission with the opportunity to comment on this proposal.

Thomas Harbinson, Chairman

Cc: Board of Aldermen
    John Cook, Inland Wetlands
    Rick Schultz, Planning and Zoning
    Joe Williams, Shipman & Goodwin


Alderman Finn asked, do all of you have that letter? [Other Aldermen saying no.] It was on the table tonight. In that letter, this letter is the result of the action taken by the Conservation Commission at it’s August 1, 2007 meeting where they directed the chairman to write this letter and incorporate their recommendations to the Board of Aldermen. If you’d like me to review them I’ll do that.

Alderman Finn stated, as long as it’s attached to the minutes.

Mayor Lauretti stated, there are a couple of things that the Board should realize. Number one, this is a court-stipulated settlement and the terms of the agreement are contingent upon what Planning and Zoning did. If Planning and Zoning has already incorporated this into their final decision, then fine. If they didn't then this is something very different than what the legal settlement represents. That may not be in order.

Corporation Counsel Sous stated, I echo the Mayor's feelings on this matter. I’ve been sitting with this for quite some time. I authored this particular motion without the additional language. I mean, we'll give respect to the Conservation Commission in whatever way we can, but Planning and Zoning approved it, the Conservation Commission agreed to allow this to happen and the Planning and Zoning Commission approved it subject to this conservation easement being moved. I think the motion as I had written it without the amendment speaks to itself.

Alderman Anglace stated, what the Conservation Commission is recommending is reasonable and I think we should approve it. If you go back and you find that there is a reluctance, then come back and talk to us. I think Avalon Bay would be willing to do these things. They are very reasonable. And they’re very good for the residents surrounding this project.

Mayor Lauretti stated, I don’t know what the final version looks like from Zoning, they may very well have incorporated this, and that is really the question to be asked. Outside of knowing what that is, you can’t give an answer.

Alderman Anglace stated, if Planning and Zoning has already incorporated it, that’s fine, no problem. If they haven’t incorporated it, my view is that we should incorporate it and if they have a problem with this, or there’s a legal problem with it, then come back and let us know.

Alderman York stated, I support that.

Alderman Anglace interjected, you can’t ask for review by a commission that’s been absolutely on the money more than not and then just ignore their recommendation. I can’t do that.

A voice vote was taken and the MOTION PASSED 8-0.
10.3 THEODORE ROAD CULVERT EASEMENT

Alderman Anglace MOVED to approve the proposed Permanent Drainage Easement, Temporary Construction Easement and Temporary Easement in an amount not to exceed $500 with funds to come from Road Repairs Account #001-3300-712.65-04 relative to property located at 23 Theodore Road; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

10.4 ITEMS TO PUBLIC HEARING

10.4 A. SENIOR TAX FREEZE ORDINANCE

Alderman Anglace stated, I will submit to the Clerk the Senior Tax Freeze Ordinance to go to Public Hearing.

Alderman Panek asked, can we have discussion?

Mayor Lauretti stated, we will have discussion at the public hearing. It’s going to public hearing.

Alderman Panek asked, I’m questioning why we are even sending it to Public Hearing yet. Because I don’t interpret the Charter the way, I sent an e-mail to Assistant Corporation Counsel Sous today and I’m having a problem with a section of the Charter, and I’m going to read it for the record. “City Charter Section 4.7 – Ordinances – 4.7.1 Proposals. The Mayor or any member of the Board of Aldermen may propose an ordinance to the Board and not later than the next regular meeting following submission the Mayor shall refer the ordinance, without the requirement of a vote, to the proper committee of the Board of Aldermen.”

I don’t see how that allows one Alderman to propose an ordinance, put it on our agenda, and send it directly to public hearing. ‘Shall’ means you must send it to the proper committee. We have three committees of the Board of Aldermen – Finance, Public Health and Safety, and Street Committee.

I’m not opposed to the ordinance and I applaud Alderman Anglace for the efforts on the ordinance, but we haven’t asked the Tax Assessor, the Tax Collector, to see what kind of financial burden this is going to place on other taxpayers. We haven’t had Corporation Counsel Welch review it yet, at least I haven’t gotten anything from Corporation Counsel, and I have lots of questions to ask about it and I think those questions belong in Finance Committee. I don’t believe we should be sending one person’s version of a draft ordinance directly to the public to comment on. After the public hearing, this ordinance in 30 days could be on our next agenda for a vote to pass. I think the intent of that section of the Charter is to allow us to send it to a committee for further investigation. As everyone will recall, in 2004 and 2005 during the Charter revision, this section of the Charter, both revisions, there were attempts to change that section of the Charter so we didn’t have to forward it to committee, but those Charter revisions failed.

I feel this has to go to the Finance Committee. We’re going to meet in a few weeks, we can ask questions, we can have Corporation Counsel Welch there, it could be on next month’s agenda and it could be on a public hearing at the end of October. I don’t think this is going to take place immediately anyways.
I don’t know when this is going to be phased in. I think we need more opinions, and I have lots of questions before we send it to public hearing.

Corporation Counsel Sous stated, I sent him an e-mail, a written answer to his request for an opinion this afternoon and I said, Chris, my understanding of what happens here is that the Board of Aldermen Ordinance Committee is the whole Board. The Mayor, by the mere fact that the proposed ordinance is on the agenda has in effect referred the same to the Board of Aldermen which then sets a public hearing and acts as a full Board acting as the Ordinance Committee. The issue is, the Ordinance Committee of the Board of Aldermen, in my understanding, is the entire Board of Aldermen. So if it’s referred to the Ordinance Committee, it’s referred by the Board of Aldermen to themselves. It comes on the agenda, it is referred, in effect, back to the Board of Aldermen, who in the past have set up public hearings. Now if they want to send it to a committee, they can send it to a committee, but it’s not a requirement of the Charter.

Alderman York stated, I think the fact there appears to even be resistance to sending this to Finance Committee sends up a red flag to me that there’s something funny. Alderman Anglace you just got through chastising the Board of Education for sending something to us to be put on our agenda and they must have it by Friday. We got this Tuesday afternoon with no copy of it, we read about it in the paper, and now there seems to be resistance about sending it to the Finance Committee? I don’t think so. This is very important. I think it’s an insult to our seniors to fast track this through. I think we need to give them time to have input into this on a committee level and on a Board level and I think we should just move to forward it to the Finance Committee for review and start the process of seriously and earnestly taking a look at this and not just using it as some political Trojan horse to save somebody’s campaign.

Mayor Lauretti stated, just so the record is clear, I don’t think I heard anybody say, don’t send it to Finance. I don’t think anybody had an opportunity to speak other than you and Alderman Panek, so to make an inference that no one wants to send it to the Finance Committee would be out of line and wrong.

Alderman York stated, excuse me, Mr. Mayor. Excuse me Mr. Mayor.

Mayor Lauretti continued, no, I have the floor right now. The fact is that you are the one that is playing politics with this thing. Let the discussion continue to ensue here.

Alderman York stated, please. You are chairing the meeting. I don’t want to hear your opinion.

Mayor Lauretti stated, you never do, but I’m going to give it to you anyway. That’s the way it is.

Alderman York stated, when you are chairing the meeting, please, just stick to the procedural things. When we are all in agreement with something, we all think something is good, we have no problem sending it to the proper committee. You know, I’m getting a real gut feeling here.

Mayor Lauretti stated, well I’m not going to sit here and let you say something that’s very wrong because it’s your opinion or your wishful opinion. You can count on that.
Alderman Perillo stated, for the record, personally I have no problem with this going to the Finance Committee. I have some questions about this as well. I don’t seem to be quite as angry about this as Alderman York. It seems like a pretty good idea, and I don’t know why she would want to attack Alderman Anglace for proposing what is a Senior Tax Freeze Ordinance. It seems like a great idea to me, I don’t have a problem with it. But I do have specific questions. Specifically as to the income limits and whether or not there should be a sliding scale. So I think that could happen during Finance Committee and I’d like to attend that meeting if I can. But let’s not attack Alderman Anglace because he proposed something he believes in. You said it’s important. I agree with you Alderman York. This is important. But let’s stick to the issue and not stick to personal attacks. Keep your eye on the ball.

Alderman Finn stated, I have no problem sending this to the Finance Committee. I do have questions as well. I believe this is very important to our seniors, because I’ve heard it knocking on doors, ‘when are we going to have a freeze in our taxes in the City of Shelton?’ Again, we have to have input from our Tax Collector and Assessor to find out where are we going to come up with the revenues that we’re going to lose from the senior citizens. We’re going to have to make up for those revenues somehow. Hopefully once we get through the Finance Committee we’ll send it to public hearing and we’ll get this whole thing passed.

Mayor Lauretti stated, there is no reason that it can’t go to both. By the time it gets back to the Board, both avenues will have been pursued. Or, don’t put it on the Board agenda.

Alderman Panek stated, why wouldn’t you want the final version that we come to an agreement about at the committee level – I want the public to comment on the final version. I don’t want the public to comment on one and then the Finance Committee is going to change it. Then the public doesn’t get a chance and that has happened before. I have fought sending ordinances to public hearing directly before in the past two years.

Mayor Lauretti stated, you know we have had this discussion before and that is what public hearings are for. You hear from the public so that you can then take the document and revise it according to what you heard if you so desire, if you agree or disagree. There is nothing that prohibits a simultaneous action on any ordinance, with any committee, go to public hearing, go back to committee, go back to public hearing. That is the Board’s prerogative.

Alderman Panek stated, let’s look at the ordinance. The ordinance that was on the agenda tonight to sell City property never went to committee, and now it’s going back to committee – a waste of time. It should have gone to committee originally.

Mayor Lauretti stated, it’s going for clarification on a word.

Alderman Panek stated, we could have had that clarification and passed the ordinance tonight if it went to committee. That’s the reason why the Charter calls for things to go to committee.

Mayor Lauretti stated, and you also could have weighed in on that at the public hearing, or weighed in just like you asked Corporation Counsel for an opinion this afternoon and got it this afternoon.
Alderman Panek stated, whenever any member of this board has tried to speak during a public hearing or at the public portion of a meeting, it comes under a lot of scrutiny from some people up on this board that it is the public’s chance to speak, and that we’re “not allowed” to speak at those portions. That’s why we have a committee. When we meet we can review these things. I don’t agree with the interpretation of the Charter that Assistant Corporation Counsel gave, with all due respect, I don’t read it like that. “Shall” means you must send it to committee. You attempted to change this in the Charter revision, and the Charter revision failed. We have to follow the Charter, and the Charter says “shall,” and that means shall. I don’t see in the future how any single member of the Board can put an item on here for direct referral to public hearing. It’s a violation of the Charter.

Mayor Lauretti stated, the Board has an ample opportunity to discuss these things, even as we’re doing tonight, without a public hearing or without going to committee. That is the reason in my mind that the Board doesn’t speak during public hearings, so they can listen.

Alderman Panek asked, do you interpret that section of the Charter to mean that I can propose an ordinance tonight and send it right to a public hearing without any comment or review from Corporation Counsel, other members of this Board, any other City commission, I can propose an ordinance and just put it on the agenda, two days, 48 hours before the meeting? I think that I might meet with a little scrutiny from other members of the Board if I attempted to do that.

Mayor Lauretti stated, there have been in the past things that have gone to public hearing and based on what was heard at the public hearing was then referred to an appropriate committee of the Board of Aldermen, whether it was Finance Committee, whether it was Public Health and Safety, whether it was the full Board, whether it was a special meeting.

Alderman Panek asked, when does the public get to comment on it then?

Mayor Lauretti stated, they have the public hearing, then you can go back to the public, that’s the prerogative of the Board. There is nothing in the Charter that prohibits one or two public hearings. It’s what this Board wants it to be. It’s always been that way. We’ve had issues that have gone two and three times to public hearing after committee because something new came up. It’s not uncommon.

Alderman Papa stated, I think the most important thing is to do it correctly. If it has to go back to committee, go back to committee. What’s the problem? Do it.

[Several Aldermen are speaking at once.]

Alderman Anglace stated, I’ve waited patiently. I’ve waited 16 years. I’ve been sitting here 16 years. I think I’ve got a little bit of experience in these matters. I think I can share some of that with you, I hope. I’ve seen many ordinances proposed. Some by individual Aldermen, and some that came from committee, and some that came from more than one member of this Board. The precedent is clearly established. What we’re hearing about the Charter and opinions about the Charter and interpretations of the Charter, are not supported by precedent and past practice. Any Alderman has the right to submit an ordinance. That ordinance, when submitted, goes to public hearing.
Then, this body, if it so desires by majority vote can refer that ordinance to a committee of the Board. At such time that committee could modify the ordinance or if it fails to go to committee, the Board of Aldermen can modify it when it votes on it. It's all provided for under Robert's Rules. This is nothing new. It's been around for the 16 years that I've been around. I think Counsel is right – the Charter gives you that right.

Mayor Lauretti stated, in any event, what is the pleasure of the Board?

Alderman Anglace stated, the Board doesn't have to vote. This is a matter that is referred to public hearing. If you want to the Board to vote to take this to public hearing, we'll be glad to do that.

Mayor Lauretti stated, I'm not looking for a vote, I want to know what the Board’s pleasure is – do you want to send it to Finance Committee, public hearing, or both?

Alderman Anglace stated, public hearing.

Mayor Lauretti stated, anybody else?

Alderman Panek stated, I thought I heard five people so far say that they don't have a problem with it going to Finance Committee.

Mayor Lauretti stated, by show of hands let me see how many people want to send it to Finance Committee first, and public hearing first. Well, there you have it. Four and Four.

Alderman Perillo stated, Mayor, I was a vote for sending this to Finance Committee. I just think that Alderman Anglace’s Senior Tax Freeze Ordinance could spend some time with the rest of the Aldermen. This is your ordinance and I think there's no harm in having the other Aldermen hear a little bit about that before it goes to public hearing.

Alderman Anglace asked, what do you want me to do?

Alderman Perillo stated, I just wanted you to understand my rationale for why this goes to Finance Committee, I wanted you to understand what my thought process was. I think that this is your ordinance, I think it's a very good ordinance, I think it should go to committee before it goes to public hearing.

Alderman Anglace stated, and I think you're misreading the Charter.

Alderman Perillo stated, thanks, I respect that.

Alderman Panek asked, when is the tax freeze going to take place?

Alderman Anglace stated, there is no question about the rights under the Charter, and I will ask for a ruling, opinion of Counsel, in that respect, and we'll follow the Counsel's ruling.

Mayor Lauretti stated, before we do that, Alderman York had a question.

Alderman Panek stated, I just asked Alderman Anglace, when is the tax freeze going to take place? When is it going to start? And why the rush to get this to public hearing in three weeks?
Alderman Anglace stated, as the Assessor you file in February to May, it takes effect with the next Grand List – 2008.

Alderman Panek asked, so why do we need this to go to public hearing in three weeks, if it’s not taking effect until 2008?

Alderman Anglace asked Alderman Panek to repeat the question.

Alderman Panek stated, why do we need to send this to public hearing in three weeks when it’s not taking effect until 2008? We have time to review this and send it to public hearing next month or the month after.

Alderman Anglace stated, you’ve got to adopt it before February.

Alderman Panek stated, it’s September.

Alderman Anglace stated, you adopt it before February for it to become effective next year.

Alderman Panek stated, that’s five months away.

Alderman Anglace stated, you want to know why I want to send it to public hearing this month? I think we have that right under the Charter. That precedent has been established. Let it go to public hearing. After that we can refer it to wherever it has to go. If this body wants that. The Charter directs it to go to public hearing when an ordinance is submitted.

Alderman Panek stated, well that’s your interpretation that is where it directs it. The word “shall,” I looked up, in the context that the word “shall” is used in the Charter, let me give you the definition I looked up today. “Indicating that something must happen or somebody is obliged to do something because of a rule or law.” I think that makes it pretty clear that the word “shall” means that the Mayor must send it to a committee of the Board. If Corporation Counsel disagrees and the Board wants to send it to public hearing,

Corporation Counsel Sous stated, no, I don’t disagree with you, Chris, I think we agree, but the issue was when you’re sending it to the Ordinance Committee, the Ordinance Committee of this Board is the full Board of Aldermen.

Alderman Panek asked, where do we have, where is the definition of “Ordinance Committee?” It doesn’t say Ordinance Committee anywhere that I’ve read.

Corporation Counsel Sous stated, I thought that what they were talking about. The issue regarding Ordinance Committee, which is the full Board.

Mayor Lauretti stated it says appropriate committee of the Board.

Corporation Counsel Sous stated, I thought they were talking, the Ordinance Committee, which I understand is the full Board.

Alderman Finn stated, we only have three committees – Public Health and Safety, Finance Committee, and Street Committee.

Corporation Counsel Sous stated, if you want to refer it to committee, refer it, I’m not saying that you can’t.
Mayor Lauretti asked, when is the next Finance Committee meeting? Trish, do you know when the next Finance Committee meeting is?

Mrs. Bruder replied, it’s the third Tuesday – it’s the same night as the public hearing – Tuesday the 25th.

Mayor Lauretti stated, there you have it. On the 25th it will appear in both the Finance Committee and public hearing. If the Charter says that I will refer it to the appropriate committee, that’s going to happen.

Alderman Panek stated, if the ordinance is going to go to public hearing, I’m going to request a documentation from either the Assistant Corporation Counsel Sous or Corporation Counsel Welch with a written ruling of that section of the Charter.

Alderman Anglace stated, what I don’t understand is why the questions and the hullabaloo over this ordinance when several hundred ordinances have gone through over the 16 years I’ve been here with never a peep and never a question – right to public hearing.

Alderman Panek stated, that’s untrue. You can review many minutes in the past two years since I’ve been on this Board that I have questioned this policy of forwarding things directly, and I’ve stated on the record that I believe this is a violation of the Charter, and I think there is a very good reason why during the Charter revision, both times in ’04 and ’05 that someone tried to change this section of the Charter but it failed.

Alderman Anglace stated, your interpretation is a violation of the Charter, mine is just the opposite. Mine that I have is, any Alderman has the right to submit an ordinance, and it goes to public hearing without question. After that you can refer it to a committee and the committee can then modify it or do what they want to do and make recommendations.

Alderman Papa stated, I think we have a stalemate here.

Alderman York stated, the legality of the whole thing aside, here’s why I want to see it go to committee. I’ve been on both ends, on that side of the podium and on this Board. I’ve been to the subcommittees of the Board of Aldermen. This is important. I think it’s something that we all want. It has a fiscal impact and it should be looked at by the Finance Committee. Almost all of the bills that go through the State Legislature have to address the fiscal impact when the bills are going through the process. The thing is, we want people’s input on this. Granted, as Mr. Steiner brought out in his testimony, the people who are going to qualify for this tax freeze, it’s going to be a limited number of seniors. There’s an income cutoff, so it’s not like it’s going to be an across the board tax freeze for all seniors. I don’t know if that got out in the press, that this ordinance has received already. When we bring it to committee, we bring it into a more intimate environment and I’ve seen much better exchange between the public and Aldermanic members at a committee level. It’s a little less formal, it’s less intimidating, and it’s a better place to start. We can get some of those answers that Jason and myself and Chris have about this important piece of legislation, have some of those answers by the time it goes to Finance Committee and present it in a less intimidating way to the public. That is why I think it’s the proper way to do things.
Alderman Perillo stated, I think I heard the answer from you as to what to do with this, Mayor. If you’re going to send it on the 25th to Finance Committee, you can also send it at the same time to hearing. It gives everyone the opportunity to hear the public during the hearing, go right into Finance Committee, have the benefit of that discussion, discuss it in Finance Committee, and if the hearing needs to be extended, then so be it. Or if another hearing needs to be had, then have it. That way you get the best of both. You get the intimate setting you seem very concerned about in committee, but you also get comment from the public at the same time. What’s better than that? You want public input, you want committee input. It’s perfect.

Alderman Anglace stated, Mr. Mayor, point of order. The problem here, Mr. Mayor, we have a four to four vote that you announced. By Charter, you are authorized to break that tie. Please do.

Mayor Lauretti stated, I have every intention of doing that. But I do want to call to your attention that there was no vote. It was a show of hands. There is no vote required here. It says that the Mayor shall refer to the proper committee of the Board of Aldermen, and that’s what I’ll do. The discussion is over and we’ll move on to the next item. And just for the record, since everybody wants to know, on the 25th it’s going to go to Finance Committee, and it’s going to go to public hearing. That’s the way it is.

Senior Tax Freeze Ordinance

WHEREAS, the Connecticut State Legislature has recently adopted Public Act 06-176 which has now been codified as Connecticut General Statutes Sections 12-170v and 12-170w, which allows municipalities to provide optional tax relief to seniors of the age of 70 years or older.

Said statute provides that a municipality may freeze real property taxes if a resident meets the following requirements:

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

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

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

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

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

a. That the City of Shelton hereby adopts the provisions of Connecticut General Statutes Section 12-170v as same may be amended from time to time.
b. That the City of Shelton hereby adopts the procedure set forth in Connecticut General Statutes Section 12-170w(a) as the application procedure for said program.

c. Any person knowingly making a false application for the purpose of claiming property tax relief under this ordinance and Connecticut General Statute Sections 12-170v or 12-170w shall be fined not more than $500.00.

d. Any person who fails to disclose all matters relating thereto or with intent to defraud or makes a false statement shall refund the municipality all tax relief improperly taken.

11 Executive Session

At approximately 8:24 p.m. Alderman Anglace MOVED to enter into Executive Session to discuss the following item:

11.1 City of Shelton v. Fuge
11.2 Wiacek Farm – City of Shelton Eminent Domain Case
11.3 Richard Arsenault – Workers Compensation
11.4 Land Purchases

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

Return to Regular Session

At approximately 8:50 p.m. Alderman Kudej MOVED to return to Regular Session; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.

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

Motions from Executive Session

11.1 City of Shelton v. Fuge

No action.

11.2 Wiacek Farm – City of Shelton Eminent Domain Case

No action.

11.3 Richard Arsenault – Workers Compensation

Alderman Anglace MOVED to approve the voluntary agreement dated 8/24/2007 in the workers compensation between the City of Shelton and Richard Arsenault as discussed in Executive Session; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

11.4 Land Purchases

No action.
Adjournment

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

The meeting adjourned at approximately 8:52 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: ____________________

DATE APPROVED: ____________________ BY: ____________________

Mark A. Lauretti
Mayor, City of Shelton