Call to Order / Pledge of Allegiance

Mayor Mark A. Lauretti 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 Eric McPherson - present
- Alderman Anthony Simonetti - present

Administration:

Corporation Counsel Thomas Welch

There was a quorum present.

Special Presentations

Mayor Lauretti presented gifts and proclamations in recognition and in honor of Ann Williams’ 50 years of service to the City upon her retirement; and in recognition and in honor of Jim Flood, who attained the rank of Eagle Scout.

Agenda Items

PUBLIC SESSION

Frank Pagliaro, City Treasurer

I come before the Board today because with my history in the City government dating way back, I’ve held a number of positions including full-time City Clerk, Board of Apportionment and Taxation, a number of other Boards - too many to mention, and most recently since 1992 I have been your City Treasurer. In so doing, I have had the responsibility of making sure that your finances are well in order. With the help of the Finance Department we structured a good system of accounting, auditing and investments.

Now I have been confronted, as you know we are confronted with a dilemma which began at the beginning of the year with the fallout of a number of banks. In so doing, it came to my mind that what we should do is look at the banking that we are involved with and identify with those banks to protect our City funds.

I have done that over the past few months researching the banks, and knowing that some banks have gone down hill and what would happen if they went out, we would lose a lot of our funds. In so doing I have researched the best bank to do our main business with and I find that the People’s Bank located in Shelton and in the State of Connecticut and it is probably the strongest institution that we should set up our funds with at the present moment.

Because of that I come here before the Board to request their approval to go further with the need to make the changes of all the finance structure. I have talked to the People’s Bank, our Corporation Counsel has researched it, and have come up with the final situation where we feel that it would be in the best interest of our community and our
finances to use the People's Bank for our main source of funds and our main source of banking. In so doing I need the approval of the Board of Aldermen to go further. That’s what I’m here for today.

If there’s anything detailed you need we have a representative here that is willing to talk to you. Our Corporation Counsel has researched it and he approves of it and would certainly make that recommendation. In short, I’m not going to take up too much of your time. As you know I’ve talked to many of you about what I’ve researched over the time, and right at this moment I am asking for your permission to go further to have the People’s be representative as our financial institution. Thank you very much.

Ralph Cimino, 60 Grove Street, River Run Condo

I’ve got a couple of subjects. The City saw fit to put up a no parking sign right on the corner, about a two-car space. They park right under the sign disregarding it completely. You can’t get out, you can’t get in sometimes, particularly if there’s a car coming the other way. When the buses are there for Lafayette School, just forget it, you have to wait about 5 to 10 minutes. I wanted to bring that to your attention. If you’re going to put a sign up there, and I don’t want to cause anybody any trouble, you don’t have to give them tickets, but you ought to enforce it, give out warnings, do something or take the signs down. They’re disregarding it completely.

The other subject is, the Shelton Senior Citizens Center. In February, the pipes busted and the floor was flooded, and they had to repair it. It’s been repaired up to the sub-floor. The finished floor has not been done. We can’t have exercised, any social events, dinners, dances, or anything. You can’t have any social affairs there. The Seniors are frustrated. I’m here tonight more or less on their behalf – they know I’m here. They want to know why hasn’t that floor been fixed? This is five months. You can get any flooring company to come in here and within 8 to 10 days that whole thing will be ready for people to use. We’re trying to find out why it hasn’t been done. Can anybody tell me so I can take back an answer to them?

Mayor Lauretti stated, I can tell you why, and I’ll call you tomorrow. I will say that the issue has been resolved and they’re going to commence work maybe this weekend or next week.

Robin Thompson, 41 Brewster Lane and Roxanne Mihalic, 7 Hull Street

Ms. Thompson: I have lived here for about 13 years. We have a problem with a lot of garbage being thrown on the streets. I’ve actually taken my husband’s truck and cleaned up the garbage myself and filled it to the top with garbage. This is an ongoing problem every year. We’ve also hired children to come out and help us clean up. I’ve had my nephews out to help me. My mother is 78 years old – she’s been out there picking garbage with me. This is my neighbor. Her husband has been out picking garbage with me two weeks after I filled up the truck with garbage. It’s a problem that really needs to be handled.

Ms. Mihalic: Back in February I began trying to resolve the issue. I called the Mayor’s Office three times. First time I called the secretary said that she would give my name to the Mayor. The second time I called she would give my name to the Mayor. Third time, she said she would have the Mayor phone me. All I really wanted was the trash cleaned up. This is an ongoing issue, especially on the corner on Brewster Lane and Howe Avenue. You have absentee landlords that do not care.

A lot of things have been put in motion - thank you Alderman McPherson. I finally had to call him, finally things are moving in the right direction. We still have a lot of work to do. A lot of the trash has been removed from the one house over there on Howe and Brewster Lane, but now the furniture is piled up sky high over on Howe Avenue. I would like to know, when is that going to be moved? That is one question I have. The second question is why, when we call the Mayor’s office, do we not get a response? Can anyone answer that question for me? That is my second and most important question. Can anyone answer that question for me?
Ms. Thompson: She has actually called the town and asked them to come out and clean it up, and they’ve given her the answer to come down and get some gloves.

Ms. Mihalic: That was last year. Last spring I called to have the area cleaned. Every year it’s a problem. The snow melts and you start to see the garbage.

Ms. Thompson: Especially when there are no leaves on the trees. These people are throwing the garbage off the third floor down into the dumpster, and it’s not landing in the dumpster, and it’s coming down the street. On windy, stormy days the trash blows down the street into our yards. We try to take care of our property, and it really is not fair. We are taxing citizens. I don’t know why the City, and you have a responsibility in this. To just ignore people’s phone calls, I think it’s absolutely appalling to be very honest with you.

Ms. Mihalic: Another problem I’m having on my street is there are vehicles that do not move. They are parked there, they’ve been parked there for a month, two months, they don’t move and I would really like somebody to look into that problem too. They’re taking up parking spaces of people who live in the area.

Ms. Thompson: There is one more thing on Howe Avenue, there is a corner, and the cars come down the hill, and they’re coming down pretty fast, but there are forsythia trees all along the side coming down Brewster Lane so you can’t see when you’re cutting across. I’ve asked the City to get a mirror or something so you can see what’s coming down or clean up the forsythia bushes that are there, because somebody is really going to get hit one day. There are times that I’ve had problems crossing it, just to get in my driveway because my driveway is right there at that corner. It’s a real serious problem that’s going to happen. Thank you.

Chris Panek, 19 Meghan Lane

First I want to thank the Board. Last month you approved an expenditure to join the Connecticut Conference of Municipalities. I had to look back in the minutes to make sure I heard that correctly last month. As you may recall back in May of 2006 when I sat up there on the Board, I proposed joining the CCM and had them come in and do a presentation. Many of you that sat on the Board then told me it was a waste of money, the City didn’t need to join, even though 90 percent of the State is represented by CCM. So I would thank the Board for joining, and hopefully we’ll realize the savings and the work that CCM does on behalf of many municipalities in the State of Connecticut.

The second item I want to discuss is the Board’s use of Special Meetings. I’m becoming a bit concerned about some of the things that are being discussed at Special Meetings. As the Board does every year, approving Robert’s Rules of Order, a special meeting is meant to discuss items that are of an urgent nature and that cannot wait until the next regularly-scheduled meeting. Well, your May 26 special Board of Aldermen meeting you approved an appointment to the Board of Building Appeals, you discussed a property lease at Center Street and Howe Avenue, and you also approved a waiver of bid for the sealing of road cracks. Now, the Board may say, “What’s the difference if it waits until the regular meeting two weeks later, if it’s discussed then?” The problem is, at a special meeting as you know there is no public portion – so the public is stifled; the public has no opportunity to speak on items, and items that I don’t see were of an urgent nature to discuss and to pass. I know there were other items such as the roofing contracts for the schools that may have required immediate passage that night, but I would just ask the Board to take that into consideration in the future. Some of these items that the public may want to speak to that can wait until your next regular Board meeting – it would be considerate to do that.

Lastly, I want to discuss Item 10.1a and I understand there might be more add-ons to refer to public hearing. Again, an item that I brought up many times in the past, not specific to that item 10.1a but specific that you’re proposing a new ordinance and as I brought up many times, the Charter in Section 4.71 reads, “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 the submission, the Mayor shall refer the ordinance, without the requirement of a vote, to the proper committee of the Board of Aldermen.”
I know in the past there have been different interpretations of the word “shall,” but the definition that I continue to find states, “the word “shall” means an order, requirement or obligation.” As you know, the Charter Revision Commission during many recently failed revisions has attempted to change this section of the Charter to allow the fast-tracking of ordinances to quick approval. But these revisions have failed. Forwarding a new ordinance, especially this ordinance 10.1a that includes an expenditure of 30,000 taxpayer dollars directly to a public hearing without discussion by the Board of Aldermen, without any discussion or presentation by the author of the ordinance, without any opportunity for the public to learn more about the proposed ordinance prior to the public hearing seems just like the fast-tracking that many of you supported but that failed when the Charter Revision was defeated.

Every ordinance I proposed when I sat on this Board always went to a Committee for review. Why? Because the majority on the Board sent my ordinances to Committee. Why then when a majority member on the Board, or the Mayor, proposes an ordinance, does it get fast tracked to a public hearing? This is the exact reason why the Charter reads as it does, because it levels the playing field no matter what member of the Board proposes an ordinance, the ordinance automatically goes to committee first. By bypassing or ignoring this section of the Charter, whatever party has the majority on the Board, can pass a new ordinance in 30 days or less. I believe this is the reason when our current Charter was established that this section was put in place. Regardless of what party has a majority on the Board, no one should have the power to pass a new law in 30 days unless it involves an emergency situation, which is covered separately in our Charter already.

I would ask tonight instead of sending this to public hearing, that you forward it to the proper Committee of the Board for further discussion and review. Thank you.

ADD-ONS

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

10.1 C ADMINISTRATIVE ASSISTANT ORDINANCE
10.1 D STIPENDS FOR FIRE DEPARTMENT PERSONNEL
10.12 WAIVER OF RFP PROCESS FOR PROFESSIONAL SERVICES FOR INDUSTRIAL HYGIENIST – PERRY HILL SCHOOL

SECONDED by Alderman Papa. 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 and approve the following meeting minutes:

Regular Meeting of May 14, 2009
Special Meeting of May 26, 2009

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

5.1 FINANCE COMMITTEE

No items.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

5.2.1 – PROPOSED DOG ORDINANCE

Public hearing scheduled for June 23, 2009 at 7 p.m. at Shelton City Hall. (See item 10.1.B for text)
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 $1,707.10 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated June 4, 2009 with funds to come from the following Legal Services Accounts:

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<th>Legal Fees</th>
<th>001-1900-411.30-03</th>
<th>$1,132.10</th>
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<td>Foreclosure Fees</td>
<td>001-1900-411.50-01</td>
<td>350.00</td>
</tr>
<tr>
<td>Court Costs</td>
<td>001-1900-411.80-84</td>
<td>225.00</td>
</tr>
</tbody>
</table>

SECONDED by Alderman McPherson. 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 $315 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated June 1, 2009 with funds to come from the Legal Fees account; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 8-0.

7 LEGISLATIVE - OLD

7.1 ITEMS FROM PUBLIC HEARING

7.2 LEASE AGREEMENT – PROPERTY AT HOWE AVENUE AND CENTER STREET

Alderman Anglace MOVED to rescind the motion made at the Special Meeting of May 26, 2009, Item 3 – Property at Center and Howe; and further,

MOVED to approve the lease between the City of Shelton and Ralph Sylvester for the property at the corner of Howe Avenue and Center Street for one year commencing June 1, 2009 and terminating May 31, 2010 at a monthly rental of $625 per month; and further,

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

7.3 CONTINUATION OF COMCAST LEASE

Alderman Anglace MOVED to approve the lease extension between the City of Shelton and Comcast for the building at 216 Huntington Street for the first of four additional five-year terms, from July 1, 2010 through June 20, 2015 with the first year of the extension starting at a market adjustment rate of $525 per month with an annual increase pursuant to the terms on the lease; SECONDED by Alderman Papa.
Alderman Anglace stated, the increase for future years states, “shall increase by the greater of 4 percent or the CPI index.”

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

8 FINANCIAL BUSINESS OLD

8.1 FUNDING FOR CITY OF SHELTON V. SOSNOFF

Alderman Anglace MOVED to change the funding source regarding the resolution in the case of City of Shelton vs. Sosnoff which was approved on May 14, 2009 as follows:

$700,000 on or before June 15, 2009 with funds to come from General Fund Surplus; and

$700,000 on or before July 15, 2009 with funds to come from General Fund Surplus.

SECONDED by Alderman Simonetti

Alderman Finn stated, just so the public is aware, this is the Tall Family Farm that we took by eminent domain.

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

9 FINANCIAL BUSINESS NEW

9.1 JUNE STATUTORY REFUNDS

Alderman Anglace MOVED that the report of the Tax Collector relative to the refund of taxes for a total amount of $855.91 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 ADOPTION OF CONSTITUTION BOULEVARD SOUTH PAVEMENT REHABILITATION RESOLUTION

Alderman Anglace MOVED to adopt the following resolution:

WHEREAS, the City of Shelton has published a legal notice display ad, mailed a news release to a number of officials and agencies, and mailed a formal letter to abutting property owners, announcing a public information meeting to the proposed American Recovery and Reinvestment Act of 2009 project known as the Constitution Boulevard South Pavement Rehabilitation, State Project No. 126-166; and

WHEREAS, a public information meeting was held on May 21, 2009 at Shelton City Hall from 7:00 p.m. to 8:00 p.m. at which meeting residents had an opportunity to voice their concerns, and

WHEREAS, the Valley Council of Governments has selected this project as a regional priority and has agreed to utilize federal funds for construction activities, and

WHEREAS, the project is located on a municipally owned road, the preliminary engineering will be performed in house by the City of Shelton and construction will be performed by the City of Shelton or its contractor utilizing 100 percent Federal Funds for the construction phase, capped at $650,000.00 and

WHEREAS, the Board of Aldermen has considered the concerns of the residents from the public information meeting and finds that the proposed Constitution Boulevard
South Pavement Rehabilitation Project is in the best interest of the City of Shelton, and will promote the health, safety and general welfare of its residents and provide for the convenience and safety of the motoring public.

WHEREAS, the City of Shelton, based on the above information, and by virtue of this resolution, hereby fully supports the proposed project.

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

9.3 APPROPRIATION OF FUNDS FOR FIRE DEPARTMENT RADIO EQUIPMENT - BONDING

Alderman Anglace MOVED to appropriate of sum of $27,102.09 for the purchase of radio upgrades and repairs and license change fees for the Fire Department’s communication system with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

9.4 APPROPRIATION OF FUNDS FOR FIRE DEPARTMENT GEAR - BONDING

Alderman Anglace MOVED to appropriate a sum of $10,920 for the purchase of gear and equipment for the Fire Department with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; SECONDED by Alderman Papa.

Alderman Finn stated, this only the tip of the iceberg for equipment the Fire Department needs. We removed the money from the budget for turnout gear and we’re bonding for it. Currently they’re doing inventory of everything that’s reached its age limit. They’ll need more new equipment not only for the existing people but the new people that will be coming into the fire service this year.

Alderman Anglace stated, they’re also doing a few other things as well. They’re revising the control procedures and doing a number of things. There is more to be done, absolutely. They’re doing a good job of getting the house in order under the new chief.

Mayor Lauretti stated, we’re also applying for a $200,000 grant for turnout gear.

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

9.5 APPROPRIATION OF FUNDS FOR HYBRID VEHICLE - BONDING

Alderman Anglace MOVED to appropriate a sum of $29,729.50 for the purchase of the 2009 Ford Escape Hybrid Vehicle for the Tax Assessor’s office to be provided by bonding, pursuant to Section 7.16 of City Charter; SECONDED by Alderman McPherson.

Mayor Lauretti stated, there is also a grant for almost $9,000 that we received for the purchase that will offset some of the cost.

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

9.6 RENEWAL OF CITY’S INSURANCE LIABILITY COVERAGE WITH CIRMA

Alderman Anglace MOVED, per the recommendation of Ned Miller, to renew the City’s insurance liability coverage for the July 1, 2009 to July 1, 2010 year with CIRMA; and further,

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

Alderman Anglace stated, Ned Miller is the broker of record.
A voice vote was taken and the MOTION PASSED 8-0.

9.7 APPROPRIATION OF FUNDS FOR SURVEY PROJECTS – SUNNYSIDE PARK / FANNY STREET

Alderman Anglace MOVED to appropriate a sum not to exceed $3,500 for Nowakowski O’Bymachow & Kane to prepare the survey base map for the Fanny Street Storm Sewer Outfall ($1,500) and the Sunnyside Boat Ramp Riverbank Stabilization ($2000) with funding to come from Contingency General Account #001-9900-900.99-00; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

10. - LEGISLATIVE - NEW

10.1 ITEMS TO PUBLIC HEARING

10.1.A SALARIES FOR EMERGENCY MANAGEMENT PERSONNEL

Public hearing scheduled for June 23, 2009 at 7 p.m. at Shelton City Hall.

SALARIES FOR EMERGENCY MANAGEMENT PERSONNEL

Be it Ordained by the Board of Aldermen that Ordinance #______ - Salaries for Emergency Management Personnel, adopted by the Board of Aldermen on ______________ and approved by the Mayor on ___________ is as follows:

Emergency Management Director stipend salary....................$15,000.00
Emergency Management Deputy Director(s) stipend salary........ $  7,500.00
All per annum.

10.1 B PROPOSED DOG ORDINANCE

PUBLIC HEARING SCHEDULED FOR JUNE 23, 2009 AT 7 PM AT SHELTON CITY HALL.

RESOLUTION:

BE IT RESOLVED AND ORDAINED That the City of Shelton adopt the following Ordinance:

A. Definitions:

    Owner. Any person or other legal entity owning a dog or, in the case of a person under the age of 18, the person’s parent or legal guardian.

    Severe Injury. Any physical injury to a human being, domestic pets & livestock that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

B. (i) Nuisance. Any dog which has been declared vicious by the Animal Control Officer shall be deemed a nuisance and shall be regulated and controlled in accord with this ordinance. This ordinance shall apply to any dog that enters the territorial jurisdiction of the City of Shelton, regardless of the residence of the dog or its owner or keeper.

    (ii) Determination of viciousness:
1. If the Animal Control Officer has reasonable cause to believe that a dog is vicious, the Animal Control Officer shall conduct an investigation into the conduct and propensities of the dog. The Animal Control Officer may consider, without limitation, provocation, the severity of the attack or injury to a person, domestic animal, pets or livestock, previous aggressive history of the dog, observable behavior of the dog, the site and circumstances of the incident and statements from interested parties.

2. The Animal Control Officer shall declare a dog to be vicious only if any one of the following criteria is met:

   a. Any dog which has severely injured or killed a domestic animal, pets or livestock while off its owner’s or keeper’s property.

   b. Any dog which inflicts severe injury in an attack upon a human being, another dog or domestic animal, or livestock without provocation on any public or private property.

   c. Any dog which has been used primarily or in part for the purpose of dog fighting or any dog trained for dog fighting and continues to exhibit signs of aggressiveness.

3. The Animal Control Officer shall not declare a dog to be vicious if any of the following criteria is met:

   a. If any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or such person was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

   b. If any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, assaulting or invading the premises occupied by the owner or keeper of the dog.

   c. If the dog was protecting or defending the premises occupied by the owner or keeper of the dog, or was protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

(iii) Regulation and control of vicious dogs. If the Animal Control Officer determines a dog to be vicious, the Animal Control Officer may issue any order concerning the restraint or disposition of such dog in order to protect the public health and safety of the inhabitants of the City.

(iv) Decision and notice.

   1. If the Animal Control Officer determines a dog to be vicious, the Animal Control Officer shall notify the dog owner or keeper of any orders or special conditions for the regulation and control of the dog. Initial notification may be provided verbally. Within five days after declaring a dog vicious, the Animal Control
Officer shall notify the dog owner or keeper, in writing, of the determination and of any orders of the Animal Control Officer regarding disposition of the dog. Such written notice shall be given either by certified mail, or by personal delivery through the Animal Control Officer or his/her delegate.

2. The Animal Control Officer shall immediately impound the dog until the orders, special restrictions or conditions are satisfied. The dog owner or keeper shall pay all costs of impoundment. In the event the owner or keeper of the dog refuses to surrender the dog for impoundment, the Animal Control Officer or a Police Officer may obtain a search warrant and seize the dog upon execution of the warrant.

(v) Appeals

1. This ordinance shall not limit or exclude any enforcement powers or authority that the Animal Control Officer has under the Connecticut General Statutes. If any orders of the Animal Control Officer are issued and based upon a finding that a dog has bitten a human being, domestic pets & livestock then any appeal of such orders shall be taken pursuant to Connecticut General Statutes, Section 22-358, as the same may be amended from time to time.

2. If any orders of the Animal Control Officer are issued and based upon a finding of viciousness not involving a bite upon a human being, domestic pets & livestock then the determination and orders of the Animal Control Officer may be appealed to the Animal Control Board (hereinafter referred to as the "BOARD") by the owner or keeper of the dog within fifteen days of receiving written notice of the determination and orders.

The determination and orders of the Animal Control Officer shall remain in effect pending the appeal. The BOARD shall convene a hearing for the purpose of determining, de novo, whether the dog in question should be declared vicious.

The BOARD shall notify the owner or keeper of the dog by certified mail, or by personal delivery through the Animal Control Officer or his/her delegate that a hearing will be held, at which time the owner or keeper may have the opportunity to present evidence as to why the dog should not be declared vicious. The hearing shall be held promptly, within no fewer than five nor more than ten days, excluding holidays, after service of notice upon owner or keeper of the dog.

The BOARD shall conduct the hearing in the order and form and with such methods of proof as the BOARD deems fair and appropriate. The hearing shall be open to the public. The BOARD shall consider the factors set forth in Subsection B, Determination of Viciousness. If the BOARD determines the dog to be vicious, the BOARD may issue, affirm or modify any orders of the Animal Control Officer.

3. Within five days after declaring a dog vicious, the BOARD shall notify the dog owner or keeper, in writing, of the determination and of any orders regarding disposition of the dog, or the special restrictions and conditions for keeping the dog. Such written notice
shall be through certified mail or by personal delivery through the BOARD or his/her delegate.

4. The BOARD shall consist of a licensed veterinarian, the Chief of Police or his/her delegate and a person trained and experienced in dog behavior and temperament evaluation.

5. Appointments to the BOARD shall be made by the Mayor and approved by the Board of Aldermen.

(vi) Violations and penalties. Any person violating any order of the Animal Control Officer relating to any vicious dog shall be fined $250.00 for each offense, and, in addition, the Animal Control Officer may immediately impound the vicious dog and each day that said person remains in violation shall be a separate violation. The impounded dog shall not be released until the dog owner or keeper complies with all orders of the Animal Control Officer or the Board. The dog owner or keeper shall pay all costs of impoundment. The penalties set forth herein shall not be in lieu of or limit the authority of the Animal Control Officer to take other action authorized by the State of Connecticut.

(vii) Exceptions. The provisions of this ordinance shall not apply to dogs utilized by law enforcement officers in the performance of their duties.

C. Annoyance by Dogs on Highways.

In addition to the penalties described in Connecticut General Statutes Section 22-362, any person owning or having the custody of any dog which habitually goes out on any highway and growls, bites, or snaps at, or otherwise annoys, any person or domestic animal lawfully using such highway or chases or interferes with any motor vehicle so using such highway shall be fined two hundred and fifty ($250) dollars for each violation, with each incident constituting a separate violation.

D. Disturbance.

In addition to the penalties described in Connecticut General Statutes Section 22-363, no person shall own or harbor a dog or dogs which is or are a nuisance by reason of excessive barking, or other disturbance, or, by such barking or other disturbance, is or are a source of annoyance to any sick person residing in the immediate vicinity. Any person who violates any provision of this section shall be fined two hundred and fifty ($250) dollars for each violation with each incident constituting a separate violation.

E. Dogs Roaming at Large.

In addition to the penalties described in Connecticut General Statutes Section 22-364, no owner or keeper of any dog shall allow such dog to roam at large upon the land of another and not "under the control of" the owner or keeper or the agent of the owner or keeper, nor allow such dog to roam at large on any public highway and "not under the control of" such owner or keeper or his agent, provided nothing in this subsection shall be construed to limit or prohibit the use of hunting dogs during the open hunting or training season. The unauthorized presence of any dog on the land of any person other than the owner or keeper of such dog or on any portion of a public highway when such dog is not "under the control of" such owner or keeper, shall be prima facie evidence of a violation of the provisions of this subsection. "Under the control of" as used above require the use of a leash. Violation of any provision of this subsection shall result in a fine of two
hundred and fifty ($250) dollars for each violation with each incident constituting a separate violation.

In addition to the foregoing monetary penalties, the City may pursue a court order for injunctive relief and request of the court, inter alia, an order concerning the restraint or disposal of such dog or dogs as may be deemed necessary.

10.1 C ADMINISTRATIVE ASSISTANT ORDINANCE

Public Hearing scheduled for June 23, 2009 at 7:00 pm at Shelton City Hall.

ADMINISTRATIVE ASSISTANT ORDINANCE
(Referred to Public Hearing)

BACKGROUND:
The existing Ordinance pertaining to the salary of the Administrative Assistant was written and adopted in 1990. It is antiquated and provides little, if any guidance regarding pay and benefits for this position. Since the incumbent has tendered her resignation, it is incumbent upon the City to establish the salary and benefits for this appointed position utilizing the concept established for other appointed positions such as the Clerk of the Board of Aldermen where the appointed position(s) are considered under the rules of the Merit System.

To do that the Board must follow the Merit System rules describing the position, and then refer it to the current Administrative Assistant to have it evaluated and assigned to a Salary Grade where the Salary Range is determined. Then, this recommendation must be approved by the BOA. Once completed, a starting salary can be determined and this procedure can be adopted as an Ordinance.

ESTABLISHING THE JOB DESCRIPTION:
In accordance with Section 6.1.1 of the Charter, City of Shelton, revision of 1994, the Mayor shall appoint ... an Administrative Assistant. The Administrative Assistant shall be chosen on the basis of administrative qualifications, character, education, training and experience and shall hold at least a baccalaureate degree with a minimum of one (1) year of experience in public administration (federal, state or municipal) or private business or industry in a responsible management, supervisory capacity; or he shall hold at least an associate degree with a minimum of two (2) years of such experience; or in lieu of a college degree, shall have a minimum of four (4) years of such experience.

Section 6.1.2 describes the Powers and Duties. Together, these two sections of the Charter describe the job duties of the Administrative Assistant.

REVIEW AND ASSIGNMENT OF SALARY GRADE:
From this Charter determined criteria plus any other criteria so added, the Administrative Assistant will assign a salary grade and submit it to the BOA for approval.

ANNUAL SALARY REVIEW:
As is the case with other Merit System employees, the incumbent must be given a Merit Review annually which forms the basis for salary adjustments.

BENEFITS OF THE POSITION:
The Administrative Assistant shall be entitled to the same benefits as provided to Merit System employees.

10.1 D STIPENDS FOR FIRE DEPARTMENT PERSONNEL
Public Hearing scheduled for June 23, 2009 at 7:00 pm at Shelton City Hall.

Be it hereby ordained by the Board of Aldermen that Ordinance #826 - Stipends for Fire department Personnel, adopted by the Board of Aldermen on May 10, 2007 and approved by the Mayor on May 16, 2007 is hereby rescinded and the following substituted:

Fire Chief stipend salary $15,000
Deputy Fire Chief stipend salary 10,000
Assistant Chiefs stipend salary each 7,500
Custodians (4) stipend salary each 4,000
Quartermaster stipend salary 5,000
Recruitment Officer stipend salary 5,000
Director of Training stipend salary 5,000
Training Assistants (4) stipend salary 1,000

10.2 LEASE OF STATE LAND – SHELTON – ROUTE NO. 712

Alderman Anglace MOVED to approve the lease agreement between the City of Shelton and State of Connecticut Department of Transportation for Route 712 located on Bridge Street between Canal Street West and Connecticut Route 110. Funding in the amount of $500 to come from Contingency General Account #001-9900-900.99-00 for administrative fees.

Be it further resolved that the Mayor of the City of Shelton, Mark A. Lauretti, is empowered to execute and deliver in the name and on behalf of the “Second Party” a certain agreement with the State of Connecticut, Department of Transportation known as File No. 126-000-107 and to execute any necessary documents to effectuate agreement which shall include but not be limited to execution of non-discrimination certification. SECONDED by Alderman Papa.

Corporation Counsel Welch explained, this is the property that you already have. This is the renewal of the lease where the planters are on Howe and Bridge.

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

10.3 FARMERS’ MARKET LICENSE AGREEMENT

Alderman Anglace MOVED to approve the license agreement between the City of Shelton and the Shelton Farmers Market Association regarding City property with a business address of 100 Canal Street which area is specified as Exhibit A of said agreement; and further,

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

10.4 CONTRACTS – REMOVAL OF VARIOUS ITEMS FROM TRANSFER STATION

10.4.a

Alderman Anglace MOVED to approve the contract between the City of Shelton and All American Waste, LLC of Enfield, Connecticut for bulky waste removal and disposal, removal and transport of cardboard and light iron; and further,

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

Alderman Anglace MOVED to approve the contract between the City of Shelton and City Carting, Inc. of Stamford, Connecticut for removal and transport of Municipal Solid Waste (MSW); and further,

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

10.5 YANKEEGAS LEASE AGREEMENT – WHITE HILLS TOWER

Alderman Anglace MOVED to approve the lease agreement between the City of Shelton and Yankee Gas Services Company regarding a space upon a radio communications tower located at the White Hills Fire Station, School Street; and further,

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

Corporation Counsel Welch stated, let the record reflect that this is a lease amendment to the White Hills Tower at the Fire Station, separate from the parking lot that you approved last month.

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

10.6 CONTRACT FOR WIDE AREA NETWORK (WAN) – BOARD OF EDUCATION – BID WAIVER

Alderman Anglace MOVED to waive the bids for the Wide Area Network Services (network circuits and operating management) provided to the Board of Education as recommended by the Purchasing Agent; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

10.7 2009 NEIGHBORHOOD ASSISTANCE TAX CREDIT PROGRAM

Alderman Anglace MOVED to approve the four proposals for the Neighborhood Assistance Tax Credit Program as submitted by the Community Development Director.

- SHELTON ECONOMIC DEVELOPMENT CORPORATION $ 15,000
- BOYS & GIRLS CLUB OF LOWER NAUGATUCK VALLEY $ 50,000
- JUNIOR ACHIEVEMENT OF WESTERN CONNECTICUT, INC. $150,000
- SHELTON HISTORICAL SOCIETY, INC. $ 2,000

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

10.8 LICENSE AGREEMENT BETWEEN THE CITY OF SHELTON AND MAYBECK

Alderman Anglace MOVED to approve the license agreement between the City of Shelton and Art and Lupe Maybeck regarding City property with an address of 279 Soundview Avenue, known and designated as “Krynitzky Farm” which area is specified as Exhibit A of said agreement subject to a favorable 8-24 referral from Planning and Zoning; 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, there has not been an 8-24 sent to Planning and Zoning as we speak. In the past Planning and Zoning criticized the Board of Aldermen for taking action and sending an 8-24 after the fact. They always say that the Board of Aldermen
already approved this, why are we discussing it? We should table this until after we receive the 8-24 referral.

Mayor Lauretti stated, at the end of the day the Board of Aldermen has the ability to override the Planning and Zoning Commission when it comes to this, so they should probably know where the Board of Aldermen stands before the issue is before them.

Alderman Finn stated, in the State of Connecticut you have to have an 8-24 approval from Planning and Zoning prior to us leasing or doing anything with any State property.

Mayor Lauretti stated, this is City-owned property.

Alderman Finn stated, there is a State Statute saying that we need to have an 8-24 on any City property prior to doing anything with the property.

Mayor Lauretti stated, that’s still going to happen. This doesn’t preclude that from happening.

Alderman Anglace stated, with all due respect to our colleagues from Planning and Zoning – this motion is to tentatively approve it subject to their approval first. If they don’t approve it, this motion is not approved because it says ‘subject to.’ They have the opportunity. If they turn it down then this motion is null and void and we have to take another action to override their action, otherwise we can’t move to enter into an agreement.

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

10.9 PERRY HILL SCHOOL TUNNEL MOLD ISSUE – CHANGE ORDER

Mayor Lauretti stated, I recommend we take no action on that tonight; we’re not ready for that.

10.10 SERVICES TO DIAGNOSE AND REPAIR HEAVY-DUTY SPECIALIZED FIRE APPARATUS FOR FIRE DEPARTMENT – WAIVER OF BID

Alderman Anglace MOVED to temporarily waive the bids for services to diagnose and repair heavy duty specialized fire apparatus (ladders, engines, rescues, and service apparatus) for the Shelton Fire Department as recommended by the Purchasing Agent; SECONDED by Alderman Simonetti.

Alderman Anglace stated, I say temporarily because their request is looking for a 60-day waiver period. The word “temporarily” would be in conformance with their request.

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

10.11 CHANGE ORDER #3 FOR SANITARY SEWER SYSTEM IMPROVEMENTS – WEST CANAL STREET AND HOWE AVENUE

Alderman Anglace MOVED to approve Change Order No. 3 between the City of Shelton and Gherlone Excavating, Inc. in the amount of $18,970.15 for time and material work to resolve unforeseen field conditions for Sanitary Sewer System Improvements at West Canal Street and Howe Avenue. Funding to come from the Wastewater Collection Systems Referendum Bond; and further,

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

Alderman Anglace stated, this Water Pollution Control Authority has approved this at last night’s meeting, and we have a copy of that approval.

Mayor Lauretti stated, this is the first time I’ve seen it. I would like an opportunity to understand what the overages are.
Alderman Anglace stated, we can pass it, authorize you to sign, and if you have a problem, bring it back to us.

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

10.12 WAIVER OF RFP PROCESS FOR PROFESSIONAL SERVICES FOR INDUSTRIAL HYGIENIST – PERRY HILL SCHOOL

Alderman Anglace MOVED to retain the professional services of an industrial hygienist consultant in an amount not to exceed $5,000 with funds to come from the Perry Hill School bonding; and further,

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

Corporation Counsel Welch stated, it’s a professional service under $10,000 so you have your process in place. What you’re doing is allocating funds out of the bond project. There was a question as to waiving the bid process, but there is no bid. It’s under $10,000 by your resolution.

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

11  EXECUTIVE SESSION

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

11.1 Aquarion v. City of Shelton Tax Appeal

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

Return to Regular Session

At approximately 8:08 p.m., Alderman Anglace MOVED to return to Regular Session; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

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

MOTIONS FROM EXECUTIVE SESSION

11.1  AQUARION V. CITY OF SHELTON TAX APPEAL

Alderman Anglace MOVED to approve the resolution in the tax appeal of Aquarion Water Company v. City of Shelton as presented; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

ADJOURNMENT

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

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: _____________________________

DATE APPROVED: ________________________________ BY: ________________________________
Mark A. Lauretti
Mayor, City of Shelton