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 Lynne Farrell - present
Alderman John “Jack” Finn – present
Alderman Stanley Kudej – present
Alderman Kenneth Olin - present
Alderman John P. Papa – present
Alderman Jason Perillo - present
Alderman Anthony Simonetti - present

Administration:

Mayor Mark A. Lauretti
Corporation Counsel Thomas Welch
Assistant Corporation Counsel Ramon Sous

There was a quorum present.

Agenda Items

PUBLIC SESSION

Richard Widomski, 49 Christine Drive

Just think a $4,207,461 grant to the City of Shelton for sewage treatment. What about an additional $15,488,539 loan to the City of Shelton for sewage treatment? What do you think about a $787,840 grant for administrative services for sewage treatment? What about an estimated cost of approximately $8 million for upgrading Canal Street? These are just some of the existing grants, loans and costs expected by the taxpayers of the City of Shelton as reported in Shelton Life, which is published by the Shelton Economic Development Commission. There is also a $2 million grant for the City of Shelton. The publication points out that the grant will be matched by the City of Shelton to promote private investment along the downtown business district riverfront. These funds will partially pay for the widening and improvement of Canal Street. This is only a brief synopsis of the costs required to assist developers and investors to provide redevelopment for the City. There are also additional costs to the taxpayer for environmental clean up, air quality and transportation, such as railroad upgrading. These additional costs probably approach $2,500,000 - much of it bonded and all of it absorbed by the taxpayer. These costs do not include interest payments nor do they include payroll or expenditures associated with the operation of the Economic Development Commission or Corporation. At this point, we should start summarizing the facts and see what the costs are to the taxpayer for redevelopment. We should also take a ride to Canal Street to observe just how much of a return we are receiving on our investment. If we begin to add up the dollars that we, as taxpayers, are investing, we have to wonder what our return on our investment might be. Take this scenario one step further and figure that there might be perhaps some 350 rental and privately-owned units. What will the cost be to educate and transport the additional students? Will a new grammar school need to be built. Is the City infrastructure ready for the influx of people? Is the sewage treatment plant sized to accommodate the additional influx? What are the expectations of this expansion as projected by our Planner? Oops! No Planner - an oversight of the Charter Revision Commission or the Board of Aldermen. The Charter Revision Commission and the Board of Aldermen still can’t make up their
minds as to why there is no City Planner - a cost-saving solution to the lack of planning and direction by the City. There is a great deal of money being expended and still no plan, no cost estimates, no projection of return, only taxpayers costs. Now we see in the local newspapers that property on Canal Street may be sold. All the time and energy spent, all of our taxpayer dollars committed and spent and a piece of Canal Street may be flipped. Our hard-earned taxpayer dollars invested so that the property is flipped? So, what is the potential investor prepared to commit to the community? We have the issue of the improvement of Canal Street. We also have the issue of $1,600,000-plus for the Riverwalk that will either be a Riverwalk or Canal Street walk. I don’t think we solved that problem yet. I propose that until there is a viable and acceptable dollar commitment to the community, we as taxpayers and investors in this venture freeze additional funding for the expansion of Canal Street. We are experiencing the economic bailouts of the real estate market on the federal level, and we need assurances that the taxpayers of Shelton are not trapped into a similar situation. The appearance of a flip does not instill confidence with the taxpayers who own a piece of Canal Street through public funding. It’s time to say ‘no’ to the use of public funds until a decisive plan is laid out and shared with the public. Say ‘no’ until the cost of these ventures are shared with the community. Now is the time for a cost analysis and a plan. If that information is not forthcoming before the election, then maybe it is time vote ‘no’ on a referendum question on Canal Street. Thank you.

Irving Steiner, 23 Partridge Lane

This evening I would like to bring to the Board of Aldermen’s attention a problem with the Planning and Zoning Commission that I consider to be very serious. I turn to the Board of Aldermen because the Planning and Zoning Commission’s action to date on this matter has been to allow an applicant to circumvent both statutes and ordinances in the application process to public detriment, and without allowing public comment. They have as a Commission purposely side-stepped rules governing notice of public meetings and made every effort to prevent public transparency on these applications. I therefore feel that it would be useless to revisit and bring these matters to their attention. It is without a doubt and too obvious that the Planning and Zoning Commission is fully aware of what they’re doing and have accomplished.

The following is a chronological order of events.

On July 31, 2007 the Planning and Zoning Commission accepted application 07-41 for review for a waste process and recycling facility expansion located at 90 Oliver Terrace in Shelton, which is directly behind the Spooner House – between the Spooner House and Route 8.

Public notice on 07-41 then mysteriously became an application for St. Vincent’s special needs services. No public notice was published for the waste processing facility application.

August 28, 2007 is the first appearance of application 0742 for a waste processing facility expansion at 90 Oliver Terrace which mysteriously replaced the previously mentioned 07-41. This new application, never before introduced under New Business, is listed under Old Business for discussion and action. There was no public notice in a local newspaper or public meeting as required by State Statute. The application was immediately discussed and unanimously approved by the Planning and Zoning Commission. No documentation from the DEP or City Engineer was available to support this application. In fact, the existing operating permit from the DEP was only for operations at 46 Oliver Terrace and not for 90 Oliver Terrace. 90 Oliver Terrace has no operating permit at the moment.

On October 9, 2007 application 07-48 was accepted for review as a New Business from Recycling and Energy LLC for a building expansion to accommodate a 5 to 11 megawatt waste-to-energy plant at 90 Oliver Terrace. The plant would have produced 5 to 11 million watts of electricity.
On October 23, 2007 at a special meeting of the Planning and Zoning Commission, the application 07-48 was placed under Old Business and without public notice or public discussion, was again unanimously approved.

A recent trip to Hartford and further research shows that the United Recycling of Shelton, LLC made one public notice for their latest re-submittal of their application to DEP, which was received by DEP on 7-22-08.

Unfortunately, they placed the ad in the Waterbury Republican-American, which is not the major newspaper that covers our area. I have a copy of that for you. The previous application, which included power generation, had been removed with the project and is now submitted to the DEP being solely for sorting and processing now. The tonnage has been increased to 600 tons of recyclable waste per day - that’s in; and 1,600 tons out. Two 8-hour shifts are also proposed – these being at 4 a.m. and end at 11 p.m.

For comparison purposes and your information, the neighboring Bridgeport trash-to-energy plant processes 2,200 tons of waste per day, a portion of which is consumed for energy. These two plants could be pretty much the same size by the time the Shelton one is finished.

Daily trucks required for the Shelton project would be a minimum of 80 trucks in and 80 trucks out if they were all large trucks, which they won’t be. These would be using Exit 13 down to Platt Road on a regular basis all day long.

It is obvious from what I have said this evening that it would be senseless for me to appeal to the Planning and Zoning Commission on this matter. Every action taken on their part has been to deceive the public. I therefore ask the Board of Aldermen to do due diligence and fight this project to protect the public, and particularly the neighbors surrounding this proposed facility from harm. It is the wrong size at the wrong location. The City of Shelton and particularly the third ward should not continue to be the landfill and dumping ground for surrounding communities. We’ve done our share and don’t need a flood of waste truck traffic on Bridgeport Avenue. I thank you.

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

Mayor Lauretti arrived at this point and assumed the Chair.

Add-ons

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

9.7 Proposal for Professional Engineering Services Targeted Subsurface Investigation Portion of Map 118, Lot 24

10.9 Perpetual Tribute to Shelton Service Men and Women who gave their Lives while Serving Their Country

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

MINUTES FOR APPROVAL

1. MINUTES FOR APPROVAL

Alderman Anglace MOVED to waive the reading of and approve the minutes of the Special meeting of September 2, 2008; SECONDED by Alderman Perillo.

Alderman Anglace explained, the first item was Approval of Municipal Auditor. We need to make a technical correction. If you look on page two of those minutes, the motion was made by Alderman Kudej upon the recommendation of the Finance Committee to select the firm of Levinsky and Verni, etc. Then, on page two, the second paragraph down, I read into the record at the time, “Alderman Anglace stated,
okay, a motion has been made a seconded. Before we get into discussion, I’d like to say that Counsel has informed me that it would be appropriate to amend the motion to waive Section 3 (e). Now remember, I was running this meeting. So I couldn’t make the motion, I simply said that a motion would be in order. Well, if you read the minutes, the Aldermen understood what we were trying to do and the reason we wanted to do it, and the reason Counsel recommended. Technically, we did not make the motion to amend and I think what we have to do is, the minutes here are correct but I think at our next meeting I will come back to you with a motion to correct this. I didn’t do it now, because I just caught it late.

Mayor Lauretti stated, I think you’d have to add the item to the agenda and vote on it.

Alderman Anglace stated, I’ll add it to the next meeting’s agenda as opposed to trying to do it now. Those minutes are correct and we should accept them.

A voice vote was taken and the MOTION PASSED 7 Yes, 0 No, 1 Abstention (Farrell).

1. Regular Meeting of September 11, 2008

Alderman Anglace MOVED to waive the reading and approve the minutes of the Regular Meeting of September 11, 2008, as corrected; SECONDED by Alderman Perillo.

Alderman Anglace stated, on this meeting there is one omission – if you look at the names of Committee appointees – the name of Arthur Gaughran was appointed and after it, it should have an “R” because he is a Republican. Everything else is fine.

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

5.1 FINANCE COMMITTEE

No items.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

No items.

5.3 STREET COMMITTEE

No items.

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 $2,357.03 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated October 1, 2008 with funds to come from the following Legal Services accounts:

<table>
<thead>
<tr>
<th>Description</th>
<th>Account Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Fees</td>
<td>001-1900-411.30-03</td>
<td>$1,822.00</td>
</tr>
<tr>
<td>Foreclosure Fees</td>
<td>001-1900-411.50-01</td>
<td>455.10</td>
</tr>
<tr>
<td>Miscellaneous Fees</td>
<td>001-1900-411.80-84</td>
<td>79.93</td>
</tr>
</tbody>
</table>

SECONDED by Alderman Kudej. 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 $1,583.75 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated October 1, 2008 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**

No items

8 **FINANCIAL BUSINESS OLD**

No items

9 **FINANCIAL BUSINESS NEW**

9.1 **OCTOBER STATUTORY REFUNDS**

Alderman Anglace MOVED to recommend, that the report of the Tax Collector relative to the refund of taxes for a total amount of $2,080.53 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 Papa.

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

9.2 **APPROPRIATION OF FUNDS FOR HUNTINGTON STREET SIDEWALKS**

Alderman Anglace MOVED to approve the contract between the City of Shelton and Prindle Hill Construction for $117,770 for the installation of sidewalks for Huntington Street with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate said agreement; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

9.3 **CONTRACT BETWEEN THE CITY AND KONOVER CONSTRUCTION FOR PERRY HILL SCHOOL**

Alderman Anglace MOVED to approve the contract between the City of Shelton and Konover Construction Corporation for $34,396,040 for General Contract Services for the Perry Hill School with funding to come from the Perry Hill School (Upper Elementary) Referendum Bond; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate said agreement; SECONDED by Alderman Simonetti.

Mayor asked that the Board consider tabling this item as they’re not quite ready with the contract. They should be ready within another week or a couple of days. We could take it up next week at a Special Meeting.

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

9.4 **REGISTRAR OF VOTERS – REQUEST FOR EXPENDITURES**

Alderman Anglace MOVED to transfer a total of $10,364.34 from Contingency General Account #001-9900-900.99-00 to the following accounts:

- $855.00 Commissary Account 001-0500-413.80-41
- 72.21 Mileage Account 001-0500-413.11-01
- 4,213.13 Printing/Advertising Account 001-0500-413.30-07
- 5,024.00 Poll Workers Account 001-0500-413.10-04
For expenditures incurred by the Registrar of Voter’s Office for the primary held on August 12, 2008 and the audit held on August 28, 2008; SECONDED by Alderman Papa.

Alderman Anglace stated, I have a number of things here. I think if my numbers serve me, there were 242 people that came out to vote in this primary, and the primary is costing the City of Shelton $10,364. It just seems to me that it’s a high price to pay for somebody who wanted to run a primary. And it seems to me that if the State feels that these kind of frivolous primaries are okay to be held and cost towns $10,000-plus, I think the State ought to reconsider it’s State law and pay for it. I’d like to urge our State Representatives and Senator to take this up at the next session of the Legislature and try to get the State to pay for the primaries. If they want to do them, let them pay for them.

Alderman Papa stated, the State mandates this – if you want to have a primary, you could have a primary, right? This is nothing that we’ve done that was anything exceptional; it’s always been that way. Even though we only had 243 people vote, if there’s a primary you have to have it, whether it’s Republican, Democrat or Independent. I think it’s kind of expensive, but it’s a democracy and if you want to have a primary, you could have it.

Alderman Finn stated, I had a discussion with Counsel and Counsel said I could participate in the discussion as well as vote on this item tonight. This came about with the help of America Vote Act, which the President of the United States signed into law. From there it came down onto the local state governments who in return placed it upon the local registrar’s offices. In the past as my predecessor Mr. Bashar indicated, there is no control on our part as far as what the cost is going to be. We have to go back, in those days Mr. Bashar was referring to, we had lever machines. Now we have all the new technology. As you can see in front of you, LHS Associates, which is just for memory cards to go into the tabulators. That is $790.85 and you’re going to have that each and every election. The Connecticut Post – we’re required by State Statute to take out legal notices. That necessity is $464.00. Post cards and postage, again we’re required at $568. We’re required to send out those reminder cards to the voters so they know exactly where they do vote. Atkins – that’s who produces the ballots themselves, that’s $689 – an additional cost over the old lever machines. Now you have to have those so they can go into the tabulators. Then you have the direct mailers, which was $1,700. All these are associated with the new law that was passed under the Help America Vote Act. Not only is it Shelton having this additional cost but it’s throughout the whole country. As Alderman Papa pointed out, under the Constitution a person has the right to petition and if they meet the goal of signatures under the State Statute, you are required to have a primary. There is nothing we can do locally to change that I really don’t think the State Senators or State Representatives would want to have this up in Hartford, taking the right away of any elector or citizen in the United States the right to petition to hold a primary.

Alderman Anglace stated, I don’t want to deny primaries and I don’t want to change them. I’m just saying that if the State feels so benevolent about this, they - our local registrars do not have the say – you can’t say how many polling places there are going to be. They tell you. They tell you how many people. If they want to tell us all these things, then let them pay for it. It’s that simple. If they think they’re so good at this stuff, then let them pay for it, and that is what I want our representatives to go back and tell the rest of the Legislature - stop panning off the expenses that they decide are so good. Let them pay for them if they’re so good.

Mayor Lauretti asked, are these accounts depleted that they have to be replaced?

Alderman Finn replied, yes, they are.

Mayor Lauretti asked, there is nothing left in the accounts?
Alderman Finn replied, right now I had one invoice sent back to me from Printing and Advertising and there’s not enough funds to pay that bill. That’s for the upcoming election.

Mayor Lauretti asked, because of this primary?

Alderman Finn replied, yes, this primary completely drained us. I don’t have the runoff with me, but one printing account, we base it on one election. And when we look at one election...

Mayor Lauretti stated, that’s what the budgeted amount was, for one election?

Alderman Finn replied, just one election. There was no anticipation that there was going to be a primary. So everything was based on just the presidential election itself. There was savings associated with the Democratic primary, thanks to the Board of Aldermen we had our new cabinets come in. That canceled the Police for $1,000. That was $1,000 savings. We usually have training the Saturday before the election. We didn’t have the complimentary breakfast so that was a savings. We had the testing for the tabulators, we usually have pizza and soda for everybody because it’s a long process. We cut that out as well. We did reduce the savings as far as that. Alderman Anglace, you’re absolutely correct. We tried to reduce staff. I wanted to have the Assistant Registrar become a tabulator in the event it was needed, move people around the polling station. We were advised by the Secretary of State’s Office that we couldn’t do that. We’re indicated by the Secretary of State’s Office the number of employees we need at each polling station, and you’re absolutely correct. We could have done far better with a reduction in staff.

Mayor Lauretti stated, let me just stop you if you don’t mind, because I think at some point in time you have to employ a little common sense. We’ve had a number of these primaries where you have people hanging around all day. You know, the Statute is not practical and I think the intent of the Statute is to make sure that no voters are disenfranchised and don’t have the opportunity to do that. We in this arena of public life pick and choose which State laws we want to enforce, particularly when it comes to education. I don’t want to belabor this point, but there are 1,500 Statutes for education and you can’t possibly enforce or employ all the things that they ask you to do, as an example. When you go down that road, we tend to, at the local level, and I don’t mean just here in Shelton, I mean, other people at the local level tend to be a little more practical about how they do things. We should be doing that here too.

Alderman Finn stated, that has to be changed at the State level. We just received from Ted Bromley a list of employees we need just for presidential elections. One of the things we cut out from the presidential election is we were told in the past, we don’t need demonstrators at the door which instructs the voters how to go about voting. Now they’re all of a sudden, the Secretary of State’s Office is telling us, it’s not recommended but we strongly recommend you have somebody there. Mr. Pavone and I are going to have the television sets once again with the video on it so everybody will be educated how to vote.

Alderman Perillo stated, I have a question and it goes to whether or not the existing accounts are depleted and why they are depleted. I would like someone to explain to me why a primary directed specifically at registered Democrats and the City of Shelton, which incidentally is not the entire City of Shelton, because it’s only the 4th Congressional District, cost more than was budgeted for a presidential election where we’re expecting 75 to 80 percent turnout. There is a very significant item on here that is mailers. And mailers are based on the population to which you need to mail. Please explain why that is over-expended already for a primary where those involved represent probably less than 20 percent of the population of Shelton.
Alderman Finn stated, the mailers – you have to take into consideration there is only one account - Printing and Advertising. Printing and Advertising covers LHA Associates, Connecticut Post, the post cards that are mailed out from the printers, Atkins, which is for the ballots and also for the data processor direct mailers. They’re all lump sum. That’s the total cost - $4,213.13 just for that. We’re going through similar expenses just for presidential, but those costs will be far higher.

Mayor Lauretti stated, I think that when I got this I asked...

Alderman Finn interjected, it’s no different than when there was a Republican you had with the Board of Education, when Mr. Smeraglino primaried.

Mayor Lauretti stated, that was City-wide. To Alderman Perillo’s point, you’re talking about a very small portion of Shelton’s population.

Alderman Finn stated, if you don’t want to fund that, that’s okay but all our invoices are going to come back from upstairs saying there’s not enough funds to cover those bills.

Mayor Lauretti stated, I think I asked for copies of everything that represented all the line items, so I got a sense of how many people were involved, how many people we hired to work, how many polling places, which newspaper we advertised in.

Alderman Finn stated, The Connecticut Post, as always, we go with the largest circulation in the City. That’s no matter what, we even put out a public notice to have a special voter registration on the 18th. It’s again, State Statute we have to take that out. That comes out of Printing and Advertising as well. We have to take out another public notice for I believe it’s the 28th, because we’re having another special registration. Again, it’s a State Statute requirement, required by the State of Connecticut that we have no control over that. Those are two public notices we have to take out in the paper. Same thing, we have to take public notices out in the Connecticut Post about the last day for registration, cutoff date, etc., etc., and where the polling stations are going to be located.

Mayor Lauretti stated, I think to Alderman Perillo’s point, when you come to, come the general election in a couple of weeks, you’re going to be grossly underfunded in that line item to begin with, because you can’t possibly do it for what, if that depletes the line item, and I don't know, I don’t have the runoff, just common sense tells me that we’re talking City-wide versus the district.

Alderman Finn stated, as far as depletion to the zero amount, no.

Mayor Lauretti stated, because the rest of the stuff is small potatoes here. The advertisement in The Connecticut Post is $460. Postcards are $568.

Alderman Finn stated, okay. You don’t want to fund it that’s fine with us.

Mayor Lauretti stated no, see, you’re trying to put words in people’s mouths. We’re asking questions. We’re trying to make a point – the line item is underfunded to begin with based on what you’ve given us to look at.

Alderman Finn stated, I can look at the runoff, I just got it before the meeting.

Mayor Lauretti asked, what was budgeted in that line item?

Alderman Perillo stated, $8,000 was budgeted. There is $5,000 left.

Mayor Lauretti stated, you’re saying that, this $4,000 doesn’t deplete it then.

Alderman Perillo stated, and that’s my point. They’re not depleted. And I understand we’re going to need to fund these - you don’t want to put yourself in a situation where you have an election and you can’t do what needs to be done by law. But at the same time, why don’t we wait until after the expenditures for the upcoming presidential, which is less than a month away, and then if we have to come back for the registrars and give
them money, they need to make it work, that’s fine. At that point in time, all elections will be behind us.

Mayor Lauretti stated, yes, it sounds like they’re going to have a need again because there’s no way that you can deplete this line item and expect to do a general election and spend the same amount of money. It defies logic.

Alderman Finn stated, no, Printing and Advertising is still $5,060 according to the runoff. This is adding back into the cost that we’re going to have associated with the presidential. We went through this the last time because you’ll recall we had the special election for Mr. Perillo’s office, we then had the general election, then we have the presidential primary. We had...

Mayor Lauretti interjected, we know all that, that’s history. The question was, was the line item depleted. And the answer...

Alderman Finn interjected, the answer is no.

Mayor Lauretti stated, and 10 minutes later we got the answer. So, there’s still $5,000 left and, is this paid? Are all these paid, Pete?

Alderman Finn replied, yeah, all these bills are paid, yes.

Mayor Lauretti stated, the $4,200 is paid?

Mr. Pavone replied from the audience, yes.

Mayor Lauretti stated, all right. So you still have $5,000 left. I think Alderman Perillo’s point is right. Let’s wait until after, it’s only a couple of weeks away and we’ll take care of it all at once.

Mr. Pavone stated, what we did last year is, you approved us to go over and adjusted at the end. We can do it that way also.

Mayor Lauretti stated, we don’t have to do that this time because these bills, by the time these bills come in we’ll have had another meeting, we’ll know what it is, we’ll be able to correct it. There is no need to do this tonight. We’ll take no action.

Alderman Perillo MOVED TO TABLE without prejudice; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

9.5 **APPROPRIATION OF FUNDS FOR AUDITOR EXPENSES**

Alderman Anglace MOVED to transfer $3,000 from Contingency General Account #001-9900-900.99-00 to the Professional Services Account #001-0300-412.30-01 for auditing services for Fiscal Year 2007-2008; SECONDED by Alderman Papa.

Mayor Lauretti stated, I would think that because everybody had gotten a copy of the contract, in an effort to save a few trees, that maybe we don’t have to keep photocopying the same things over and over again, and just send the page that is pertinent - like the actual price portion of it. I’ve said this before the Board before, and I hope we can start doing that, because this is not only time-consuming, but it does get to be costly.

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

9.6 **START-UP FUNDS FOR THE PUBLIC IMPROVEMENT BUILDING COMMITTEE**

Alderman Anglace stated, I’d like to suggest to the Board that it might be appropriate for us, given the fact that we should wait for the referendum results before we take an action to appropriate any funds. If that meets with your approval, we’ll take no action on this.
Alderman Simonetti stated, haven’t they already started meeting?

Mayor Lauretti replied, they had an organizational meeting. They can continue to meet, there is nothing that stops them from meeting. But I think to Alderman Anglace’s point, what do you do if it’s voted down? It’s only three weeks away and as we stated earlier, we’re going to have another meeting so this really can wait.

Alderman Anglace stated, if we appropriate money and they start spending the money and the referendum fails, how do we look?

Alderman Finn stated, no matter what happens, Long Hill School and Elizabeth Shelton School roofs are still leaking and you still have to address them. You can’t continue to have school roofs that leak.

Mayor Lauretti stated, I understand that, but it’s a question of where the money comes, and this will come out of the bond proceeds toward the project. Besides, I’ll guarantee that the Board of Education’s roof does not leak. I guarantee their roof does not leak. Not only that but they’re punching holes in the side of the walls so that someone can have a window in their office. They replaced all the air conditioning. Hundreds of thousands of dollars that is not budgeted in line items somewhere.

No action taken.

9.7 Proposal for Professional Engineering Services Targeted Subsurface Investigation Portion of Map 118, Lot 24

Alderman Anglace MOVED to approve the proposal between the City of Shelton and Loureiro Engineering Associates, Inc. for professional engineering services for targeted subsurface investigation for a portion of Map 118, Lot 24 in the amount of $9,951; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate said agreement; SECONDED by Alderman Papa.

Alderman Finn stated, just so the public knows what we’re talking about, this is the property located at the corner of Riverdale Avenue and Brewster Lane, down on Riverdale Avenue.

Mayor Lauretti stated, just to further the point that I made before, you look at the current pay increase that the Superintendent of Schools just got is 4 percent, in this economy. It makes it very difficult for us at the City level to negotiate with our unions when they get significantly less and are making significantly less than the Superintendent of Schools. Furthermore, try to understand what they’re paying the new Human Resources Director, what they’re paying the Director now as opposed to what the retiring Human Resources Director was making. I don't know where they're getting all this money. They were going to lay off a lot of people last year. This is all for the kids. I’m going to be doing a direct mail campaign to the residents of the City, every one of them, on this issue.

He asked, does anybody have any further questions on the Phase II environmental testing?

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

10. - LEGISLATIVE - NEW

10. 1 ITEMS TO PUBLIC HEARING

No items.
10.2 **CONTRACT BETWEEN AMERICAN BOILER, INC. AND CITY OF SHELTON FOR BOILER REPLACEMENTS FOR FOUR ELEMENTARY SCHOOLS**

Alderman Anglace MOVED to approve the contract between the City of Shelton and American Boiler, Inc. for $517,880 for boiler replacements for four elementary schools (Long Hill School, Mohegan School, Sunnyside School and Booth Hill School); and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate said agreement; SECONDED by Alderman Papa.

Alderman Anglace stated, the note at the bottom is pertinent. It says: The sum of $300,000.00 has been previously allocated. Only two boilers will be completed during the 2008-2009 fiscal year. The balance of the contract price of $217,880 must be allocated and appropriated for the 2009-2010 fiscal year when the other two boilers will be done.

Alderman Finn asked, are the boilers going to be dual firing or just oil?

Mayor Lauretti stated, only one has the capability of being dual-fired.

Alderman Finn stated, it was on Channel 8 news that West Haven is switching over to gas, and they’re anticipating a large savings in their consumption.

Mayor Lauretti stated, oil came down to $84 a barrel today.

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

10.3 **U.S. POSTAL SERVICE LEASE AGREEMENT FOR PROPERTY LOCATED AT 41 CHURCH STREET**

Alderman Anglace MOVED to approve the Lease Agreement between the City of Shelton and the United States Postal Service for premises located at 41 Church Street; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement; SECONDED by Alderman Olin. A voice vote was taken and the MOTION PASSED 8-0.

10.4 **AMENDMENT TO THE AGREEMENT WITH DECARLO AND DOLL FOR PROPOSED TASK ORDER NO. 2 FINAL DESIGN/PHASE 3**

Alderman Anglace MOVED to approve the amendment to Task Order No. 2-08 for Professional Services by and between the City of Shelton and The Implementing Agency The Shelton Economic Development Corporation and DeCarlo & Doll, Inc. in connection with the Phases III and IV Shelton Enterprise and Commerce Park Project improvements/Canal Street and Wooster Street North for Final Design and Preparation of Construction Contract Documents; SECONDED by Alderman Simonetti.

Alderman Finn asked, how is this being paid for?

Alderman Anglace asked, shouldn’t we wait for the referendum results for this one also?

Mayor Lauretti stated, I think this follows suit with the other two items that we talked about. I don’t think we should approve it until we know what the results are.

Alderman Anglace MOVED to TABLE; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.
Mayor Lauretti stated, I get a little sidetracked talking about education because when Jack starts to defend them, in my mind there is no defense for them.

Alderman Finn stated, they should have hired you then, huh?

Mayor Lauretti replied, if they wanted to get results, they should have hired me. But they’re not interested in results, they’re just interested in what they pay people. Because, when you read on the front page of the paper that the Superintendent’s doing a good job and we’re putting 85 percent of our kids who graduate high school in college, I said to myself, this is a joke – we’ve been doing this for 30 years in Shelton. This is not new, this is just a new reason. That’s all that was.

Alderman Finn stated, don’t forget that that’s where you INAUDIBLE the Board.

Mayor Lauretti replied, unfortunately, I agree with you, Jack. They’re not doing the right thing, either.

10.5 APPOINTMENT OF MUNICIPAL HISTORIAN

Alderman Anglace MOVED, per the recommendation of the Mayor, to appoint Robert Novak as the City Historian, effective immediately, for a term of five years with said term expiring on October 9, 2013; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

10.6 RENEWAL OF LICENSE AGREEMENT BETWEEN CITY OF SHELTON AND THE BOYS AND GIRLS CLUB OF THE LOWER NAUGATUCK VALLEY, INC.

Alderman Anglace MOVED to approve the License Agreement between the City of Shelton and the Boys and Girls’ Club of Lower Naugatuck Valley, Inc. and authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

10.7 LICENSE AGREEMENT WITH REGARD TO SHORT-TERM USE OF PRIVATELY-OWNED VEHICLES

Mayor Lauretti stated, this is an item we’re not going to take up tonight. We’re not ready for it so we’re not going to put a motion on the floor.

10.8 CHANGE ORDERS 1 THROUGH 3 AND PAYMENT SUBMITTED BY MANAFORT BROTHERS FOR PERRY HILL SCHOOL

Alderman Anglace MOVED to approve Change Orders 1 through 3 submitted by Manafort Brothers, Inc. and to allocate the sum of $24,603.69 from the Perry Hill School Bonding Funds; and further,

MOVED to authorize Mayor Mark A. Lauretti to execute any and all documents necessary to effectuate same; SECONDED by Alderman Papa.

Alderman Anglace stated, do you want to explain why the Aldermen are taking this action versus WPCA or anybody else?

Mayor Lauretti stated, it’s for two reasons, they’re very simple. One, that the change orders are outside the scope of what was originally approved, and two, there is no change in the dollar amount. It’s within the limits that were already approved. This is something that comes up as a project like this moves along.

Alderman Finn stated, something similar to this happened with the Shelton Community Center, remember, we had asbestos that was encased and didn’t know about it until later.
Corporation Counsel Welch stated, we’re going to try to address these issues so they can be met in an expeditious fashion with the Upper Elementary School and make that part of the contract and part of the motion that you pass when we take up the contract.

Alderman Anglace stated, I would expect that this is the recommendation of the WPCA.

Corporation Counsel Welch stated, no, this is the Upper Elementary School Building Committee.

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

10.9 Perpetual Tribute to Shelton Service Men and Women who gave their Lives while serving their Country

Alderman Anglace MOVED to adopt the following Resolution:

Be it resolved that the City of Shelton shall publish annually during the month of November, in a newspaper having a large circulation in the city, a list of those sons and daughters from the City of Shelton who died in all military conflicts throughout history while serving our great country. The list shall be published showing the conflict in which they served.

This annual recognition is intended to recall their sacrifice, solicit prayers and bring honor to those who gave their life so that all who followed could enjoy the freedom they made possible.

May God bless and reward them with eternal salvation.

SECONDED by Alderman Papa.

Mayor Lauretti stated, I would request that the Board consider that this recognition be published on the Memorial Day recognition as opposed to November, which is Veterans Day recognition.

Alderman Anglace stated, it would be okay with me if it were published In Shelton Life – it doesn’t necessarily have to be a newspaper – as long as it gets to all the citizens, and Shelton Life reaches everybody, right?

Mayor Lauretti replied, it does, and it is a springtime publication, so that would be appropriate for the Memorial Day recognition.

Alderman Anglace MOVED TO AMEND the motion to say, “published in Shelton Life and distributed to all of the households in the City of Shelton in the month of May each year” SECONDED by Alderman Finn.

Alderman Anglace stated, we went to the funeral for Lieutenant Tom Brown and as we went up Howe Avenue and up into Monroe it dawned on me, I looked on both sides of the road and I was impressed with the people here and there – it should have been throngs of people all the way up there. Were we too busy to come out and honor one of our own? Let’s not forget him. Let’s not forget any of them that died in conflicts. That’s why, that’s where this idea came from.

Alderman Finn stated, Shelton Intermediate School should be commended for their very nice display.

Alderman Anglace stated everybody, everybody. It was very moving.

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

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

Mayor Lauretti stated, before we go into Executive Session, I have to ask Kate Ramunni a question. I didn’t understand that one day this week on the front page of The
Connecticut Post, top of the page, there was a headline that referenced something to the effect “Mistake or Bad Timing?” which is in reference to Mayor Richitelli from Milford his pay raise. Then, the next day there was the announcement of the Superintendent of Schools in Shelton getting a 4% pay increase with very little fanfare. I was considering a Letter to the Editor on that because I didn’t understand, you know, the point behind that. Why was it okay for the Superintendent of Schools, any school for that matter, to get a 4% pay increase, but it wasn’t okay for a Mayor or First Selectman to get one. The mindset is unbelievable when it comes to that. You look at our Human Resources Director. I’m told that she’s making $131,000 a year. The one that retired got $100,000. How do we get from $100,000 to $131,000?

Alderman Papa stated, it’s for the kids.

Mayor Lauretti continued, and nobody, there’s not one word. Can you imagine? I’m in the wrong job. If I had known that I wouldn’t have applied for the basketball job, I would have gone for Human Resources Director, and then I would have forced a vote. Then it would have been worth my while to get the headlines.

Alderman Perillo stated, before we go into executive session, I have a question on one of the items. 11.5 is a bid waiver and I’m wondering why we’re handling that in Executive Session. We typically don’t.

Corporation Counsel Welch stated, it was a bid that was INAUDIBLE, and there was an issue on that and it will come out of executive session and I’ll state the reasons. It was a bid, that an issue has come up on the bid that is part of litigation.

Alderman Perillo stated, understood.

11 EXECUTIVE SESSION

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

11.1 Richard Arsenault, Worker’s Compensation
11.2 Cachillo v. City of Shelton
11.3 Tax Appeal – 900 Shelton Plaza
11.4 Board of Education Administrator’s Contract
11.5 Bid #29-12 - Waiver of Bid
11.6 Federal Energy Regulatory Commission (FERC) Intervention
11.7 470 Howe Avenue
11.8 Ellen Hillmann, Worker’s Compensation

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

Mr. Musante of The Huntington Herald stated, I have a question on 11.4. This is not something that you have statutory authority over. It has already been approved by another body which does have statutory authority over it. I was wondering what the reasoning is for holding this item in Executive Session, because I don’t, quite frankly, believe that that is proper under the Freedom of Information.

Mayor Lauretti stated, okay. Well, I didn’t put it on the agenda, and I don’t know the answer to it. Does anybody else? Who put it on the agenda?

Mr. Musante stated, this is 11.4 the Board of Education Administrator’s contract, and I believe that you should hold that, if you’re going to have discussion of it, hold that in open session and not in Executive Session, because you don’t have any right to put it in Executive Session. It has nothing to do with your...

Corporation Counsel Welch interjected. You have a right to...
Mr. Musante interrupted. You’re not negotiating a contract. It’s not a personnel matter for you. I don’t see...

Mayor Lauretti interjected, okay, Fred, you’ve made your point. Do you want a response?

Mr. Musante replied, sure.

Mayor Lauretti stated, I think Corporation Counsel would like to give you a response.

Corporation Counsel Welch continued, it is a contract which, if I’m understanding it correctly, the Board of Education sends down to the Board of Aldermen because it’s going to be part of their budgetary process, and it is a, still a negotiated contract. It’s a contract that has the ability of contract negotiation which is subject to Executive Session, which I think is appropriate.

Mr. Musante stated, this is up for a contract, you’re going to do a vote on this, whether you should approve the contract?

Alderman Anglace stated, if we do a vote on it, it will be in open session.

Mr. Musante stated, wait a minute now. I was wondering, can you turn down this contract?

Alderman Finn stated, if the contract is turned down, it goes to arbitration.

Mayor Lauretti stated, I don’t know the answer. I know there is some language...

Mr. Musante interjected, well that’s what I’m asking. I’ve never heard of that before.

Alderman Anglace stated, under the Freedom of Information, absolutely. Contract matters you can discuss in Executive Session.

Mr. Musante stated, yeah. You don’t negotiate this contract and you don’t approve it.

Mayor Lauretti stated, wait a minute. We’re not going to argue this thing any more. We’re going into Executive Session right now. Fred, you can take up the issue at any other time after we’re done.

Return to Regular Session

At approximately 8:44 p.m., Alderman Anglace MOVED to return to Regular Session; SECONDED by Alderman Olin. 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 RICHARD ARSENAULT, WORKER’S COMPENSATION

Alderman Anglace MOVED to approve the increased permanent partial disability rating as set forth in the medical report of Dr. Joseph Robert Anthony dated August 12, 2008; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

11.2 CACHILLO V. CITY OF SHELTON

Corporation Counsel Welch stated, no action is required. We’ll have a full stipulation to you for next month.

11.3 TAX APPEAL CASES – 900 SHELTON PLAZA ASSOCIATES

Alderman Anglace MOVED to approve the stipulation for judgment as presented in the tax appeal cases entitled “900 Shelton Plaza Associates Partnership v. City of Shelton”; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.
11.4 BOARD OF EDUCATION ADMINISTRATOR’S CONTRACT

No action.

11.5 BID #29-12 – WAIVER OF BID

Alderman Anglace MOVED to waive the bids regarding Bid #29–12 and enter into a contract with Gherlone, Inc. for the sum of $834,142 with funds to come from the Sewer Bonds; and further,

MOVED to authorize Mayor Mark A. Lauretti to execute any and all documents necessary to effectuate same; SECONDED by Alderman Simonetti.

A Roll Call Vote was taken as follows:

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<th>Alderman</th>
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<td>Finn</td>
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The MOTION FAILED by a vote of 7 No, 1 Yes (Finn).

11.6 FEDERAL ENERGY REGULATORY COMMISSION (FERC) INTERVENTION

Alderman Anglace MOVED to ratify and approve the filing of an intervention and rehearing request on behalf of the City of Shelton regarding McCallum Enterprises I Limited Partnership’s request to the Federal Energy Regulatory Commission to amend the recreational plan for the Derby Dam Hydroelectric Project; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

11.7 470 HOWE AVENUE

Alderman Anglace MOVED to authorize the Mayor to get an appraisal on the 470 Howe Avenue property; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

11.8 ELLEN HILLMANN, WORKER’S COMPENSATION

Alderman Anglace MOVED to approve the permanent partial disability rating as set forth in the Orthopedic and Sports Medicine Center report dated August 27, 2008; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

Mayor Lauretti stated, before we adjourn, Corporation Counsel Welch would like to address 11.4 – Board of Education Administrators Contract.

Corporation Counsel Welch explained, the question, Connecticut General Statutes 10-153, and the question was raised as to the appropriateness of that contract being discussed in Executive Session. The Board of Education has to submit that contract to the legislative body. The legislative body has 30 days to reject it, accept it, or take no action on it. So, they do have a right to reject it within 30 days of it being filed, so it’s still part of the contract negotiation. If it gets rejected, it does go back for arbitration. Section 10-153 gives the Board the right to act on it, and it’s based upon the fact that once it is approved, you have to fund it at your next contract. You can’t say next contract that you’re not paying, because you approved it. So what you’re coming to is, you do
have a right to reject it, accept it or take no action. It’s a contract negotiation that hasn’t been completed. I know the question was raised INAUDIBLE.

Mr. Musante asked, Mr. Welch, who conducts the contract negotiation?

Corporation Counsel Welch replied, the Board of Education.

Mr. Musante asked, then why do you claim there is a contract negotiation being discussed by the Board of Aldermen? I have to tell you that I don’t see it that way.

Corporation Counsel Welch explained, the Board of Education, in sending it down, if it was rejected, what is being discussed is, for all intents and purposes, the Board of Aldermen understanding that if they reject it, what would the consequence be, and so you’re still in the negotiation process on that. Because if you rejected it, it goes to arbitration. The Board has to know the pluses and minuses of that. So, not to be in executive session, they’d be discussing, okay, if you reject it, this is what can happen, highs and lows. So, you’d be giving out all of your confidential information when you’re talking about those numbers.

Mayor Lauretti stated, okay. You can continue the discussion later on if you’d like. Right now I’ll entertain a motion for adjournment.

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 8:55 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: ____________________

DATE APPROVED: _______________BY: ____________________
Mark A. Lauretti
Mayor, City of Shelton