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 stood and pledged allegiance to the flag.

Adopt-a-Garden Awards

Roll Call

Alderman John F. Anglace, Jr., President – present
Alderman Lynne Farrell - excused
Alderman John “Jack” Finn – present
Alderman Stanley Kudej – present
Alderman Noreen McGorty – present
Alderman John P. Papa – present (7:15)
Alderman Eric McPherson - excused
Alderman Anthony Simonetti - present

Administration: Assistant Corporation Counsel Ramon Sous

There was a quorum present. Alderman Anglace noted for the record that Alderman Farrell was out of the country, Alderman McPherson is ill, and Alderman Papa is chairing a special meeting of the Parks and Recreation Commission and will arrive late.

Agenda Items

PUBLIC SESSION

Mayor Lauretti asked if any member of the public wished to speak.

David Gioiello, 65 Walnut Tree Hill Road

I’ll call the Board of Aldermen’s attention to Section 7.17.1 of the Charter. The Board of Aldermen shall not increase the compensation or benefits of any elected official during his term of office. Clearly any discussion about bonus for the Mayor will be in violation of this section of the Charter.

Mayor Lauretti asked if any other member of the public wished to speak. Being none, he declared the public session closed.
ADD ON

Alderman Anglace MOVED to add as Item 9.3 – Commercial Revaluation Services Agreement; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 5-0.

MINUTES FOR APPROVAL

Alderman Anglace MOVED to waive the reading and approve the following meeting minutes:

Public Hearing on Water Main Extensions – November 23, 2010
Regular Meeting – December 9, 2010

SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 5-0.

5.1 FINANCE COMMITTEE

No items.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

No items.

5.3 STREET COMMITTEE

No items.

REPORT OF THE MAYOR

No report.

REPORT OF THE PRESIDENT

I’d like to report to the Board that an article in the January 5, 2011 Huntington Herald from a former Alderman titled “An Independent View” raises two points regarding open government in Shelton. One issue has to do with the Board of Education, and the other with the Board of Aldermen. With respect to the Board of Aldermen, the claim is that “the Board of Aldermen bypassed the normal bidding process and approved a bid waiver for future work on the Shelton High School baseball field.” The stated concern is that this work is slated for the spring so why waive the bids now? There is plenty of time to go out for bids and in first, that the amount of the bid waiver is $100,000 and reminds us that bidding keeps everything in the public eye and avoids the appearance of impropriety, favoritism, and nepotism.
In the interest of not only open government but getting the facts straight and not misleading the public, I am more than pleased to explain what we did and why we did it. I am responding here as part of the President’s Report so that what is said is unaltered and part of the City record. Item 9.3 - Shelton High School Baseball Practice Field Renovations was added to the December 9, 2010 Board of Aldermen meeting agenda. Adding an item to the agenda of a regular Board of Aldermen meeting is a legal practice consistent with Connecticut F.O.I. laws, Roberts Rules, etc. and is generally recognized as a way to expedite public business. This resolution clearly states the following Board of Aldermen intentions:

- That Tate and Associates LLC and the Long Hill School Field Committee are in the process of completing the Long Hill School Field Project.
- That the City wishes to extend and amend the existing agreement with Tate to include the Shelton High School baseball field renovations; and to add to the duties of the Long Hill School Building Committee to oversee the Shelton High School Project.
- That the Request for Proposal process be waived since Tate was originally chosen via the RFP process.
- That $100,000 be appropriated for Shelton High School Field Project expenses.
- That the agreement with Tate and Associates LLC in the amount of $24,500 be approved.
- That the Mayor be authorized to execute all necessary documents
- That the Long Hill School Field Building Committee be appointed to oversee the project.

The resolution passed unanimously by those present and voting, and there were only five members present. Subsequently, I questioned Corporation Counsel as to whether or not a bid waiver was required regarding this RFP matter. His response was as follows, and I’m going to read it. “In response to President Anglace’s inquiry relative to whether a bid waiver was required regarding the above-referenced matter, the answer is no. Pursuant to Charter Section 7.14(b)(3), those services which are considered professional are not required to be bid. Therefore, a bid waiver as defined by Section 7.14c is not required.

Pursuant to the Charter Section 7.14B the Board of Alderman has adopted a resolution entitled “Request for Proposal Process Relative to Professional Services.” Said resolution specifically provides in subsection 4 of said resolution that the Board of Aldermen may waive the RFP process in any amount it deems necessary or desirable. Since the foregoing was a waiver of the RFP process and not a bid waiver, five affirmative votes were necessary for approval pursuant to Section 4.3.2 of the Charter.” This was Corporation Counsel’s response.

The contract with Tate and Associates is extended/expanded, providing $24,500 for the Shelton High School field landscape architect services. Why add it to the December agenda? Timing is important. Hopefully engineering specifications, bidding, and selection of the successful bidder for each aspect of the required work can be done over
the winter with field work beginning in March/April and use of the fields available during 2011. That’s why it was important to add it to the agenda.

Summarizing the finances, $100,000 was provided under 7.16 of the City Charter for total project expenses. Twenty-four thousand five hundred of that will go to Tate and Associates for landscape architect services. In contrary to the erroneous “Independent View,” the balance of project expenses will go out for bid thereby avoiding the appearance of impropriety, favoritism, or nepotism. I doubt we can be any more open than that.

With respect to the Board of Education issue raised regarding the distribution of the incentive to the Superintendent thought to be $10,000 per contract for 2009-2010, I expect that my Board of Education colleagues have nothing to hide and will be eager to provide a full public explanation of their actions. It would help if they were asked directly instead of creating the impression of wrongdoing in a newspaper column. If we want open government, we have to be open and ask for an explanation. Only then can the public understand the actions and pass judgment on the performance of their elected officials. Thank you Mr. Mayor.

6.0 LEGAL REPORT

6.1 Corporation Counsel Billing

Alderman Anglace MOVED to authorize a total payment of $1,500 to Corporation Counsel Welch, Teodosio, Stanek and Blake, LLC, for services rendered per statement dated January 1, 2011 with funds to come from the following Legal Services Accounts:

<table>
<thead>
<tr>
<th>Account Type</th>
<th>Account Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Fees</td>
<td>001-1900-411.30-03</td>
<td>$1137.50</td>
</tr>
<tr>
<td>Foreclosure Fees</td>
<td>001-1900-411.50-01</td>
<td>$362.50</td>
</tr>
</tbody>
</table>

SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 5-0.

6.2 Assistant Corporation Counsel Billing

Alderman Anglace MOVED to authorize a total payment of $1,260 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated January 1, 2011 with funds to come from the Legal Fees Account 001-1900-411.30-03;

SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 5-0.

7 LEGISLATIVE - OLD

7.1 ITEMS FROM PUBLIC HEARING
8  FINANCIAL BUSINESS OLD

8.1  Funding For Registrar Of Voter’s Office

Alderman Anglace MOVED to transfer a total of $29,720 from Contingency General Account #001-9900-900.99-00 to the following accounts:

- $895 to Printing & Advertising Account #001-0500-413.30-07;
- $28,325 to the Poll Workers Account #001-0500-413.80-41;

for expenditures incurred by the Registrar of Voter’s Office for the Democrat/Republican Primary held on August 9, 2010 and the November 2, 2010 election. SECONDED by Alderman McGorty.

Mayor Lauretti stated, I just have a couple of questions. I don’t think that the Board of Aldermen can transfer inter-department. I think that has to be done by Apportionment and Taxation. Am I correct on that or no?

President Anglace replied, this is not an inter-department transfer. This is a transfer from the Contingency account to the Registrar of Voters Department - two accounts in the department. So it’s not a transfer within the Registrar of Voters department and that’s what the Charter says.

Mayor Lauretti stated, okay, I see the key word “contingency account.” I didn’t see that before, I skimmed over it. I would defer to the Registrar of Voters who is here tonight with us, Alderman Finn, maybe to give us an explanation why this is being done after the fact.

Alderman Finn stated, Mr. Pavone was here, I don’t know where he disappeared to. I asked Mr. Pavone about this and at that time there were some personal difficulties, issues with him, and that’s why it was lapsed and was not placed in front of the Board of Aldermen. We both had to concur on everything.

Mayor Lauretti stated, I don’t know what it has to do with Mr. Pavone. What is the reason for the transfer? What’s the reason for the shortfall?

Alderman Finn stated, the reason for the transfer is for printing and advertising, for the ballots, legal notices. For the poll workers it says to cover the expense of the poll workers that we’re required to have for the primary by the Secretary of State’s office. The Democratic primary is a separate primary, and the Republican primary is a separate primary, and we required poll workers for both primaries.

Mayor Lauretti asked, okay, but how did we get to be $29,000 short?

Alderman Finn explained, we don’t put into the budget request the amounts that will cover primaries we never anticipated.
Mayor Lauretti asked, well you’ve got a line item for primaries don’t you?

Alderman Finn replied, we don’t.

Mayor Lauretti stated, okay, you don’t anticipate primaries but you had a primary in August, August 10th. The general election was when?

Alderman Finn replied, November 2nd.

Mayor Lauretti asked, how many months apart is that?

Alderman Finn replied, a couple months.

Mayor Lauretti stated, to my way of thinking this transfer should have been made right after the primary. You knew you were going to be short, right?

Alderman Finn stated, I wholeheartedly agree with you. We don’t agree that often but I agree with you wholeheartedly.

Mayor Lauretti asked, so how come it didn’t happen?

Alderman Finn replied, because we both have to sit down and concur on the transfer. One Registrar of Voters cannot request a transfer without the other Registrar of Voters concurring with it.

Mayor Lauretti asked, where does it say that?

Alderman Finn answered, that is our policy in our office. If Mr. Pavone comes back maybe you can ask him the same questions. He was just sitting here.

[Alderman Papa arrived at this point, 7:15 p.m.]

Mayor Lauretti stated, Jack, you are in City Hall every single day. And two months passed and here we are in January and we’re over expended by $30,000.

Alderman Finn stated, you have to remember, Mr. Mayor, there’s two Registrar of Voters and both Registrars have to concur on the expenses. We both sit down, we both go over all of the expenses and we submit them. Not just one Registrar.

Mayor Lauretti asked, and you mean to tell me in two months’ time you couldn’t get together with him to get the paperwork done so that you can get this transfer made before the general election?

Alderman Finn stated, that’s correct.
Mayor Lauretti stated, I'll tell you, I find that hard to believe.

Alderman Finn said, I don’t.

Mayor Lauretti stated, you’re a guy who’s a stickler for all these details and you can’t wait to pin the tail on the donkey. You’ve been doing it all these years and all of a sudden, lo and behold…. I don’t understand it.

Alderman Finn asked, do you want to set this aside until Mr. Pavone comes back to the auditorium?

Mayor Lauretti stated, I don’t see where it has anything to do with Mr. Pavone.

Alderman Finn stated, well he is the other Registrar.

Mayor Lauretti stated, well then maybe he should put in for the transfer for his end and you should have done it separately, if you were on top of it and understood what had to be done. That’s what I would have done.

Alderman Finn stated, we both wanted this to get done Mr. Mayor and this is not a political issue. One thing you have to remember, regardless of cost, the Constitution rights of the residents come before anything else and that is the right to vote.

Mayor Lauretti stated, I don’t know what that has to do with making a transfer to cure a shortfall that you knew you were going to have two months before you incurred more bills. I don’t get that one at all.

Alderman Finn stated, my understanding from talking to Mr. Pavone is he’s already sat down and discussed this with you.

Mayor Lauretti stated, and I told him he was wrong, too.

Alderman Finn said, that is your opinion.

Mayor Lauretti stated, it’s not my opinion, it’s the way it is. When you’re on a money account you can’t incur expenses unless there’s more money in the account. You have to go for a transfer or come before the full Board to get a cash infusion.

Alderman Finn stated, there were a number of transfers we went for and we had to go through the Board of Apportionment and Taxation.

Mayor Lauretti said, you know, people who live in glass houses shouldn’t throw stones.

Alderman Finn stated, $2,000, $4,000, $2,106, $800, $540. Those were all transfers requested by the Board of Apportionment and Taxation that they approved.
Mayor Lauretti stated, okay, so you got that one right, but you didn’t get this one right.

Alderman Finn asked, why does it just come down to one person? There are two Registrars in the Registrar of Voters office and you always point the finger at one.

Mayor Lauretti stated, I haven’t pointed the finger at anybody. You just happen to be sitting here. You’re on the Board where the action has to be taken. I didn’t create that; you created that. Why is that my fault?

Alderman Finn stated, we didn’t create the shortfall either, Mr. Mayor. You have to remember, you reduced the amount of money in the Printing and Advertising line item for the Registrar of Voters office yourself at last year’s budget.

Mayor Lauretti asked, I do that by myself? Doesn’t the Board of Aldermen approve the budget?

Alderman Finn stated, it was your recommendation to the Board of Aldermen.

Mayor Lauretti stated, I guess the Apportionment and Taxation went along with it too, right?

Alderman Finn stated, no, they didn’t; they didn’t vote on the budget.

Mayor Lauretti stated, all right. Having said that, it still doesn’t negate the fact that you had to go for a transfer and you had to have money in the account.

Alderman Finn stated, I’ll tell you what. Maybe if we could get the Shelton State Representatives to support State Representative Charles Clemons’s legislation that he’s submitting as to where the State will pick up the costs for purchasing ballots. That will reduce the cost for the City of Shelton in the Printing and Advertising. The ballots are expensive.

Alderman Papa stated, the Poll Workers who worked at this election, have they been paid?

Alderman Finn replied, yes.

Mayor Lauretti stated, I had to pay them out of a different line item because we incurred the expense and I couldn’t let them go unpaid.

Alderman Finn stated, the printing and advertising has also been paid for.

A voice vote was taken and the MOTION PASSED 5 yes, 1 abstention (Finn).
9 FINANCIAL BUSINESS NEW

9.1 January Statutory Refunds

Alderman Anglace MOVED that the report of the Tax Collector relative to the refund of taxes for a total amount of $9,009.16 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 Kudej. A voice vote was taken and the MOTION PASSED 6-0.

9.2 Bonus – Office of the Mayor

I put this on the agenda for discussion and to talk about the possibility of the Mayor getting a bonus. It’s a common practice throughout the country that when people work to a certain level that they’re rewarded.

Most recently we saw that the Board of Education gave the Superintendent of Schools a bonus. They incorporated it into his contract. I thought it was a little ironic that here we are, we laid off people, we charge people to participate in athletic activities and extracurricular activities like the Band and the Drama Club, and the Board of Education is giving out bonuses. I thought that maybe the Chief Elected Official has a pretty hefty responsibility in terms of how the City operates, be considered as well. I also know that some people are not happy with the condition of the roads from the recent snowstorm, but there are a lot of factors that come into play when you’re dealing with inclement weather that sometimes are beyond your control.

Irrespective of that, if you look at the financial performance of the City not only this past year but over the last several years, 20 to be exact, you’ll see there has been a consistent performance that I’ve brought that has gotten us specific results. I haven’t asked for any specific dollar amount or how it would be structured. I know there are some limitations on the State law with respect to that. Maybe in the future the Board should consider these things. So I put it up for discussion.

Alderman Papa asked, should this go the Finance Committee of the full Board?

Mayor Lauretti replied, it certainly could go; it’s a financial matter. It could go to the Finance Committee.

Alderman Anglace stated, I don’t think we shouldn’t sit here and speculate. We can’t give the Mayor, no matter what we think of him, an increase of pay while he’s sitting here. Any change in the total compensation for the Office of Mayor has to be agreed upon and become effective after the next election. So, given those conditions, the only thing we can do if we want to consider it, we can refer it to Finance Committee to look at it in terms of the entire compensation package for the Office of Mayor. Not for any individual, but for whoever holds the office after the next election. We could then look at and compare the Chief Elected Official of our City and we probably could structure
and say, should we look at this thing like, based on what’s his performance criteria. If the Superintendent is given a performance criteria that he has to meet, and he meets it, he gets his $10,000 bonus. I think they put it into a 403b supplemental retirement account. That’s in addition to his retirement account that he gets. We can do the same thing for the Mayor; we could at least look at it. I don’t think we should prejudge it. I think it was fair for the Mayor to raise the question. We can’t make a decision tonight or any time soon. You don’t want to look at salary alone, but the entire total compensation for the position of Mayor of the City of Shelton. That way you could make a reasoned determination and you can compare it with other positions internally, and you can compare it with other positions externally. If you recall, we’ve done this several times in the past. We have hired a consultant to work with us on it several times in maybe the last 10 years and that’s how we arrived at the present compensation for the Office of Mayor. It was tied to a structured amount, starting salary, and from that point it’s keyed into the cost of living. Last year the cost of living was less than one half of one percent.

Mayor Lauretti stated, I’m glad you make that point, because last year there was no raise. I haven’t complained; I didn’t get into this job to collect a salary. I said that in the very beginning when the salary was $25,000. But boy, if the highest paid person in the City could get a bonus, I certainly think that the Chief Elected Official should have the opportunity to have one. By the way, isn’t this the appropriate time to be talking about it? We are in an election year, so it has to be set prior to the term beginning. This is the appropriate time to be talking about it.

Alderman Papa MOVED to refer it to the Finance Committee for discussion; SECONDED by Alderman Simonetti.

Alderman Simonetti stated, I think that in light of what I know, the Mayor is negotiating with several different companies on the downtown work, especially Canal Street, and he recently negotiated a $1 million savings. I think that’s quite a bonus to the City.

Mayor Lauretti stated, that’s not officially confirmed yet, that savings, but there are many examples that could be given down through the years that speak to one’s performance.

Alderman Anglace stated, I don’t think you base a bonus on past history. I think you base a bonus on criteria that is set in advance and met by the incumbent. That way you achieve stated goals and you earn the bonus.

Mayor Lauretti stated, and I wouldn’t disagree with that.

Alderman Simonetti stated, I agree, however I don’t think anything can speak more than for what our Mayor has done for the City over 20 years. He has really taken it from where we had a complete disaster in ’75 and nobody did anything until almost 1990 when he stepped up the plate, took the reins and got the City back on it’s feet. He has every day since then without prodding. He did a good job.
Mayor Lauretti stated, I have a lot of people prodding me. I wouldn’t suggest that; I have a lot of people prodding me, the kind of way you don’t want to be prodded.

A voice vote was taken and the MOTION PASSED 5 yes, 1 abstention (Finn).

*Add-On*

Mayor Lauretti stated, the next item requires a vote to add it because at the beginning we didn’t have enough people present to add it.

Alderman Anglace MOVED to add to the agenda Item 9.3 – Commercial Revaluation Services Agreement; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

9.3 *Commercial Revaluation Services Agreement*

Alderman Anglace MOVED to waive the RFP process and approve the contract for the implementation of the reappraising, physical inspection and professional services appraisal of commercial, industrial and public utility properties to Leary Counseling and Valuation Inc., New Haven, CT in an amount not to exceed $75,000; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign documents necessary to implement this agreement following the review and approval of Corporation Counsel; SECONDED by Alderman Papa.

Alderman Finn asked, what is the source of funding?

Alderman Anglace replied, I can answer that because I asked the same question before the meeting. This money is going to be spent over two fiscal years. Part of it will be put into one fiscal year budget and part in the second. It’s coming right out of the Professional Services account from the Assessor’s Office over two fiscal years.

Alderman Finn asked, then why don’t we make that part of the motion?

Alderman Anglace replied, you don’t have to make it part of the motion as long as we budget it. If we don’t budget into the fiscal years of the Assessor’s Office under Professional Services, they don’t have any money to spend and they’re dead in the water.

Alderman Finn stated, as long as they know what line item to take it out of.

Alderman Anglace replied, they do; I checked it. I would just like the Board to understand that Leary Counseling and Valuation Inc. was used to value commercial property in the last revaluation and we did go out to RFP to select them at that time. Since then they’ve worked continuously with the City on challenges to the revaluations. They have a good knowledge of the City and it’s values and the City of Shelton as compared to other communities.
Mayor Lauretti added, even beyond that they worked with us in the 2000 revaluation as well as the ’06 revaluation. They have a good understanding of what needs to be done here.

A voice vote was taken and the MOTION PASSED 6-0.

10. - LEGISLATIVE - NEW

10.1 ITEMS TO PUBLIC HEARING

A public hearing is set for January 25, 2011 for the following:

10.1.A Signs on City Property Proposed Ordinance
10.1.B Amendment to Ordinance #827 - Identification of Landlord
10.1.C Amendment to Ordinance #370 – Fire Lanes

10.2 BOARD OF ASSESSMENT APPEALS REAPPOINTMENTS

Alderman Anglace MOVED to reappoint the following people to the Board of Assessment Appeals effective immediately.

Paul F. Jensen – U, of 19 Winthrop Woods Road
Patrick Carey – R, of 6 Blueberry Lane

SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

10.3 EMS COMMISSION APPOINTMENTS

Alderman Anglace MOVED to appoint the following people to the Emergency Medical Services Commission effective immediately.

Karen Minopoli – D, of 11 Balsam Circle
Thomas DeMarco – R, of 15 Arrowhead Lane

SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

10.4 PURCHASE OF GOODS IN EMERGENCY SITUATIONS

Alderman Anglace MOVED to adopt the following Resolution:

Be it resolved, that the Board of Aldermen hereby adopt the following resolution relative to the purchase of goods in an emergency situation.
Be it hereby resolved that whenever the Purchasing Agent and the Mayor shall determine that an emergency exists which is an immediate threat to the public health and safety of the City and that it shall be necessary to purchase goods and/or services, the Board of Aldermen hereby waives bids as same would be impractical, impossible and unwise pursuant to Section 7.14c of the Charter of the City of Shelton. The Purchasing Agent shall immediately after said purchase forward to the Board of Aldermen a copy of any and all goods and/or services purchased pursuant to an emergency situation and to advise the Board of the nature of the emergency.

SECONDED by Alderman Simonetti.

Alderman Finn asked, Mr. Mayor, what would you consider to be an emergency?

Mayor Lauretti replied, a couple of things quickly come to mind. If raw sewage is running down the road and we have to remediate that because it creates a hazard to one’s health, then I think we have to take an action that is probably unanticipated. Or, if there is a house is falling off a hill because it’s in a mudslide, we don’t anticipate those things and it creates a calamity beyond our control, then we have to be able to remediate situations like that. Or, if there’s a 58-car pile-up coming down a hill that causes catastrophic conditions, we have to be able to remediate those types of things.

Basically, what departments would you consider to fall underneath this type of emergency for services as well as for goods?

Mayor Lauretti stated, well, for the ones I just mentioned, the WPCA, which I know has their own budget, but they rely on us for a lot of different services that we do for them in-house. Highways and Bridges is another area we rely on in emergency situations. The Building Department, if a structure has to come down because it’s condemned for some reason or another. If there’s a tornado in Pine Rock Park – you can’t make this up – nonetheless it still happens.

Alderman Finn stated, it would seem some of the things that you made mention, the sewer backup, I know Highways and Bridges up on Fairmont, they were involved in that. They went up there and excavated the road for the WPCA. I’m sure there must be other instances, maybe on the weekend, where the Highway Department wasn’t available.

Isn’t this something where the City should go out to bid and lock in a contractor for exactly one year to address any emergencies for any of the departments you indicated where that contractor is called in the event of an emergency?

Alderman McGorty asked, but wouldn’t that only cover what he just mentioned and not the unforeseen?

Alderman Finn stated, that’s correct. They must know what departments in the City where they would be relied on to address emergencies within the community at any given time. Once you identify those departments, then you go out to bid for each department and you have that contractor locked in for one year so in the event that
something does happen, that person can be called on the weekend and come out with his backhoes or his jackhammers or whatever is necessary to address the task. This way no one contractor would be called in for any department with the result of the contractor receiving unlimited funds from the City by bypassing the bid process.

Alderman McGorty asked, how would the Mayor then be able to respond if that contractor wasn’t equipped or didn’t have the experience with the emergency – the unforeseen?

Alderman Finn replied, that’s the bid process. The department head would have the final say and send it back to the Board of Apportionment and Taxation with his or her recommendation.

Alderman Simonetti stated, I think it would be very impractical to try and find even one contractor to do everything, or find someone that has a specialty that you need. I run a private business and let me tell you, there is nothing worse, and mine is with health all the time, so when you have a problem, you need a specialist to do the job, it’s not just J&J Plumbing that could do it (and I hope there’s not a company around called J&J Plumbing), but sometimes you might need someone a little more high powered, someone who has an engineering department inside the company that can come and solve the problem. I don’t know, I think this is a very reasonable thing to ask for and if the Board of Aldermen would be apprised immediately of the problem I think we could see from the Mayor’s work in the past that he’s very frugal, he’s very intuitive about getting the right people at the right price to do that job. In fact the problem with Fairmont is a real problem. That’s something you can’t let go. If it happens in the middle of the night or on a weekend you have to have someone and you may need a jackhammer, a giant jackhammer, or you may need a specialty plumber to fix it or you may have to secure the area until EPA can come down or Department of Environmental Protection can come down. I really think you need the ability to do that. I don’t think it’s going to cost us, I don’t think the price would be any different if we had a contractor or not.

Alderman Finn stated, that’s why I recommended that each department that would be identified who would have to address an emergency – they would come out with the bid specs. The specs would then be advertised and from there, once received at the Board of Apportionment and Taxation then we know that the process they go back to the department head and the department head would determine as to which company will fulfill their needs. Then it’s sent back to the Board of Apportionment and Taxation with their recommendation for approval. And this person’s locked in for one year.

Alderman Simonetti stated, I think the key word here is emergency. It’s not that we know we’re going to need you to take down 40 trees when the next tornado hits; there may be 1,000 trees.

Alderman Finn stated, that’s why they’re locked in. They’re guaranteed to be there when they’re called.
Alderman Simonetti stated, I don’t think you can guarantee anybody to be there, because when something like that hits, other people call them, and they may say, “look, I’d like to help you but I can’t help you.” So the Mayor has to have some discretion to get people that he needs. I don’t understand your not understanding that, especially being in emergency services as you are. The Fire Department, when you need one truck, two trucks, three trucks, you don’t say, “we’re only going to send two trucks to every fire,” you know we send what ever we have to and we will call in Derby, Ansonia, or Seymour to bring us trucks, or if we have an agreement with Monroe to back us up as we did in that terrible fire in ’75.

Alderman Papa asked, don’t we have contracts presently with electricians and plumbers?

Mayor Lauretti replied, we have a generic contract for some trade services that we use from time to time that cannot be done in house.

Alderman Papa stated, so you do have contracts in place in those two particular areas. You also have the Highways and Bridges, which has most of the equipment that we would normally need, heavy equipment, bulldozers, tractors, jackhammers. You could use Highways and Bridges no matter what time of the day it is.

Mayor Lauretti stated, that’s a good point and we don’t call in a construction company on a regular basis to remedy these situations when we have the services in house, but sometimes we need materials that we have to go get and bring to the site and that’s pretty much what this is for – supplies and things like that.

Alderman Papa stated, over the years you’ve bought equipment for Highways and Bridges, for Parks & Recreation, which would be beneficial to emergency situations. You have those things and you have the personnel in place without having to go out for public services. If you need somebody that has more expertise than the City has within Highways and Bridges then you look for their recommendation on who they should hire.

Alderman Anglace stated, the resolution suggests that we delegate emergency authority to the Purchasing Agent and the Mayor. What’s being suggested is that the Board of Aldermen delegate this emergency authority to departments. That is what’s being suggested. That I’m not willing to do. That won’t work. The resolution as it’s written puts the Mayor and the Purchasing Agent in the position to do something about whatever the emergency is to meet the threat, and then let the Board of Aldermen know how much they spent, what the nature of the emergency was so we can review it. If you take this and put it into the hands of every department, then everything becomes an emergency. Then it becomes by definition, what’s an immediate threat. We haven’t defined that. Of course if you take and put it in the hands of the Mayor and the Purchasing Agent then you’ve got two people that will define what an immediate threat is as opposed to having 30 people or 40 people throughout the various departments. I don’t think it makes sense to delegate beyond those two people.
Alderman Simonetti stated, I think the point that was just made – the discourse you and Alderman Papa had concerning supplies, is an issue that should be brought into this too, that we don’t keep supplies of every kind in stock, it would just be impossible. When it’s time that you have to get something, whether it’s a piece of clay pipe underground or a specialty pump or something to keep things going, and some of those things are on hand, but I do think it’s important that you have some leeway in this. If you wanted to put a limit to the cost of money on it, a not to exceed, we do that sometimes when we’re doing the building committees. I think that running a City is, this City is run very much and very well, it’s run as much as it can be a quasi-business, although we know that it’s not, but it’s very important that you have some leeway in emergency situations.

Alderman Anglace stated, let me take this one step further. You have a tornado that hits. Which department is going to take responsibility to respond to that? Don’t tell me. Because we’re all going to be sitting here saying, “there’s an emergency, who should do it? You should have done it. No, you should have done it.” This puts it right where it belongs, at the top. You take an emergency; it’s an immediate threat. Respond to it from the top. He can then bring in Highways and Bridges, Parks and Recreation, whoever has the resources to respond. If we don’t have the resources internally, he can go externally. He can remedy the situation and respond to it, he and the Purchasing Agent. Then we want to know, what you did, what was the nature of the emergency, what the cost is, etc. And we’ll review it after the fact. That makes sense, because you can’t have 30 people responding to an emergency. The Fire Department would say, “we’re in charge of this emergency.” Highways and Bridges will say, “no, you’re not.” Parks and Rec says, “we do that.” Nice to have an emergency and everybody arguing about it.

Alderman Finn stated, the only person that would be in charge would be the Office of Emergency Management who would oversee the operations of all the other departments in the event of a tornado.

Alderman McGorty stated, depending on the emergency.

Mayor Lauretti stated, depending on the nature of the emergency. It’s not even practical to think that the Purchasing Agent is available to be in the equation. Let’s say a sewer line breaks in a residential neighborhood in the middle of the night. I have to go get the Purchasing Agent before I can say, “okay we need to go out and get some materials to do the install”? That’s just not going to happen. I’m giving it to you the way it is. A call is going to be made, we’re going to bring in the proper people that can handle the reconstruction of the pipe, and we’re going to do it. We’re going to do it because it needs to be done. With an example like that, the only thing that would probably require an outside expenditure would be for materials that we don’t have in stock.

Alderman Simonetti asked, what about a pump to get rid of the raw sewage running down the street?
Mayor Lauretti replied, we’re equipped to do things like that. But if a pump fails or if a pump is not big enough or if you need multiple pumps - you can’t predetermine what you’re going to need when you’re going to need it. To some extent you can, but to the greater extent you cannot.

Alderman Anglace stated, if you have prepared and you have the equipment, it’s not an emergency. It’s when you don’t have the equipment to handle it that it becomes an emergency. If you’ve got a life-threatening situation or, you know, that’s when it becomes an emergency.

Alderman Finn stated, going back to the nearest example, a sewage break during the middle of the night or on the weekend, if you go out to bid, you have the Water Pollution Control Authority come up with the spec, you go out to bid, award the bid, the bid is in place for one solid year. The only thing that happens in the middle of the night, Mr. Sym receives a phone call, there’s a problem, he can then get on the phone to this person who is locked in through a bid and have that contractor get out there with the material that he needs on the site.

Mayor Lauretti stated, let me tell you what I think is wrong, at least from a financial standpoint, and why that’s not cost-effective. If you call in an outside contractor, you’re going to pay a premium. If it’s on a holiday or if it’s in the evening, you’re going to pay a premium. These things that we do in house. My point is, if that’s the example and I need a pipe of certain diameter or several pieces of it, I need to go get it right then and there. Or if someone’s basement is filling up with sewage like what happened three weekends ago and my phone rang on a Saturday night, and I unfortunately did not get the message until the following Sunday, then that’s a pretty difficult situation to have to be in. I don’t care who you are. So you’ve got to jump on those situations and resolve them for people. That’s part of our public service. We do that. If we have to bring in a couple of clean-up companies, that’s what you have to do. If you have to go out and make an emergency repair, you bring your people in and you assemble all the materials you need and that’s what you do. You want us to predict the future. You can only do that to a certain extent. I’m not going to converse with the Purchasing Agent at 4 a.m. over issues like this. I’m trying to deal with the Sewer Administrator, the Highways and Bridges Superintendent and whoever else needs to be on scene.

Alderman Papa stated, also, what vendors are you going to have to get bids on – there are a multitude of problems that could happen. You can’t just say you need a plumber or electrician or septic... It’s a litany. Whatever the situation is, whatever you have to do to rectify the problem, you do it, and that’s the bottom line.

Alderman Kudej stated, you can’t go out to bid for every department and lock them in.

Alderman Papa stated, you’d have to get a price on pipes, a price on soil, a price on everything. I don’t know where it would end.

Alderman Anglace stated, those prices don’t last too long either.
Mayor Lauretti stated, it’s either that or, you know, at the beginning of the fiscal year you do a bid waiver for these types of situations and we’ll try to identify them as best you can.

Alderman Papa stated, you can’t. You can’t predict. How many emergency situations have you had over the last year that you handled? There was no outcry; everything was done properly, right?

Mayor Lauretti stated, I know that there were three recently that pertained to raw sewage. When the Department of Environmental Protection shows up at 11 p.m. and says, “hey, there’s sewage running down River Road going into a stream,” you’ve got to act. So we act.

Alderman Simonetti would you prefer that we remove the Purchasing Agent from the resolution?

Mayor Lauretti stated, it’s just, it’s not practical to think that there’s going to be a conversation with the Purchasing Agent. The Purchasing Agent is not available at those inopportune times.

Alderman Finn asked, would you also recommend that we go along with your possible suggestion that at the beginning of the fiscal year we do go out to bid?

Mayor Lauretti stated, you can do a blanket bid waiver for things that have occurred in the past and could occur again. But you have to define what’s an emergency.

Alderman Finn stated, I’m sure you could work with the department heads on that.

Alderman Papa asked, what happens if you have to fix a pipe and it’s not an emergency? You could do whatever you want to do it.

Alderman McGorty stated, that still wouldn’t address the unforeseen. It still does not address giving the CEO the authority.

Alderman Finn stated, you’re absolutely right; it does not address everything. That’s where, the Mayor’s made a recommendation on his own.

Mayor Lauretti stated, last year we had the sprinkler system pipe broke at the Senior Center, and we were in there, I want to say we came in at 10 p.m. and I had people working and I had people staying over until 4, 5, 6, 7 a.m. I sent somebody out to go get fans, vacuums to suck up the water. We own them, but now I’ve got to go to three or four different buildings to go pull them out of there – the wet vacs – and time is of the essence because you’ve got water – two or three inches of water in the building. What do you do? Do you send someone around and let them spend three hours going to pick up materials or do you just, you know where the source is, you go right to it to remedy the problem.
Alderman Anglase stated, it sounds to me like you took care of the emergency part of it, but then the remediation came later and went out to bid. New flooring, etc.

Mayor Lauretti stated, let me give you another example. I’m sitting here and I’m starting to recall the things that happen over the course of time that push you into action. We had a pipe break at the Community Center and flooded the day care center. That is a business that operates. Floors buckled, they buckled within 12 hours. I need to get the place dried out, cleaned up, sheetrock replaced, floors replaced, carpeting replaced. If I have to go out to bid for all that, okay, but that business is out of luck for that length of time. If they have business interruption, are we liable? It was all done in house and I had to go out and buy materials. I had to buy a couple of thousand dollars worth of floor tiles. And I did. We go, we bought the tiles where we knew they had enough in stock. If I need 2,000 feet – do you think everybody’s got 2,000 feet that you could pull off the shelf? I can get quotes but they’re going to tell me, “oh, you won’t be able to get delivery until the end of the week,” or “it’s next week,” or “it’s two weeks.” Whatever it is. I’m trying to give you other examples of emergency services that have occurred in the past that we’ve had to react to.

Alderman Papa stated, and you have the authority to do that, so I think we should just go along with this motion.

Alderman Finn asked, if it’s been done this way in the past, why do you need a resolution?

Alderman Papa stated, because he wants to make sure it’s being accepted by the Aldermen...

Mayor Lauretti stated, because it’s an issue that needs to be put on the table and addressed.

Alderman Papa stated, because somebody else would bring it up like you did, how come it didn’t go out to bid. This way we have a motion, let’s pass it as it is. He’s been doing a great job in resolving these situations. We could talk all day about this.

Mayor Lauretti stated, the answer to Jack’s question is, sometimes these are covered by insurance claims. But in the interim, I have to expend City funds to get the materials to do the work. And we do. The insurance claim is solved weeks or months later. The City gets reimbursed. Again, the strict interpretation of the Charter says that you have to do certain things. When it’s coming out of a City account – you know, the work we do for the WPCA.

Alderman Finn stated, Alderman Simonetti made a possible recommendation of putting a cap on it. Do you think this is necessary for a cap on what you’re spending?

Alderman Papa asked, well, how does he know what he’s going to spend?

[Several people are speaking at once – inaudible].
Alderman Kudej stated, how do get bids on something that’s already been done?

Mayor Lauretti stated, let me see if I can answer Jack’s question with a real life situation that occurred this year. We had a contractor that was working in the State of Connecticut right of way on River Road and apparently damaged a sewer line that was installed. So raw sewage was coming up out of the ground, flowing down the gutter, and into a brook. So we get a call from the Department of Environmental Protection and Naugatuck Valley Health apprising us of the situation. It’s our sewer line in the State right of way. So we reacted. We got a contractor on board that had the ability to work around, there was a gas line in the road, there was underground electrical conduits that serve Constitution Boulevard and so we had to bring in somebody that had expertise in this area, and we did. We haven’t gotten a bill yet, but we ordered the work done because it was our sewer line and we had to repair our sewer line. I’m not sure what the status of that bill is from the construction company that did the work. We did not do the work in house on this one, but our people were there doing the inspecting. They solved this thing within a 24-hour period. Those are some of the things that we have to react to.

Alderman Papa stated, this is why there is no way to have a cap on what it’s going to cost. How do you have a cap?

Mayor Lauretti stated, I’m told that’s the point. This was probably anywhere from a $40,000 to $60,000 job because you’re going to pay the State rates. There is no limit to what the State will spend.

Alderman Finn stated, I don’t know if you have the answer to this question or not, but we made mention of a lot of WPCA sewer breaks. Do they call in the same contractor for every break or do they have different contractors.

Mayor Lauretti stated, no, I would say 80 to 90 percent of it is done in house. We do it ourselves through Public Works. There are some things we can’t do.

Alderman Finn stated, so it’s not always the same contractor.

Mayor Lauretti stated, I just got through saying that we do 80 to 90 percent of it.

Alderman Kudej asked, how do you submit something for bids when the job is already done?

Mayor Lauretti stated, you can’t. That’s the point of this.

Alderman Kudej stated, we’re arguing about this thing, I mean, if something happens you’ve got to pay for it.

Alderman Finn stated, my suggestion was to bid at the beginning of the fiscal year, not after the fact.
Alderman Simonetti stated, and the Mayor made the statement that, then you're going to be paying premium because they're going to say, “okay, it’s going to cost me $60 per head per hour and every machine I have on the job is going to cost $300, whether it's a bucket loader or a sander or whatever.” So you're going to pay premium when you could probably get the job done for less. If there’s insurance to back it up we'll get reimbursed for it. In most of the emergencies, there will be an insurance that will back it up like this one. The contractor was wrong, he broke the pipe, he's bonded to fix it.

Alderman Anglace stated, out of this discussion the thing that impresses me is the suggestion that was made to remove the Purchasing Agent from the resolution.

Alderman Anglace MOVED TO AMEND the resolution to remove the Purchasing Agent and leave this in the hands of the Mayor; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION TO AMEND PASSED 5 Yes, 1 No (Finn).

A voice vote was taken and the MOTION PASSED AS AMENDED 6-0.

11 EXECUTIVE SESSION

At approximately 8:07 p.m. Alderman Anglace MOVED to enter into Executive Session to discuss the following items:

11.1 Timothy Tagg – Worker’s Compensation
11.2 Annmarie Chisholm – Worker’s Compensation

and invited Attorney Kevin Blake to remain in the Auditorium; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

Return to Regular Session

At approximately 8:25 p.m., Alderman Papa MOVED to return to Regular Session; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 6-0.

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

MOTIONS FROM EXECUTIVE SESSION

11.1 Timothy Tagg – Worker’s Compensation

No action.
11.2 Annmarie Chisholm - Worker’s Compensation

Alderman Anglace MOVED to authorize the Board of Education to make the Workers Compensation payment to Annmarie Chisholm v. City of Shelton as discussed in Executive Session; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

ADJOURNMENT

Alderman Papa MOVED to adjourn; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

The meeting adjourned at approximately 8:27 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: ___________________________

DATE APPROVED: _______________ BY: _______________

Mark A. Lauretti
Mayor, City of Shelton