Call to Order

Aldermanic President John Anglace called the Special Meeting of the Board of Aldermen to order at 5:00 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 Eric McPherson - present
Alderman Anthony Simonetti – present

ALSO IN ATTENDANCE: Corporation Counsel Tom Welch

There was a quorum present.

1. CHANGE ORDER OF DEHUMIDIFIER PROJECT – LOCIP ELIGIBLE

Alderman Papa MOVED to add materials and labor for the re-piping of the new dehumidifier at the Community Center to the Capital Improvement Plan with funding in the amount of $10,891.28 to come from LOCIP. Further authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate said agreement; SECONDED by Alderman Simonetti

Alderman Anglace asked, any questions?

Alderman Papa replied, I have a question. On the back of this sheet it says it has a contract price of $9,180.00. How come we have $10,891.28?

Alderman Anglace stated, I will explain. The $9,180.00 is for the subcontractor to do the job. The $1,000 and change is for the material.

Alderman Simonetti asked, the manpower is $9,100?

Alderman Anglace replied, yes.
Alderman Papa stated, they have to drill through a foundation. It’s a big job.

Alderman Finn stated, at least a 10-inch foundation.

Alderman Simonetti asked, how big a hole are they going to drill?

Alderman Anglace stated, the city is supplying one man to work with them.

Alderman Simonetti stated, just to make sure it’s right, yes.

Alderman Anglace asked, any other discussion?

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

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

Alderman Papa 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 Olin.

Corporation Counsel Tom Welch stated, Mr. President, just so that it is clear, I think the letter from July 16 from the Division Chief at the Department of Transportation explains what occurred. That’s why you have a copy of the redlined version. You had approved this in June. The mayor signed it. We forwarded it to the mayor. Since they sent it to us and prior to us sending it back certain things have changed on their standard agreements and therefore they did not sign that. So, it’s not an amendment because we have never gotten that agreement back before we executed. So the mayor signed it, it went up and the state says we aren’t signing it because we changed some of our criteria as set forth in the redlined version you have. What we have now is a new agreement. That is why there is some confusion as to whether this was an amendment or not.

Alderman Olin stated, Tom, second party, does that mean Shelton?

Corporation Counsel Welch stated, yes.

Alderman Finn stated, Counsel, you are making reference to a redlined agreement but I never received a redlined agreement.

Alderman Simonetti stated, ours are all printed.
Corporation Counsel Tom Welch stated, I had dropped it off to your office. What she had done is taken this new agreement and changed certain items. That redlined version may have not been copied for you. But what they did is cross out certain sections and made reference to what she had deleted.

Alderman Simonetti asked, you’ve read the contract?

Corporation Counsel Tom Welch stated, yes, there were other (inaudible) true substance of change in terms of the use of the property.

Alderman Anglace stated, I have one observation and one question.

Alderman Anglace stated, the first document that you received, if you went over it carefully, all it showed on the drawing was the area where the planters and stuff are. It didn’t show the parking area down below, but this revised copy does show the entire piece of property.

Alderman Anglace continued, the question I had is, what’s the $500 for?

Corporation Counsel Tom Welch replied, their administrative fee.

Alderman Anglace stated, so this is a five-year contract and it’s going to cost us $500 over the life of the contract. It’s $100 a year, that’s not bad to be able to use that property.

Alderman Olin asked, we don’t need plans for that? Other than leaving as is. The land that we’re leasing. We’re not going to sublet it?

Alderman Anglace stated, we can’t sublet. Anything we want to do with this property, we can’t do it unless we have their permission.

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

3. **WAIVER OF RFP PROCESS FOR PROFESSIONAL SERVICES FOR INDUSTRIAL HYGIENIST – PERRY HILL SCHOOL**

Alderman Papa MOVED to waive the RFP process for professional services for an industrial hygienist for the Perry Hill School Renovation project and to enter into contract with Faculty Support Services LLC for a sum not to exceed $5,000 with funding to come from the Perry Hill School Bonds and authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate same. SECONDED by Alderman Simonetti.

Alderman Simonetti asked, these are the tunnels at Perry Hill School we are talking about? People have to go into work and they were cleaned out again, although they were cleaned at one time before of asbestos. Now they say there is still asbestos in them?
Corporation Counsel Tom Welch replied, my understanding is that the issue of asbestos and mold in the tunnels needs to be resolved. The person you had retained last month has issues with other asbestos of which he says needs to be resolved before you go and finish off the tunnels. It’s the start of a process that will get you to the tunnels. That $5,000 figure, I know you have a meeting in two weeks, so this just gets them going. Time is of the essence in terms of getting it out today. This gets that person started and then we’ll get more information from the individuals for your August meeting.

Alderman Simonetti stated, I know it’s difficult to get someone here from the building committee. So the tunnels were cleaned at one time? The person who did that, are they being held liable for the problem?

Corporation Counsel Tom Welch, that’s what the committee is investigating. All the contractual rights and liabilities of everybody as to whose responsibility is what and the retention of this gentlemen is to assist the committee in that. That’s how I understand it.

Alderman Finn stated, I don’t believe that the tunnels were ever cleaned in the past. That was mainly for facilities storage and there was no access to anybody else.

Alderman Simonetti stated, so they never did it, is that what you are trying to say?

Alderman Finn replied, not to my knowledge.

Alderman Simonetti stated, I thought they were cleaned so they could get in there.

Alderman Finn asked, my question is June 11, it says there’s a time issue pertaining to the waiver of bid process that’s in front of us tonight. Since this letter is June 11 and now it’s June 27th what are the time issues that we are looking at?

Corporation Counsel Tom Welch stated, this item that you have is professional services. It doesn’t require a waiver of bid, it requires a waiver of the RFP process. This is the person that was retained earlier in June to help. I’m not sure how much you allocated at that point in time, but this is the person who is doing the tests currently.

Alderman Finn stated, more than likely this was never any issue as far as time issues and waiving the bid? That’s the point I’m getting at. The waiver of bid letter from the purchasing agent is dated June 11th and today is July 27th. And the document says we want a waiver of bid concerning time issues. We waited six weeks from the date of the letter to address this and my question is, what time issues are we looking at?

Corporation Counsel Tom Welch replied, I can’t answer that specifically, all I do know is that this gentlemen, I’m not sure how quick after that, I thought it was at the end of June around the Fourth of July, is when you retained him and then he’s (inaudible) submitted these test results and is looking to move forward with an actual agreement.
Alderman Finn stated, another observation is 15 minutes prior to the meeting tonight we got more backup. If we are going to be sitting down and doing a waiver of bid and allocating $5,000 to address the situation, I think we should have this information in the packets when they are put together and not 15 minutes before a meeting.

Corporation Counsel Tom Welch, I think this was emailed today to the Board of Alderman Clerk.

Alderman Finn stated, I don’t know that. All I know is that the letter is dated July 20, 2009 and we were just given it.

Alderman Anglace stated, I’m going to support Alderman Finn’s comments in that everything it seems with Perry Hill School Building Committee is last minute, waive this, waive that. The Clerk today, acting on my direction has informed them that we would expect the courtesy of at least one week notice to get things in so we don’t have to keep doing this. This is just getting out of hand. Everything is last minute, everything is a rush. It can’t continue.

Alderman Finn stated, as Alderman Simonetti brought up before, and I’m not sure if it’s pertaining to this subject matter or not. But someone from the building committee, either their chairman or vice chairman, should be here in the event we have any questions pertaining to anything.

Alderman Simonetti stated, I know that Sean Sullivan is in New York, that’s where he works. It’s tough for him to get back for a 5 p.m. meeting. I agree with Jack and getting things as early as you can. I’m still finding the same problem with the committee that I’ve sat on for six years at the high school. The contractors talk it over, talk it over, they call this one and they call that one and all the sudden they call up and say we need this right away. I don’t know if that’s the way they work all the time, but this is what they’ve been doing to me, they do it to Bill Banfe, Ken LaCroix, and all the other people. It seems to be a systemic problem. The contractors wait until it becomes a disaster and they want it done and want their money right away. They put you on the spot. They know they are doing it to you.

Corporation Counsel Tom Welch stated, part of the issue has to do with the charter. The building committees aren’t authorized to enter into contract. So they come back to you. Whether it’s time is of the essence issue as opposed to other issues, I think it’s the whole structure of a building committee where a building committee is trying to be reactive and address certain issues, they can’t be reactive and address issues without coming back before the Board of Aldermen. Certainly my apology in reading the information that came in on this. It’s tough to get a handle on the issues in regards to asbestos and mold. I put in some calls to say, ‘Hey, my understanding is this, is this what is happening?’ I will tell you that I don’t have my finger on it, so I’m trying to explain it the best I can.

Alderman Finn stated, I know before in the meeting I brought up the fact that I thought that this pertained to mold, because that is what I was led to believe, but the document
in front of says asbestos. Based on our conversations we’ve had, in order to address the mold they have to address the asbestos first. That should have been in writing to us instead of us trying to second guess what’s going on.

Corporation Counsel Tom Welch stated, my understanding is that they’ve retained this gentlemen already to look at the mold. He has gone in said that the asbestos issue has to be resolved first and that’s what’s being done.

Alderman Anglace stated, reading the backup that they gave us, before he does anything he’s testing, when they do it he’s testing, as they do it, and when they complete the project, he’s testing. The information that we got today is because we asked for it. I agree with you. I think we need to have a chat with the chairman of the committee and ask him to see what he can do. If he comes in with these requests he needs to do the best he can to give us the information that makes it easier for us to understand what it is. I understand he is working in New York and he can’t be here but this meeting is kind of set up for...

Alderman Simonetti stated, somebody from the administration of the schools...let me tell you Bill Banfe and all those guys are the best when it comes to getting things done...they have to come up with the additional scope of information for the board to help us out.

Alderman Anglace stated, no, you’ve got to have somebody here representing him. I just think in the future we should do that. Is there anybody who feels we should not pass this tonight?

Alderman Finn replied, no, I don’t want to hold the project up. Other aldermen reply no.

Alderman Anglace stated, we’ll proceed, with the understanding that we need better cooperation.

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

**ADJOURNMENT**

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

The meeting adjourned at approximately 5:20 p.m.

Respectfully submitted,

Theresa Adcox, Clerk
Board of Aldermen

DATE APPROVED: ___________________ BY: ___________________

Mark A. Lauretti
Mayor, City of Shelton