Call to Order

Mayor Mark A. Lauretti called the meeting of the Board of Aldermen to order at 5:35 p.m. All those present rose and pledged allegiance to the Flag of the United States of America.

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

There was a quorum present.

1. AMENDMENT TO CONTRACT BETWEEN AMERICAN BOILER INC. AND CITY OF SHELBON FOR BOILER REPLACEMENTS AT ELEMENTARY SCHOOLS

Alderman Anglace MOVED to approve the amended contract between the City of Shelton and American Boiler, Inc. for $517,800 for boiler replacements for four elementary schools (Long Hill School, Mohegan School, Sunnyside School and Booth Hill School) and to allocate the sum of $217,880 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 Perillo.

Corporation Counsel Welch explained, the total contract is $517,800 and you’re allocating a new $217,880.

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

2. 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 the sum of $150,000 from the Perry Hill School (Upper Elementary) Referendum Bond for extras provided for in said Contract to be approved in writing by the Building Committee and Mayor Mark A. Lauretti; 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, I’d like to urge Konover Construction to give consideration to local contractors when they’re hiring their subs.

A voice vote was taken and the MOTION PASSED 8-0.
3. PERRY HILL SCHOOL AMENDMENT TO PROJECT MANAGEMENT TEAM NORTHEAST CONTRACTS

Alderman Anglace MOVED, per the recommendation of the Perry Hill School Building Committee, to approve the amendments to the contracts between the City of Shelton and Project Management Team Northeast for an additional $10,000, from $44,500 to $54,500, for Technology 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 Perillo. A voice vote was taken and the MOTION PASSED 8-0.

4. FUNDING FOR THE REPAIR OF FIRE ALARM AT THE SENIOR CENTER

No action.

5. ADDITIONAL FUNDING FOR CHARTER REVISION AND AUTHORIZATION TO PROVIDE A SUMMARY OF CHARTER REVISION CHANGES AS A NEWSPAPER ADVERTISEMENT

Alderman Anglace MOVED to approve the sum of $350 to cover the cost of Charter Revision printing and distribution costs; and further,

MOVED to authorize the Charter Revision Summary of Changes to the existing Charter titled “2008 PROPOSED REVISIONS – HIGHLIGHTS OF MAJOR CHANGES” to be printed and distributed in the form of a newspaper advertisement and to then be available for public distribution in the City/Town Clerk’s Office and on the City Website subject to approval of Corporation Counsel; SECONDED by Alderman Papa.

Alderman Finn asked, I’m just curious, what brought this about? I don’t know if it had anything to do with Charter Revision Commission meeting they had over at Commissioner Gallo’s house two weeks ago, if that was just to draft the letter, or did it have anything to do with what we have in front of us tonight? Also, I noticed from handout you gave me courtesy of Mr. Nappi. He came down and gave me the flier that the Republicans were passing out on Shelton Day. I went over, bullet-by-bullet, what you passed out on Shelton Day and it’s exactly the same that you’re asking us to place the ad in the newspaper tonight. Headings were changed and some of the terminology has been changed, but basically everything is the same.

Mayor Lauretti stated, I think you got a copy of the text that’s being sent out via the newspaper. Is that what you’re saying is the same one the Republicans were passing out on Shelton Day?

Alderman Finn replied, yes. You want a copy?

Mayor Lauretti replied no, I don’t need a copy. I don’t think you’re right, once again.

Alderman Finn stated, I am, I checked, I went line item by line item down here. I checked everything off and I highlighted everything on what’s being sent to the papers.

Mayor Lauretti stated, you have a history of doing this you know, saying things that are not totally accurate and I suspect that this may be one of those.

Alderman Finn stated, here’s everything that’s highlighted the flier that’s mailing out, appeared in the Republican flier on Shelton Day.

Alderman Perillo stated, I have a couple of questions for Counsel. Does the Charter Revision Commission still exist, or was it disbanded?

Corporation Counsel Welch replied, their job is done.
Alderman Perillo stated, secondly, we have a document before us in our packet that I am assuming is what is to be published. Have you seen it and do you have any commentary on it? Obviously your job is to ensure that anything the City puts forth is something that’s appropriate.

Corporation Counsel Welch stated, yes. What came from Mr. DiMauro and Mr. Anglace was a proposal that is before you today. I went through it to determine the neutrality so that you don’t advocate either for or against. The resulting effect was that. I made over 30 changes to what was originally proposed. I took out language that I thought was either for or against. I sent it to the State of Connecticut for their approval and received it back. In terms of the language, I took out certain language, where it talked about, “clarifies,” I put “revises.” I tried to take out language that was, I’m just looking through it. The word “mandates,” to “provides for.” I added the whole Fire Marshal provision that came to me in bold print, I took that out. I went through it, I made changes. I’m not sure what this is, what Alderman Finn provided to me.

Alderman Finn stated, the second page is the flier that was distributed on Shelton Day. The first page is what we’re acting on tonight. If you look through it Counsel, you can see where I highlighted what was indicated in the flier on Shelton Day and what is before us tonight. I highlighted with little marks next to them so I could follow up, such as Planning and Zoning, underneath the flier it’s on here, in front of us it’s Boards and Commissions, in the flier on Shelton Day was Land Use. Inland-Wetlands, Shelton Day, Land Use. Government Ethics, Code of Ethics, it’s self-explanatory what’s in front of you.

Corporation Counsel Welch stated, what was put before me was the summary, and I tried to make the summary a summary of the Charter and took out all references that one would consider an advocating position or, either approval or disapproval. I’m not sure about this in terms of, besides “vote yes on Charter” I can see that, but I don’t know if the rest of it is advocating or not advocating.

You have before you a summary of the proposed changes attempting to be neither advocating the approval or disapproval- not comparing it to what someone may have put forth, Vote Yes for Charter. As I said, I went through it. One of the things – it was sent to me saying “streamlines annual budget.” I think “streamlines” has a meaning. I changed it to “shortens.” It changes the amount of months. Again, where it said “strengthens” – that means to me that it was weak. So I think it’s, let the voters decide as to what the changes are, and my understanding is the intent of this 2008 Proposed Revisions - Highlights of Major Changes, is just for people to see what’s there and go to the Charter to see it.

Mayor Lauretti stated, his analogy is that the two documents are identical.

Alderman Finn stated, no, I didn’t say that. I said they were similar.

Mayor Lauretti stated, you said it’s the same document as the one passed out on Shelton Day. That doesn’t make it wrong or illegal, it’s someone’s opinion.

Alderman Finn stated, the bullets on here such as fiscal, and what’s passed out on Shelton Day, streamlines annual budget process, which is in front of us tonight, budget, proposed budget, shortens annual budget process. One word was changed.

Corporation Counsel Welch stated, yes. And this document obviously is not what was sent to me in terms of the form that I was asked to review. It’s the form I have in front of me. So when I saw the word “streamlines,” I said to myself, “streamlines” leads one to believe it was better, that everybody wants to “streamline.” Well, some people may think extending the budget process and more dialogue is better. So it reduced the months, so I was trying to take out words that would lead one to think that it was better rather than worse.

Alderman Perillo stated, I have a few more questions for Counsel. So, this came to you through Mr. DiMauro, who was the Chairman of the Charter Revision Commission?

Corporation Counsel Welch replied, and Mr. Anglace.
Alderman Perillo stated, now, the Charter Revision Commission is a bipartisan commission of nine. Five Republicans and four Democrats. That group voted unanimously in favor of the Charter. It might be reasonable that you would have had to make some changes to a document presented to you by a bipartisan group that unanimously supported the Charter. Perhaps there may have been some leaning in that document. But you did address those in this. I’m just trying to get clarity.

Corporation Counsel Welch stated, I received a proposed document that was going to come before the Board to determine a summary of the changes and to make sure it didn’t advocate either for or against. I went through that, and as I said, I made over 30 changes to it to make sure it didn’t, and I sent it to the Secretary of State.

Alderman Anglace stated, when we originally approved the proposed Charter changes and the $3,500 for printing and distribution, we expected that an explanatory text would be submitted with the Charter. Such document turned out to be something different. Thirty-eight changes, public comment that I received – you can’t expect me to read through this whole document – so they wanted a summary. This summary – the 38 changes that existed when we originally approved it – those 38 changes haven’t changed. The document is going to look somewhat the same as it did back then.

However, this document was sent to Corporation Counsel Welch for his review in accordance with Connecticut General Statutes. He reviewed it, made it a neutral document, and then sent it to the State Elections Commission, Shannon Birquist, Staff Attorney, Law Enforcement Unit, Connecticut Elections Enforcement Commission, who said, “The attached materials do not appear to contain the advocacy prohibited by Connecticut General Statutes 9-369b(a). As such they may be prepared and printed in the local paper using municipal funds. Please note, however, that the authorization of Shelton’s legislative body and attorney, which appears to be your firm, must first be obtained. See Connecticut General Statutes 9-369b(a) stating that any municipality may, by vote of its legislative body and subject to the approval of its municipal attorney, authorize the preparation and printing of materials concerning any such proposal or question in addition to the explanatory text, if such materials do not advocate the approval or disapproval of the proposal or question.” That is what we have in front of us tonight. We have the document which everybody has, approved by Counsel, approved by the Elections Commission, and now it’s before us for approval along with the approval of $350 to place the ad.

Alderman Perillo stated, again, if I could. Both our legal counsel and the State Elections Enforcement concur and believe this is an impartial document that does not lean in any given direction.

Alderman Anglace replied, that’s correct.

Alderman Finn stated, I only received e-mails this afternoon. If I had gotten them earlier I would have sent out the fliers that were distributed on Shelton Day, with what we have in front of us tonight to see what the Elections Division would say. Second of all, you made mention here tonight that two individuals presented the changes to Corporation Counsel Welch. One is Mr. DiMauro who is the Chairman of the Charter Revision Commission and the other one is John Anglace. It was also made mention here tonight that the Charter Revision Commission has been dissolved. So, Mr. DiMauro submitted that as a private citizen, not as Chairman of Charter Revision Commission. The other thing is, we’ve had a number of Charter changes in front of us, and this is the first time ever we’re taking an ad to advocate the passage or disapproval of the question.

Alderman Anglace stated, we are not advocating.

Alderman Finn continued, this is the first time, and I’ve been sitting here for 23 years, that any Board of Aldermen has ever taken an ad for the newspaper on an issue.

Alderman Anglace stated, we are taking this ad out because if you recall, the previous Charters had in the front page, the explanatory text of the changes, explaining them. That didn’t happen this time. There is no real explanatory text that summarizes the
changes. We felt that was necessary to give the voters an impartial view of what is being proposed. They can take it from there. We have that responsibility to help the voters by providing them with a summary of explanatory text of what the changes are. That comes right from State law.

Alderman Finn asked, are you indicating what we mailed out to the public without the text was not a legal document?

Corporation Counsel Welch stated, I think that is some of the confusion and you are 100 percent right in terms of, this is separate and apart from the explanatory text. I know that is where some of the confusion came in. You allocate certain funds for an explanatory text. The explanatory text is more or less the call of the question. So this is something that hasn’t been done prior by you. In checking with the Secretary of State, that is why it has to come before you. It is not an explanatory text. The statute says that if you are going to do something in addition to the explanatory text it’s got to come back before this Board. That is why it’s here before you. You are right. It’s not the explanatory text.

Alderman Papa stated, this text is provided for the citizens of Shelton to clarify what has been changed in the Charter. It’s a one-page document to help people get educated on the proposed changes. It’s not saying yes or nay, it’s just the idea of making people aware of what has happened with Charter Revision. I think it’s smart on our part to make people aware of it. If they’re in favor they vote yes, if they’re opposed they vote no. It’s a good document to educate the people who are going to have to vote on it.

Alderman Perillo asked Alderman Finn, in reading this document that is intended to be placed in the ad, is there anything here that you see is inaccurate; that is not a change in the current Charter? I ask that because as I read it, I don’t see anything here that is inaccurate. I have a follow-up after your answer.

Alderman Finn replied, I only received the changes this afternoon. I didn’t have a chance to compare it to the Charter. I can tell you that there are items in it that are in the Charter that was distributed to the voters.

Alderman Perillo stated, it appears to me that the items before us that are proposed for this ad are actually accurate. I would compare that, and forgive me if this isn’t appropriate, I would compare that to documents that people have received on their mailboxes and that I have seen you place on people’s mailboxes that contain what I believe are inaccuracies. I believe we have a responsibility as the legislative body of this City to give people an accurate and fair representation of the changes in our Charter. And I think that is entirely appropriate. If people read it and decide they want to vote ‘no,’ they certainly may. If people read it and decide they want to vote ‘yes,’ they certainly may.

Alderman Finn asked, are you saying that two editorials and a newspaper article are not accurate, are not correct information?

Alderman Perillo stated, I don’t follow.

Alderman Finn stated, what I put on people’s mailboxes were two editorials from two papers plus a story that appeared in the Bridgeport Post.

Mayor Lauretti stated, now, if we’re going to get into that kind of detail, you also input your own commentary into the status of the Mayor’s authority given to him by the Charter, who ever the Mayor is. Whether the Charter passes or not, the authority of the Mayor never changes, not now and not next year. And besides, editorials are people’s opinions, and it doesn’t necessarily mean they are absolute fact.

Alderman Perillo stated, I would follow up, Mayor, and I know Alderman Finn is going to agree with me on this because he’s been doing this a lot longer than I have – we have all read articles and editorials in our newspapers, with all deference to the press that are here, and you too, Jean, that do have factual inaccuracies. But we have vetted a document before us and we have opinions from the State of Connecticut and our
attorney that this is a factual document and an impartial one. I believe it is appropriate to distribute that. If you wish by voting no on this to deny people the right to read a fair and factual document and to provide them the information they need to make a decision on either the affirmative or the negative, then you have that prerogative as a member of this legislative body.

Alderman Finn stated, as far as newspaper articles, if there’s a mistake in there, there’s a mistake in there. Who’s going to deny that? But I’m not going to call up a newspaper office and chew them out over a mistake of a person that’s run to the paper, and that’s not me. I guess it boils down to, we’re going to use taxpayers money in hard economic times to put an ad in the newspaper for $360 when we currently have it on our website free of charge for everybody to view.

Mayor Lauretti stated, you can make that same analogy to the raises that the Board of Education just got. You know, four percent. The Finance Director, four percent.

Alderman Perillo stated, my father doesn’t have a computer. My grandmother doesn’t have a computer. A lot of other people’s fathers and grandmothers don’t have computers either. But they all get the paper.

Alderman Finn stated, they also don’t all get the paper they’re going to put this in.

Alderman Perillo stated, I believe the paper this is going in is delivered to every household.

Corporation Counsel Welch stated, I just, again, want it to be clear that the explanatory text that was previously approved is different than this proposal. I know in the past the explanatory text, going back to the history of the three prior, there was explanatory text that was more detailed. Explanatory text that was previously approved, this is something that is different. I think people just keep using the words “explanatory text” and this is not determined to be the explanatory text as the term is defined by the Statute.

Mayor Lauretti stated, I think we’re getting redundant now. We keep repeating the same statements. Is there anything different, new, or relevant before we vote on the motion?

Alderman Anglace stated, I just want to make one statement. I am not afraid to provide the voters with full and impartial disclosure regarding the proposed Charter changes that they are about to vote on. I want the electorate to be fully informed and will support this motion.

Alderman Finn asked, are you also going to place this on the website?

Alderman Anglace replied, yes. It is part of the motion.

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

6. 44 LISA DRIVE – DISCUSSION ON WHEN TO HOLD HEARING

Alderman Anglace stated, I put this on because I want the Board to know that we are obligated under Ordinance Section 14-15f to hold an appeals hearing on an issue having to do with the decision the City Engineer made regarding obstructions to public sidewalks. The person who asked for the appeal, we have to set the date – no later than November 8th. So I’ve set the date of November 6th – the time is uncertain, I’ll announce that later. It’s going to be in Room 104, which will be ready by then. It will be an appeals hearing on this specific issue.

Alderman Papa asked, shouldn’t it go before the ZBA?

Corporation Counsel Welch replied, no. This is a first as well in terms of someone appealing a decision of the City Engineer.

No action.
ADJOURNMENT

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

The meeting adjourned at approximately 6:05 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: ______________

DATE APPROVED: ____________ BY: _______________________________________

Mark A. Lauretti
Mayor, City of Shelton