Call to Order / Pledge of Allegiance

Aldermanic President John Anglace called the meeting of the Board of Aldermen to order at 7 p.m. All those present stood 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 Noreen McGorty – present
- Alderman John P. Papa – present
- Alderman Eric McPherson - present
- Alderman Anthony Simonetti - present

Administration: Corporation Counsel Tom Welch
Administrative Assistant Tom Taylor

Agenda Items

PUBLIC SESSION

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

CONSERVATION COMMISSION ANNUAL REPORT

Tom Harbinson, Chairman
Shelton Conservation Commission

I'll be simple and to the point. First, I have a presentation/slideshow going on the laptop there in front of you. I want to make note that those photos display the organized activities of work parties and guided hikes that our volunteers have conducted over the past year. The volunteers have specifically logged 785.5 hours of volunteer work parties, but that does not include all the many individuals that work on their own to trim brush, rake leaves, and other maintenance efforts. I want to point out, for example, that the red barn at Nells Rock Road and Route 108 that sits prominently next to the Dog Park, is in the shape it is in today due to numerous work parties by volunteers to make it a useful structure. Power washing, paint removal, repainting and the trim work - along with some security measures - all done by volunteers. These folks may work, but they also like to give guided hikes, such as one this coming spring on Palm Sunday afternoon to experience native woodland spring wildflowers at Birchbank Mountain. If interested, you can sign up on their Facebook page, where they have 523 fans or followers. This does not even mention those that volunteer at the Eklund Native Species Garden, the Project Clean Sweep of the Litter Committee, or the Community Garden on Long View.

These volunteer contributions, along with our small Conservation Commission budget, which is only $36 higher than it was in 2006, have helped us obtain 13 grants totaling over $1.6 million since 2000.

Although I want to sing the praises of the volunteers that create and maintain our trails, my purpose this evening is to make a report on the Open Space Trust Account as required by Ordinance. For the benefit of the public, Shelton has many tools in its arsenal to conserve and preserve open space in our community. Subdivision regulations currently require 10 percent of the original parcel being developed to be set
aside as open space, and that's a qualified definition that excludes areas of steep slopes and wet soils. At times, there is determined by the Planning and Zoning Commission that there is no suitable or desirable open space areas in the application, and the applicant can alternatively make a payment of fee, in lieu of land. This is referred to in shorthand as a Fee In Lieu Of (FILO) Payment.

Such payments are deposited into an account held in trust for purposes of acquiring future Open Space land parcels. This Open Space Trust Account is what I am reporting on. In addition to these FILO payments, the City Ordinance currently requires that $250,000 per year be deposited into the same account at the beginning of the fiscal year.

The concept was that a Open Space Trust Account would build to sufficient level through both developer and government contributions, so that it would be available in a timely manner to react in the real-world marketplace of property acquisitions without delay of bonding, annual budgets, or other financial maneuvers that would create a liquidity to react for Open Space conservation in competition with developers. It has proven to be a useful tool and model to other communities.

In recent years, the Open Space Trust Account has not grown with accumulations of inflows, as outlays have been made on various parcels as required in their acquisition agreements. For example, a purchase amount spread over several years would result in money entering the OSTA account as required by ordinance, and promptly leaving the account as expenditure toward said purchase. That however has ended, as the City owes no further partial payments on such purchases, and the fund can again accumulate toward a future purchase.

The Open Space Trust Account had a previous balance of $14,438.16 and received it's ordinance defined contribution for the fiscal year 2010-2011 of $250,000. As of December 31, 2010, the fund balance was $264,444.97

As you no doubt might assume, there has been little development that would create FILO payments into the Open Space Trust Account. In fact, my records show none for fiscal year 2010-2011. I will say though that since January 2011, we have already had two subdivision applications that will show minor payments into this Open Space Trust Account through these fee in lieu of payments, which in concert with the fiscal year 2011-2012 contribution from the annual budget, will begin to bring the Open Space Trust Account into a range of useful utility.

I can take any questions you have, but when the fully detailed report is compiled showing all additions and expenditures to the Open Space Trust Account, it will be available to you all via the Conservation Commission's website.

Alderman Anglace thanked Mr. Harbinson.

Alderman Simonetti stated, first off, this was a very nice presentation – the slides were great. How many volunteers do you have, approximately?

Mr. Harbinson replied, there’s a core group on the Trails Committee of about 10 to 12 volunteers, but at a typical work party, and they do them every month, even through the winter when they can, they’ll 20, 25. Our largest event is the annual National Trails Day, Connecticut Trails Day, Shelton Trails Day. It’s the first Saturday in June and typically it’s a guided hike on our recreation path. We call it the Bridge-to-Bridge hike. It’s the bridge at Huntington Center and the bridge down on Route 108 here near the Police Department. That usually gets close to 100 people that show up. We do get a lot of activity on our trails, even the events that are happening we know that there are people using the trails. We have security cameras on the trails where we can document how many people are actually using the trails. We don’t reveal where those cameras are located for obvious purposes, but a lot of people use the trails every day of the week, not just on weekends.

Alderman Simonetti stated, at one time you had some vandalism, how is that, calmed down a little bit?
Mr. Harbinson replied, we've had some things in the past whether they be ATVs or graffiti or vandalism or some theft, and those have been addressed through various means.

Alderman Anglace stated, I guess I reflect back on where this all started and I think I'd like to share with you my personal thanks and I'm sure the rest of the Aldermen thank you, personally, for your time and effort that you put into this over the years, and thank the Conservation Commission members. We’d like to thank the many volunteers who get out there and work and do so much to make the trails and every other part of Shelton so beautiful. In addition to that, there’s a small thing that I cherish highest among almost everything. You guys are always there for us to give us advice and counsel on many issues, and throughout the years they’ve been very helpful. We appreciate the time you put in looking at many things throughout the community and sharing them with us so that we could be prepared when issues come up to manage them in such a way that they’re done in the best interests of the community. On behalf of the Board, thank you very much.

Mr. Harbinson stated, as you allude to it, it’s not an individual effort, it’s a team effort and that includes the Board of Aldermen, so I thank you as well.

ADD ON

Alderman Papa MOVED to add Item 10.3 Acceptance of Storm Water Management Facility Parcel A for Scenic Grove Subdivision to the beginning of the Agenda, and further,

MOVED to add to the agenda as Item 10.6 Authorization for Controlled Burn; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

Public Session - Revisited

Alderman Anglace stated, I saw a couple of people come in after we got started, and I’m wondering if anybody who came in wanted to address the Board.

Al Cameron, 307 Meadow Ridge Road
Finance Director, Shelton Board of Education

I am here this evening to expand on and make some comments to the report by the City’s auditor, that he made in this room on January 11th.

First, I would like to agree with his assessment that the City is good financial condition. There is a $4.3 million in the unrestricted fund balance; the bonded indebtedness is low, particularly in comparison with many other Connecticut communities, and what indebtedness we do have is payable over a short period of time. Shelton is very fortunate that our elected officials, both City and Board of Education, have been good stewards. Shelton is not plagued with mountains of debt related to the un-funded or under-funded post-employment benefits that many communities and the State of Connecticut is facing. The only blemish on our financial statement is the deficit in the Workers Compensation Internal Service Fund. It was under funded by $896,000 in the 2000 audit, it is under-funded by $4.9 million in the 2010 audit. Over 10 years the unfunded amount has grown by $4 million. Mr. Cappelletti noted that this may be a concern for other rating agencies.

In September it was brought to the Board of Education’s attention that we had contributed $400,000 or 10 percent to that amount. I would like to assure you that we’re working with the City and the City’s third party Workers Comp Administrator and Administrative Assistant to address that problem.

The other subject that took up a significant part of the conversation was encumbrances - a subject that was surprising to me. While encumbrances have always been a political issue in Shelton, the implication being that the Board of Education waits until June 30th to spend its budget, until Levitsky and Berney became our auditors, they were not a financial reporting concern. When Levitsky and Berney came, Mr. Cappelletti requested
that we try to reduce our encumbrances. As he pointed out, since he brought it to our attention, Board of Education encumbrances have been dropping. In fact the first year that Levitsky and Berney was here, our encumbrances were $1.9 million. The following year we dropped them by $400,000 to $1.5 million. This year we dropped them to $877,000. That was an achievement we thought we should be proud of. Imagine my surprise when I came and I found out we were in trouble.

Mr. Capeletti observed that the City and the Board of Education use different approaches to managing their money. He pointed out that the City is consistent in its approach; the Board of Education is consistent in its approach. He also acknowledged that both approaches are acceptable. More importantly, he also mentioned why the Board of Education uses a different approach than the City. State law says that the Board of Education cannot accumulate funds from one year to the next. We cannot hold a reserve of any sort. That means the Board of Education has no money, no ability to save money for use in one year to subsidize expenditures in the following year. We legally cannot create a “rainy day fund” of any sort. Yet, like the City, the Board of Education faces unknowns in our budget. We have potentially large, unexpected expenditures due to Special Education - unbudgeted outplacements, unbudgeted tutors, paraprofessionals, transportation and professional services. We face the possibility of overages in our utility accounts - fuel oil, diesel, and natural gas. We have potential facility issues, like a couple of years ago at Shelton High School when the chiller broke and we had to rent one for $100,000. And this year, we have unanticipated snow removal costs.

These factors cause the Board of Education to manage their budget in such a way as to save money in some areas, and to cover potential over expenditures in others. The key is that the Board of Education cannot do what the City does – we cannot use part of any unreserved fund balance, because we can’t accumulate one. When unanticipated expenses occur at the Board of Education, the only place the Board of Education has to look is other places in its budget.

And finally, according to State law, Board of Education members can be held personally liable for overspending the Board of Education budget. That’s a liability that does not attach to you folks.

These realities cause the Board of Education to manage their budget allocation differently than the City, and very carefully. It is the reason why the Board’s Finance Committee meets every month. They review all expenditures, line item by line item. As a practical matter, what it means when we manage the budget is that some expenditures in some areas such as building repair and maintenance for example, equipment purchases, and other areas – software purchases – are deferred until later on in the year when the Board of Education feels that the unexpected expenses have been dealt with.

Therefore, although expenditures in those areas occur later in the year, it does not mean that they are unnecessary expenditures. All it means is this is the way the Board of Education manages its money so that it can be responsible and good stewards. Recent experience proved the wisdom of that approach. Last year, you all remember, the Board learned that due to our commitments in Special Education we faced a $2 million deficit. The way we dealt with it is we chose to avoid spending across a whole broad range of areas and we got some good luck. We got some help with savings in the fuel oil account, we got some help with savings in our diesel fuel account. That’s how the Board of Education was able to mitigate its budget, in addition to, of course, the employee concessions.

There are some other things I’d like to address that came up in the conversation. First, the subject of encumbrances generally. At the Board of Education there is no encumbrance without a Purchase Order. On June 30 every year, the BOE provides the City and its auditors with a listing of all of our open purchase orders. Those equal the amount of the encumbrances that are shown on our year-end financial report as of June 30th. After June 30th, as payments are made, Purchase Orders are closed. If the full amount of the purchase order is not spent, that unspent portion is returned to the City.
In addition, no purchase orders are issued after June 30 reflecting back on the previous year.

At the Board of Education, and just so you have an idea, the year before, about $56,000 was returned to the City; in 2009-10 $10,000 was returned to the city, because encumbrances collapsed. They don’t get larger, as of June 30th they are what they are. But they do collapse and the year before the biggest reason was we had a couple of special ed kids where we had tuitions and we learned that the kids did not attend school every day. In those situations the tuitions were on a per-diem basis. Oh, and the kids didn’t attend school every day, we didn’t get invoiced so the purchase orders collapsed.

At the Board of Education there is no such thing as an encumbrance amount that is unaccounted for. And unfortunately in the minutes, Alderman Anglace and Mr. Cappelletti discussed an amount of $70,000 on the Board of Education side” that, as of Dec. 15, were “not identified.” I don’t know what that references was to. It seemed to me that as the Finance Director of the Board of Education, if Mr. Cappelletti had a question about $70,000 of encumbrances I would have learned it at some point along the way during the audit rather than coming to coming to a public meeting. I didn’t. Neither did the Superintendent of Schools. The thing that I really don’t understand is that all of our encumbrances are purchase orders, so it’s easy for us any point to issue an open purchase order report. All somebody has to do is say, “Give me your open purchase orders on this date,” and they see what our encumbrances are. That was a puzzling piece of information. I checked with my Assistant, Cathy Arajuo, and nobody asked her. I don’t know what that $70,000 was about.

I would like to underscore what those things were for. Remember, it was $877,000.

- $448,000 was accumulated for the teacher retirees.
- $11,000 was for interns, which are really substitute teachers.
- $24,000 was for Social Security
- $63,000 was for instructional materials – $59,000 of which was software.
- $42,900 was for transportation; $31,900 of that was for bus fuel – we hadn’t received the bill.

I could go on, but you get the idea. And if anybody wants to know what those encumbrances were, I have a list so that you can see it, and with a little bit of an explanation, rather than the whole detailed account number for account number list that I know you saw, John, at the end of the year.

Finally, I’d like to speak to some of the other comments. On June 30, $448,667 in accumulated sick time, due to the retiring teachers, was encumbered. Alderman Anglace, you asked Mr. Cappelletti if it was legitimate, and he answered that it was. You then asked if this amount will appear in a future budget. He answered that it would not. That was incorrect, because the agreement we had with the teachers spread that accumulated sick time out over three years. What you saw was the first piece of a three-year installment. In addition, when you asked what was included in that $448,667, he responded, “a significant amount of it was Workers Compensation.” None of it was Workers Compensation. It was all either accumulated sick time or the early retirement incentive.

Another item that deserves a correction is the question about $25,000 – the question about furniture for the Superintendent. Alderman Anglace, you asked Mr. Cappelletti if he found out what the $25,000 was for, and he answered “yes, it was for the furniture at the Perry Hill Library.” Now, you folks all know. You paid for the furniture at the Perry Hill School Library. The Board of Education didn’t. The Board of Education bought furniture for teachers for their classrooms. We bought chairs, we bought file cabinets, book cases, we bought classroom flags. I had explained that to Mr. Cappelletti when he called the day before.

Finally, Mr. Cappelletti introduced a discussion about Capital Projects. He used as an example an open Purchase Order that the Board had to do for wiring drops in the
cafeterias. The question was, was this capital. And he used the example that we were breaking down walls and expanding services. The purchase order amount was $2,357.34. What it was for was data drops in each of our cafeterias to support the POS system. One data drop in every one except for the Intermediate School and the High School. That doesn’t even meet the City’s criteria for a capital project – it’s $5,000.

For the record, when Mr. Cappelletti mentioned that he had discussed several of these items with the Board of Education management, he was referring to a conversation he had with me on the day previous, when he returned a call I had made to him on a totally unrelated matter. So I’d say to you, if he has concerns about the business practices at the Board of Education, I would have expected that he would have shared them with either me or the Superintendent, and he did neither.

The Board of Education has a Strategic Plan underway. What their goal is, is to determine what it would take to take our good system and ratchet it up a notch and make it a great system. We’re looking at it in all kinds of different ways.

On January 5th I placed a call to Mr. Cappelletti. I didn’t get him. The purpose of my call was to ask him, as an outside observer who sees lots of school systems, not just ours, “What the characteristics are of a great finance department? How do you know? When you walk in to do an audit at a City Hall or Board of Education, how do you know the good ones from the really, really good ones?” And I was looking for him to give me some signposts that I might be able to use so that when I meet with the Strategic Planning Committee I could say to them, “Look, here’s where we are. These are some goals that we should be striving for.” I never got an answer to that question.

With respect to communications with the City; Alderman Anglace had it right. Communications exist and they work. We talked about it at our meeting the other night. Health insurance, the collaboration for a new insurance company and a new insurance broker, collaboration on utility deregulations, collaboration on fuel purchases. We’re even collaborating on our mail service. We work together all the time. I had asked him on one of the things, we wanted to investigate whether or not there were some productivity improvements we could get out of improved software. I said, “What do you find when you go to other places?” Just like I asked for signposts of excellence, “What do you find, what are the good accounting packages? What do you use in units?” Fifty percent of the Cities and Boards of Ed in Connecticut basically use MUNIS. And we’re happy with MUNIS. But you know, maybe we could use MUNIS more effectively or there may be others. I asked him, “What would be better?” And he turned that into, “There’s no communication between the City and the Board of Education.” Now, I’ve known the City has been interested in a new accounting package for years.

In conclusion, I would like to say once again, I will acknowledge the City’s strong financial condition is great and as citizens, we owe that to you. We also owe that to all of the volunteers that make this a wonderful place to be, particularly our volunteer firefighters, because they’re the ones that really enable the City to save an awful lot of money year after year after year. But in these difficult times, I have to say that I was disappointed that so much incorrect information was put forward at a public meeting, by an outside professional paid by the City. When everything seems to be difficult and a struggle, I think it is a disservice to Shelton citizens and taxpayers to provide incorrect information that only serves to increase their anxiety and their concerns. I just hope that next year we find a way to do better.

Alderman Anglace thanked Mr. Cameron.

10.3 Acceptance of Storm Water Management Facility (Parcel A) for Scenic Grove Subdivision

Alderman Anglace distributed a paper to Mr. Bellis. He stated, what that copy represents, Steve, is that knowing we were going to get together here, knowing what we were asked to do, and knowing that there were many months of deliberations that went on before getting to this point, I took it upon myself this week to spend a considerable amount of time reading and summarizing, in summary form, all of the minutes of Inland
Wetlands Commission on this subject, all the minutes of Planning and Zoning on this subject, so that I could get an idea, and the Board could have a better idea of what took place. Another reason was like a checkpoint to see how the rest of the City is operating and how the public is being treated in these matters. What we’re being asked to do tonight, and perhaps before you say anything, perhaps it might be a good idea for us to put on the floor the motion that we’re being asked to consider so that we have it on the floor and then we can discuss it.

[The following is the summary that Alderman Anglace distributed:]

**LEGISLATIVE SUMMARY**

**SCENIC GROVE ESTATES - 15 LOT SUBDIVISION**

**August 12, 2010**  **INLAND WETLANDS (IW)**
- Scenic Grove Estates application submitted to IW for approval.
- 15 lot subdivision - 5.8 acre parcel - R-3 Zone - 1/4 acre lots -
- Proposed to extend Richard Blvd. to Grove Street -
- Approval needed to cross wetlands and to build a detention pond.
- Application accepted for review.

**September 9, 2010**  **INLAND WETLANDS**
- Letter read from City Engineer recommending Detention Pond revisions - Discussion held - Neighborhood input allowed - IW concerns identified.
- IW consensus to have applicant continue with proposed plan & address all areas of IW and City Engineer concern.
- Come back at next meeting with any new proposals.

**October 16, 2010**  **INLAND WETLANDS**
- Alternative location for detention pond drawn up.
- Field walk and meeting with John Cook & City Engineer completed.
- The pond is about 1/3 bigger with 1/3 more volume.
- John Cook Report ... applicant prepared revised drawings & computations to reflect discussions at September IW meeting,
- City Engineer will now review. Downstream property owners will review.
- Noted lot-by-lot infiltration structures as being most comprehensive.
- Detention basin is a future component of City infrastructure since City will maintain it.
- City Engineer completed his review as of Oct. 10, 2010 and summarized his findings.
  - Design modifications suggested by IW & City Engr. were incorporated.
  - Downstream property owners claims are not true based on historical citywide topographic maps & natural drainage path viewed prior to Audubon Lane development.
- City Engineer endorsed the revised plan with reservations
- Peter Gomis said we are not opposed to this development but they are opposed to the development as currently proposed because we feel it will worsen our current situation.
• The City Engineer & the Applicant's position was that the applicant's proposal is going to make Mr. Gomis' situation better.
• The Applicant consented to extension of time & a Special Meeting on Oct. 29, 2010.

October 28, 2010 INLAND WETLANDS SPECIAL MEETING
• Field walk with the City Engineer, the IW Administrator, the Applicant's Engineer and Mr. Gomis' Engineer was conducted.
• They reached agreement.
• Mr. Gomis acknowledge satisfaction with the resolution.
• Inland Wetlands Commission approved permit application #10-10, Scenic Grove Estates unanimously.

November 9, 2010 PLANNING & ZONING (P&Z)
• Application #10-22, 252 Grove Street, LLC for Subdivision Application (Scenic Grove Estates, 15 lots), Richard Blvd. (Map 94, lot 17), R-3 District accepted for review.
• Jim Swift presentation:
  o No waivers or requests for variances.
  o Wetlands permit issued to cross wetland watercourse & build detention pond.
• Public comment heard by P&Z with most speakers opposed to removal of the cul-de-sac.
• Chairman Parkins explained that this application was a matter of right - they have a right to build in an R-3 zone in accordance with zoning regulations.
• The application was accepted.

January 11, 2011 PLANNING & ZONING
• Examined two cul-de-sac approach as an alternative plan of development.
• City Engineer recommends a through road.
• Police department recommends a through road.
• Fire Marshal says the F.D. can live with either approach.
• The applicant favors a through road.
• P&Z voted to extend the review process to February 9, 2011.

January 25, 2011 PLANNING & ZONING
• Letter received from Attorney Stephen Bellis that 252 Grove LLC agrees to extend P&Z time to decide the application until February 9, 2011 and asking that it be placed on their February 8, 2011 Agenda.

February 8, 2011 PLANNING & ZONING
• There are two road options ... two cul-de-sacs or a through road.
• Chairman Parkins noted that the City Engineer must sign off/approve since he issues road & driveway permits. No permit - no development - application nullified.
• Chairman Parkins noted also that from a planning perspective, it makes sense to do a cut through (one contiguous road).
• Chairman Parkins summarized:
  o Acceptance of the alternative plan (2 cul-de-sacs) eliminates over 30 years of neighborhood planning to provide a second access to the homes on Richard Blvd., Bruce Drive and Joseph Court.
Also, the alternative plan creates health & safety issues, snow removal problems and the existing Richard Blvd. cul-de-sac pavement would remain permanent when it only has a temporary easement.

The applicant has a right to build a through street and is willing to do so and this is the most desired approach from an Engineering standpoint.

The Conservation Commission suggested that P&Z require the six corners of Parcel A to be pinned for delineation and for maintenance purposes.

It was also noted that there is evidence in the City Clerk's office showing the Richard Blvd. to be a temporary cul-de-sac.

**P&Z VOTED 5-1 TO ACCEPT THE 15 LOT SCENIC GROVE SUBDIVISION AS PRESENTED.**

**NOTE:** P&Z did not require pinning of Parcel A. They did not approve it with any restrictions. Consequently, Richard Blvd. will proceed through the new development and the road through this development will be 26 feet wide as proposed by the applicant. The question remains if the BOA can approve the detention pond subject to pinning and a road width of 30 feet.

**February 17, 2011 RICK SCHULTZ LETTER**

- Rick sent a letter to the BOA asking that the Board accept Parcel A (Storm Water Management Facility) as designed by the developer.
- He says that P&Z approved this subdivision at their February 8, 2011 meeting subject to the BOA accepting Parcel A into the City infrastructure.
- The minutes do not reflect this. The motion simply moves to "accept" with no stipulations.

**MISSING:**

On page 16 of the P&Z February 8, 2011 minutes there is reference to a draft resolution being read by into the record by Rick Schultz but that resolution is not in or attached to the minutes. It appears that this Resolution was to be the document used to approve application #10-22, 252 Grove LLC. However, the minutes do not show details of what was approved --- only that P&Z voted 5-1 to accept the 15 lot Scenic Grove subdivision as presented.

Can P&Z clarify what was approved? Is it necessary for clarity purposes to revise your minutes or repass your motion?

**OTHER OBSERVATIONS / QUESTIONS:**

- There is no requirement to pin Parcel A and this is something we would like to see done.
- We have been told that the street will ultimately be accepted into the City infrastructure and that this detention pond will hold water run off from the City street. Will water from any other source be directed into the detention pond?
- Should the detention pond be completed before the BOA accepts it?
- And, who will oversee the building of the detention pond and certify that it has been built to design specifications?
What costs are involved in maintenance?
What are the City liabilities if we accept this detention pond?
What recourse does the City have if this detention pond fails 1, 2 or 3 years out?
Is a Performance Bond necessary for this pond?

Alderman Papa MOVED to accept the Storm Water Management Facility as designed by the developer as part of the Scenic Grove Subdivision and shown as ‘Parcel A’ on attached map subject to being pinned at six points by the developer; 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, I think, if I got this right, Planning and Zoning did not make this pinning part of their motion. It was not in the minutes.

Mr. Bellis stated, I don't know whether it was or wasn't, but I have no problem on behalf of the developer. I thought we agreed to it but it doesn’t matter.

Alderman Anglace stated, why don’t you make an opening statement.

Mr. Bellis stated, I'll be very brief because I think it can be summarized in about two seconds. This was a conventional subdivision application and if the applicant meets all the regulations in our Planning and Zoning and subdivision regulations, the Planning and Zoning Commission has to approve the application. Also, in a subdivision application, you have to comply with the Long Term Plan of Development that the City has adopted. It has to be in conformity with that. In the Long Term Plan of Development, it says right in it that the City shall accept these detention ponds. So what we've done is we drew on the map an area called “Parcel A” that has a detention pond, and that's what we're asking you to accept.

I see you have some questions, but let me tell you real quickly why we’re asking you this. When you file a subdivision map, you make a mylar that the City Engineer reviews and the Planning and Zoning Commission signs off on and it's recorded in the Town Clerk's Office, and then the public is allowed to rely upon that map to buy the lots and see who owns what lots. In order to prepare that mylar after a subdivision is approved, you have 90 days to file that mylar or you lose your approval.

So what we’re asking is for you to accept Lot A where the detention pond is so that we can go ahead and make the mylar and then have it recorded on the Land Records. That’s basically it.

The actual detention pond itself is reviewed by the Inland Wetlands Commission. There is also a review by our City Engineer. It’s designed by the applicant’s engineer so when it’s built, he has to put his certificate on it. At some point in time the City will be accepting the City road. The road, when accepted, usually is done by deed and at that time there’s an acceptance of [inaudible].

Alderman Anglace stated, I’m sure we’re going to have more questions of you. Right now you can sit down. Where’s John Cook?

Mr. Bellis replied, he had to go to a Wetlands meeting.

Alderman Anglace stated, I’d like to have him here.

Corporation Counsel Welch stated, they have their regular meeting going on upstairs.

Alderman Anglace stated, we won’t keep him too long. I want him here because I’m going to cover, point by point, what you did. You started off by taking your application to Inland Wetlands Commission. I believe that you’ll find in my hand out that there were meetings held on August 12, September 9, October 16 and October 28 at Inland Wetlands Commission. While you went to Inland Wetlands Commission, the public
concerns – the concerns of people living below your development, which is extremely hilly, they were suffering from other previous developmental concerns, not yours. They came to this meeting and said, “Look, we’re not opposed to your subdivision, but we don’t want our problems exacerbated by your development, and that’s our concern.” And that went on and Inland Wetlands Commission did not have to listen to anybody from the public. There was no requirement because this is a subdivision; it’s a matter of right. If I’m wrong, correct me. I understand, though, that they did hear the public, they did take a report from Mr. Gomas’s environmental engineer and ultimately, and this, I thought, was a real credit to everybody involved, the public, the Inland Wetlands Commission, and the Scenic Grove Estates organization walked the land, met with his engineer, and worked out an arrangement that everybody is satisfied with. You couldn’t have ended any better. I just thought that John Cook should hear that and John Cook should tell the entire Inland Wetlands Commission group that was a tremendous resolution and that they handled it in a transparent manner and just did a wonderful job. You guys were terrific and cooperative throughout – Jim Swift, your whole organization.

Then we moved to Planning and Zoning. I don't know what role the City Engineer had in the wetlands part of this thing, but I’m sure you reviewed it and I’m sure you talked to them. I see your footprints all throughout the document, but I’ll talk about you [addressing Mr. Kulacz], later. Then we went to Planning and Zoning and you met with them January 11, 25, February 8, and at that point it was resolved.

I understand that at Planning and Zoning there were additional neighborhood concerns. Concerns being, they wanted to try to keep the cul-de-sac at the end of Richards Avenue intact. I understand there were members of Planning and Zoning that were trying very hard to retain that for the members of the neighborhood. You guys proposed the development, but you would go either way. That’s what I understood you were willing to do. Our own regulations were such that we couldn’t retain the cul-de-sac because we only have a temporary easement, and you can’t convert that to a permanent easement, so based on the regulations, Planning and Zoning couldn’t do what the people wanted done. They raised some other concerns and the Planning and Zoning Commission Chairman, Ruth Parkins, has sent me an e-mail which I think I either shared with the Aldermen today, I just got it today. She sent me the neighborhood concerns of people that contacted her, and her response to them, so the Board can see that Planning and Zoning bent over backwards to try and help and offered them solutions or ideas and ways to manage the problems that people perceive might happen. These problems may or may not happen. Planning and Zoning finally came down to a 5-1 vote and sent it to us to adopt Parcel A. As you say, the regulations require that we adopt Parcel A – the Long-Term Planning regulations.

Alderman Finn stated, I never received an e-mail from you today at home pertaining to this matter on the agenda tonight.

Alderman Anglace stated, I said that Ruth Parkins sent me an e-mail and I think I forwarded it, but if I didn’t, I will.

Alderman Anglace continued, Inland Wetlands Commission held a total of four meetings over a period of two months and generated 29 pages of minutes. Planning and Zoning held four meetings over a period of three months and generated 25 pages of minutes. This doesn’t include the staff time, the field time, the City Engineer’s time. As I go through this, believe me, I bet I spent 30 hours looking into this and checking everything and reading every word that was said publicly, and I’ll tell you, I’m pleased with the transparency and manner in which you lived up to our regulations, which you have to do, and accommodate the public and explain to the public every step of the way. Given all that, I think we still have some questions. Do any of the Aldermen want to make any comments on this?

Alderman Simonetti stated, I know Mr. Cook isn’t in the room, but I had a conversation with him today. He said that at the time of the Inland Wetlands there were two families that came before the Inland Wetlands Commission – the Gomez’s and the McNeil’s – that there is no statute or regulation or ordinance that says you have to tell everybody in the neighborhood what you’re doing, so there was no reason to alert the public. He said
that when your engineer finished, and Gomez’s brought in another engineer, they suggested that you, the builders, the engineers took those documents went through and incorporated those into what your plans were and actually made the area 1/3 larger and that the, I asked him was everybody pleased, and well I can’t say it was 100 percent pleased but he said he never received any other requests or complaints or anything like that after the fact. Those things I know at least the Inland-Wetland there was cooperation on the part of the builder, the City Engineer also, and their engineer.

Alderman Finn asked, who’s the developer?

Mr. Bellis replied, 252 Grove, LLC.

Alderman Finn asked, and who are they?

Mr. Bellis replied, Doug Noll, Larry Ellis and myself.

Alderman Anglace stated, Rick, there’s another issue here that during your discussions the pinning was one, that didn’t get into a motion from Planning and Zoning, the second issue difference was, the road width at Richard Boulevard is 30 feet wide and the proposed road through Scenic Grove Estates is going to be 26 feet wide. How was that resolved? I didn’t see any resolution of that.

Rick Schultz, Planning and Zoning Administrator, replied, I prepared what is titled “Draft Motion.” This should have been with their minutes. It’s my responsibility; it should have been there. I’m going to make a better effort to make sure it’s attached. This was read and you can hear it on the tape.

Alderman Anglace stated, let me read you what I wrote. “Rick sent a letter to Board of Aldermen asking that the Board accept Parcel A, Stormwater Management Facility as designed by the developer. He says that Planning and Zoning approved this subdivision at their February 8, 2011 meeting, subject to the Board of Aldermen accepting Parcel A into the City infrastructure. The minutes do not reflect this. The motion simply moves to accept with no stipulations.”

Mr. Schultz stated, that’s incorrect. I read this draft motion. Mr. Bellis was there. He heard it, and I’ll highlight the sections.

Alderman Anglace asked, would you share with us what that resolution contains, because none of us are aware of it.

Mr. Schultz stated, the draft motion reads: “to waive the cul-de-sac diameter”, that was gone. But also, “to approve the 15-lot subdivision known as Application 10-22, R-3 district of plans titled Scenic Grove with through-street prepared by James R. Swift dated October 28, 2010 with the following conditions: 1) bonding; 2) the completion date; 3) that lots 1 through 15 require engineered site plans; 7) staff be notified 48 hours in advance of construction; 9) the Mylar map for filing shall have the proper signatures of the Chairman and the City Engineer; 12) all sediment and erosion control shall be in place prior to the start of construction; 18) adheres to the requirements of the Fire Marshal; 20) adheres to the requirements of the Police Department; 21) adheres to the requirements of the City Engineer; 26) prior to the commencement of the subdivision improvements any boundary lines of Parcel A shall be established in the field and marked by permanent, readily-visible markers where such lines intersect any lot.” That covers the pinning of it. 27) a note shall be placed on the Record Map for the public to see the removal of existing vegetation, stone walls; 28) existing trees may be used to satisfy the [inaudible] requirement; 31) a [inaudible] for the new street within the development shall be submitted to the Planning and Zoning Department prior to the endorsement of the Record Map; 31) developer shall be responsible for the purchase and installation of all required street signs, traffic control signs. 33) payment in lieu of open space shall be noted on the Record Map and paid prior to the endorsement of the Record Map. That payment has been submitted. 34) acceptance of Parcel A by the Board of Aldermen; 35) the construction plan shall incorporate a uniform 30-foot-wide pavement. Richard Boulevard currently is 30 feet. The developer requested a reduction to 26. The Commission believed it was better to maintain the 30 foot wide.
Alderman Anglace stated, so you’ve got to get that resolution back into your minutes, amend your minutes to get it in there.

Mr. Schultz stated, this will be on tomorrow.

Alderman McPherson asked, why was the request to reduce the width of the road from 30 to 26?

Mr. Schultz replied, 95 percent of new roads that are construction for the most part are reduced to the 26-foot wide. But when you have an extension, and the lots are only 12,000 square feet, the commission believes that the uniformity is a public safety issue. Smaller lots you have more parking on the street. I don’t have to remind you of how bad this winter was. It really chokes it down.

Alderman McPherson stated, you mentioned the Police Department and the conditions. They didn’t recommend the thru-street.

Mr. Schultz replied, yes, they did. They endorsed the City Engineer’s recommendation. The Fire Marshal said that he could live with either/or.

Alderman Finn asked, what did the Fire Department say, the Assistant Chief of the Fire Department, what was their recommendation?

Mr. Schultz replied, right now, we’re without a Fire Chief, and all referrals are made to the Fire Commissioners.

Alderman Finn stated, not the Assistant Chiefs.

Alderman Papa asked, when these projects are planned, these subdivisions, do you have to have a public hearing of the neighbors in the area?

Mr. Schultz replied, no. For an as of right subdivision, a public hearing is not required. We do have a notification requirement and the developer fulfilled that.

Alderman Papa stated, so if you’re not changing the zoning, you don’t have to have a public hearing.

Mr. Schultz explained, no. You post the property and send out notices by certified mail.

Mr. Bellis stated, anyone within 100 feet gets a certified letter.

Alderman Papa asked does the developer do it or is it Planning and Zoning.

Mr. Bellis replied, no, we do it.

Mr. Schultz stated, the developer posts the property – we had a sign at both ends, and the certified return-receipt mailings were sent by the developer.

Alderman Kudej asked, you have the receipts?

Mr. Schultz replied, oh absolutely.

Alderman Kudej continued, I understand there were a lot of people that weren’t notified.

Mr. Schultz stated, the 100 feet does not cover the whole road.

Alderman Kudej asked, what did you do, notify the first two houses on the street?

Mr. Schultz replied, essentially yes.

Alderman Kudej stated, you didn’t care about the rest of them. Because Richard Boulevard is quite a long street and we only notified two people.
Mr. Schultz stated, and Grove Street.

Alderman Kudej stated, that’s wonderful.

Alderman Anglace stated, why don’t you ask them to change the regulation?

Alderman Kudej asked, if we vote on this retention pond, the City has to accept it?

Mr. Bellis stated, the City accepts the City road after it’s built.

Alderman Kudej stated, you said they accept the retention pond too.

Mr. Bellis stated, it would become the City’s property, yes.

Alderman Kudej stated, I’ll tell you why, because there’s another retention pond just a couple hundred yards away from there, and I know that we’ve had problems with that retention pond ever since I’ve been involved. According to Mr. Gomez’s report, he checked out the retention pond and it’s not being maintained. The owner at one time wanted it deeded to the City and I know originally the City had refused. I hope the City hadn’t changed their mind and accepted that thing, because that’s a big liability. We’ve had water problems in that area for as long as I can remember. Some of you people that are involved here I had down on Bruce, if you remember, I took a tour with some of our officials about all the water that was being spilled down there.

Mr. Bellis stated, I have nothing to do with that property.

Alderman Kudej stated, you know, it’s nice to say you’ve got a retention pond and it’s going to solve the problems. But if it doesn’t, who is responsible? Because I don’t think it’s going to work.

Mr. Bellis stated, well, I’m not an engineer, but our engineer, I hired one and paid him money to design it, and he designed it and had the City Engineer review it and had another engineer review it.

Alderman Kudej asked, and if it doesn’t work, what happens?

Alderman Finn stated, you’re going to end up in court like you did on [inaudible] Drive.

Alderman Kudej asked, what kind of soil do we have there in that whole area you’re going to be building in? From what I understand you’ve got an all-fabulous plan that’s going to drain into that retention pond.

Mr. Bellis stated, that’s correct.

Alderman Kudej asked, what kind of soil do you have there?

Mr. Bellis asked, what kind of soil? I’m not a soil scientist. I don’t know.

Alderman Kudej stated, you’re going to be piping water into this retention pond, no?

Mr. Bellis stated, yes. Storm water goes down the property now. What this is doing is catching any additional runoff because of the impervious asphalt.

Alderman Kudej asked, so, what kind of soil do we have?

Mr. Bellis stated, I don’t understand the question.

Alderman Kudej stated, it’s all rock. It’s a rocky soil there and it’s very hard to drain. We have a problem on Grove Street that I’ve been trying to get the City to correct and we can’t...
Mr. Bellis interjected, I can address that for you. As part of this subdivision application, some of the water is going to go to Grove Street and we have to install a storm water pipe along Grove Street, all the way down Grove Street, and we have to pay for that, not the City.

Alderman Kudej asked, and where is that water going to be going? Because down at the bottom, it’s always flooded. The City has tried to make repairs there but we can’t dig into it because of the rock formations.

Mr. Bellis stated, I can’t solve all of the City’s problems; I’m only concerned about my problems on this particular lot.

Alderman Kudej stated, we have problems too. People call us when they have a problem.

Mr. Bellis stated, I understand that.

Alderman Kudej stated, you know, and to give me a piece of paper and say everything’s fine and everything’s been approved and everything is engineered, doesn’t do me any good because when the phone rings and the people are being flooded out, what do I tell them?

Mr. Bellis stated, I don’t know. I can’t answer that. Just like the people in the Maples get flooded, I don’t know what to say to them.

Alderman Anglace stated, in addition to the applicant, you have Planning and Zoning, Inland Wetlands. Inland Wetlands was involved with the detention pond, with the design, and the City Engineer was involved with that. To the best of their ability they designed something and they designed them to the standards of the industry, and beyond that, the questions we have, and I think what Stan is trying to get at is, where does the City stand – what if this breaks down in one, two, three years. Where do we go? We don’t go any place because once we accept it, we own it and it’s our baby to maintain.

Mr. Bellis stated, I agree.

Alderman Anglace continued, so what we’re doing is saying, based on the best information that we have from our Inland Wetlands Commission and our City Engineer, who has reviewed it, and your engineer who they talked to, they’re recommending that this is the best that we know to build at the moment. Is that correct? And if it’s the best we know, the City can’t just say, the other thing I looked at, because it was suggested, why don’t we require you to form an association so the 15 homeowners take care of the problems associated with the pond.

Mr. Bellis stated, why not have the 15 homeowners own the road? Make it a private road. The City has to step up, I mean, that’s why we have roads. So, we could have all private roads in town.

Alderman McPherson stated, Housatonic Rise, isn’t that a private road?

Mr. Bellis stated, it had to be a private road because that did not meet the slope that’s required for our regulations to have a public road. It’s steeper than what’s required in the regulations. So the City said, you can’t build it to our regs, we’re not taking it. So no, they did not take Housatonic Rise, and correctly so.

Alderman Anglace stated, but that’s not the case with this project. This project....

Mr. Bellis interjected, this project meets the regulations

Alderman Anglace continued, ...a through street, so we have to accept the road. And if we accept the road we’ve got to do something with the runoff. What do we do?
Alderman Kudej stated, I want to ask, what is this “subject to being pinned at six points by developer,” what does that mean?

Mr. Bellis replied, it means they want to know where that parcel is so that someone can go out in the field, a surveyor, and stake it out so that they know where the City owns.

Alderman Kudej stated, so as I read this motion this evening, all you’re asking for is for us to approve this retention pond. Nothing about the roads, nothing about the houses. Just the retention pond, correct?

Mr. Bellis replied, that’s correct.

Alderman Kudej continued, and you’re telling me there’s no guarantee that this retention pond is going to work and if we accept it we’re liable for it.

Mr. Bellis replied, that’s correct.

Alderman Kudej interjected, I know you can’t guarantee it.

Mr. Bellis stated no, I can’t.

Alderman Kudej stated, I’ve dealt with engineers before telling me a lot of good things, and it didn’t work.

Alderman Anglace stated, I think the focus of your question is more appropriately directed to our City Engineer and our Inland Wetlands people. The applicant has proposed something that we have agreed with is the best facility that they can build, or we would have asked them to do something else. So I then turn and ask, what is the City liability; what can we expect by way of maintenance, and I think we’d like to hear that from the City Engineer or Inland Wetlands.

Alderman McPherson stated, I’d also like to hear, too, with Alderman Kudej’s question about the rock, the soil, the draining down into Grove Street, and the problems we’ve had there, and is it going to make that any worse than we have now.

Alderman Anglace stated, well, listen to the City Engineer. Bob, would you mind?

City Engineer Bob Kulacz stated, in Shelton we have approximately eight detention ponds in subdivisions. To give you an example, the corner of Suren Lane and Poplar Drive, Redwood Circle, and right in this immediate neighborhood at the end of Audubon Lane. In this particular case, this proposed detention pond, this is not a typical request. It’s not what we normally do. Normally we have a detention pond to be on one of the building lots with an easement in favor of the City. Audubon detention pond, for example, belongs to the last parcel on the left. It’s an oversized lot. The lot area is sufficient to have the house as well as the detention pond. So the property owner has the benefit of their normal sized lot like everybody else and they also have the extra area – it does belong to the property owner – however we do have the right to enter and operate and maintain that detention pond. We maintain it; it’s our responsibility.

Alderman Kudej was correct in saying there were concerns and issues with that detention pond when it was first constructed. The outlet structure, the weir that controls the outflow wasn’t built precisely correct; it was modified during the time that it was under the maintenance bond or before it was formally accepted by the City, and it was taken care of.

In this case here I would recommend to the Board and I know we’ve kind of gone off on a lot of tangent subjects here, basically what I would recommend is that the Board of Aldermen require this detention pond to be added to the adjacent parcel just like we did on Audubon Lane and the same thing that happened on Suren Lane, Redwood Circle and also Wake Robin Lane and Saw Mill City Road. Make it an oversized parcel. The detention pond will be on that private property with an easement in favor of the City so we can enter onto that private property and maintain it in the future when we accept it as part of our storm water management system that we’re going to accept with all the
storm drainage in the street, the storm drains that the developer is going to install on Grove Street. There are cases where detention ponds are on open space property or areas where the open space is a significant parcel of five to 10 acres, particularly on Whippoorwill Lane off of Soundview. In those cases the detention pond is on City property but it was there solely because it was a large parcel and that’s what was decided by the Planning and Zoning Commission. To be consistent, I would recommend that this one be incorporated into one of the building lots in the Scenic Grove Estates subdivision, and we’ll put the issue to rest right now and you won’t have to have any more discussions.

Alderman Kudej asked, when did we accept Audubon Lane?

Mr. Kulacz stated, I don’t know what the exact date was; whenever the road was accepted we accept all the infrastructure that goes along with it – the sanitary sewer that’s in the road, any storm water facilities that drain to a watercourse or pond, that’s all part of the infrastructure that’s accepted.

Alderman Kudej stated, I remember when I was there with a number of people. It did not belong to the City. In fact, some of you guys didn’t even know it existed. Somebody had said, the other side, “Why doesn’t the City buy it or retain or accept it?” And the Mayor, at that point said, “I’m not interested.” All of a sudden we’re supposed to maintain it and according to the engineer report from Mr. Gomez that the retention pond is in poor shape.

Mr. Kulacz stated, well, we don’t agree with everything that has been presented by Mr. Gomez’s engineer. But we worked with his engineer. I asked that certain things be incorporated when we had the joint meeting, and everybody seems to be on the same page. The outflow from that retention pond will be flowing into this new detention pond so between the two of them working we shouldn’t have an issue. There’s still going to be times when we have downpours that there will be runoff coming down, we can’t deny that. What the detention pond does, it doesn’t act to infiltrate it into the ground and make it disappear, it’s a storage pond. It’s designed to fill up. It’s designed to keep the post-construction runoff rates equal to or less than the pre-construction rates.

Alderman Papa stated, Bob, you said you want us to amend this motion to add to the existing retention pond that was already there and make it...

Mr. Kulacz interjected, I would send it back to Planning and Zoning. I don’t think it has to go back to the Commission, but, I don’t know, maybe Rick could answer the question, whether the Commission would have to act on it again in regard to the Parcel A, but it should be, the detention pond should be put onto one of the adjacent parcels, make it a larger than normal parcel like we did on Audubon Lane.

Alderman Papa stated, so combine two of them instead of having just one.

Mr. Kulacz stated, right, in other words you’d have an oversized parcel. This is, again, what we did on Redwood Circle, Suren Lane...

Alderman Anglace asked, what’s the advantage of that?

Alderman Papa stated, it’s a larger area to contain?

Mr. Kulacz stated, the same amount of land is going to be there. The homeowner can enjoy a larger parcel even though there is a pond there. For the most part, the pond is dry except for the trickle channel that may be flowing through after a storm.

Alderman Papa stated, the proposed retention pond, where is the one adjacent to it, what is that called?

Mr. Kulacz stated, it just a detention pond at the end of Audubon Lane. I don’t know what the address is; it’s the last house on the left on Audubon Lane.

Alderman Papa asked, you’ll combine them both so it will be a larger container?
Mr. Kulacz stated, if you take a look, they’re .25 acre lots and the last lot is oversized, it’s like double or 1.5 times the size. So the homeowner has an equivalent area to use like everybody else, but also has the pond on it. They can certainly use that.

Alderman Papa asked, is that something Planning and Zoning would have to review and bring it back to us?

Mr. Kulacz stated, I thought that is what was happening on this development. I didn’t think there was going to be a dedicated parcel for the storm water facility. I thought it was going to be incorporated with that lot, like we have in the past.

Alderman Kudej stated, the retention pond on Audubon Lane and the new proposed one are not adjacent. It’s some distance away. It’s got to go across the street, across the neighborhood lots, you’ve got people living on the other side of the road, and then down, that’s where the new one is being proposed. So don’t give us the impression that it’s close by where they can be connected, because it isn’t.

Mr. Kulacz stated, but they are connected, it’s a distance away. I don’t know if it’s 300 or 500 feet, it’s the same type of situation. What I’m trying to propose is, let’s set up the same situation that we have on Audubon Lane. Make an oversized lot with a detention pond on that lot with an easement in favor of the City to maintain it like we have and be consistent with the neighborhood and the other smaller lots with this detention pond that’s not located on open space.

Alderman Anglace stated, I don’t see, I still don’t understand the advantage of doing that. I look at Parcel A, and it’s bigger than Lot 9 or Lot 10 or any of the other lots. It contains, for the most part, the entire lot contains the detention pond. I don’t see an advantage of incorporating it with anybody else’s property. What’s that do for us? If this piece of property comes to the City, we are free to go in any time we want and maintain it and do what we have to do. If we put it in the ownership of Lot #9, which is next to it, those people are going to think that the lot belongs to them, and it’s their property, they can go in and do what they want with it. You just don’t know what’s going to happen.

Mr. Kulacz stated, well, for example, the detention ponds on Suren Lane and Redwood Circle, those were built in 1979. We haven’t had an issue with them. No one has called me about the detention pond on Audubon Lane that they don’t want it on their property or would like to sell it, as far as I know. Maybe other people heard that but I’ve never heard of it.

Alderman McPherson stated, those detention ponds up on Suren, was that tied in with the acceptance of the road?

Mr. Kulacz stated, yeah, it would be. That was probably under a different circumstance because that was a subdivision that went under and then the City took the bond and completed the project back in 1982. It’s part of the infrastructure. It’s part of the drainage system for the roads.

Alderman McPherson stated, so why isn’t this being tied to the future acceptance of the extended Richard Boulevard?

Mr. Kulacz stated, it would have been if it was normally presented on the plans as part of an oversized lot. But in this case, they’re looking for the City to accept ownership in fee of that parcel which would contain the retention pond. On Audubon Lane right now is an oversized parcel with a detention pond, and the City has the right to enter over that area on the property to maintain and whatever you have to do with the pond. So you have the right of access at any time. You don’t need to own the land outright in fee to maintain something. Just like if we had to run a storm sewer or sanitary sewer through your back yard to go to another street to complete a project, you still own the property but we have the right to maintain and replace this infrastructure as needed.
Alderman Anglace stated, I have a few other questions I want to put on the table, just so that they’re out there and we don’t lose sight of them. These are the other issues that I’ve got hanging. I want to see if I can understand the liabilities and the maintenance that the City is accepting when the Board of Aldermen accepts the storm water management facility, Parcel A. I want to know, should the detention pond be completed before the Board of Aldermen accepts it? Is that the appropriate time to do it? Who oversees the building of this detention pond so that what our engineer thinks should be done is done, and who certifies that to us? If we accept this today, I don’t know what it’s going to be built like. It’s supposed to be built to the standards, but who is watching over it? What costs are involved to the City in maintenance? What recourse does the City have if the detention pond fails in one, two or three years down the road? Is there a maintenance or performance bond necessary to do this pond? Those are the issues I have. I want to get them on the table.

Alderman Simonetti stated, I still haven’t heard the answer, why didn’t we attach it to Lot number 9? It makes sense. The other question I have is, we don’t always accept a road just because a project is done. Even if all the houses are built and they’re all filled with families, we may hold out the bond on the road because there’s a problem – they’re cracked, maybe the sewer head is, the storm head is up and it should be moved, or whatever. We ask them to go back and fix it. Why can’t we wait until this is all built, give it a year and see if it actually works before we release the bond. Why are we being asked to accept it now? The comment I have to make is, again Mr. Cook isn’t here to confirm this, but he did say to me that, somewhere in the documentation and I couldn’t find it but he said it’s there, is that the engineer for the builder is going to supervise the building of the retention pond because in past times, the engineers says after it doesn’t work, he says, “Well, I didn’t watch them build it. I’m just an engineer. I wasn’t there on the construction site.” So he is going to have to, maybe Attorney Bellis could tell me about that, say that he is going to supervise it so it’s built correctly.

Mr. Bellis stated, that’s right. He is. And he certifies it; he’s an engineer.

Alderman Simonetti stated, so back to my first question. What is the advantage of attaching it to Lot #9?

Mr. Bellis replied, I don’t see any advantage and I’m not going to agree to that.

Alderman Simonetti stated, is there a tax advantage, Jack?

Mr. Bellis stated, that little piece of property on the tax rolls? It would come out to about $10 a year.

Alderman Simonetti stated, that’s Jack’s assessment, I understand that.

Mr. Bellis stated, no. The City is going to have to maintain this whether it’s in fee or whether it’s owned by an association or by Lot 9, 8, 7, 6, 5. No. There is no association.

Alderman Simonetti stated, if there was one, then they would...

Mr. Bellis interjected, let me just start with the premise, if we don’t like the Long Term Plan of Development; you don’t like what’s in it – that’s what we’re following. It says the City should own this. We are following the City’s regulations. Now you don’t like them or some of you don’t like them and you want us to change it, our job is to follow the regulations that are subdivision, zoning, and the Long Term Plan of Development. It’s your Long Term Plan of Development. I don’t know why this is being hashed out for an hour. I’m not upset with you for asking questions but there’s no difference in fee to the City maintaining it, whether Lot 9 maintains it or I maintain it from my house on Lane Street.

Alderman Finn asked, what would be your other option to put in the storm water facility? What is the other option for drainage?
Mr. Bellis stated, no. The way I understand it is the way the engineer explained it, that there can’t be a net increase in runoff. So what you do is build these detention ponds. They catch the water and fill up as you described, and slowly leak it out. Otherwise you get a torrent, like a river, going across someone’s property. You get gullies and ruts, and no one wants that.

Alderman Kudej stated, we have a lot of water running down that, and I’ve been there during a rainstorm and it’s like Niagara Falls.

Mr. Bellis stated, right. So the idea with this detention pond is that it catches that water and it trickles it out.

Alderman Kudej stated, I have doubts looking at this thing whether it’s going to work or not, all right? You say you have an engineer. Do you care to give us his name so we can check his references?

Mr. Bellis replied, James Swift.

Alderman Kudej asked, James Swift is a retention engineer?

Mr. Bellis stated, he’s a civil engineer.

Alderman Kudej stated, he does all these fancy...

Mr. Bellis stated, he’s part of the Planning and Zoning Commission in [inaudible] many years. He’s very well respected. I don’t know what to say.

Alderman Kudej asked, did he do Audubon Lane?

Mr. Bellis stated, I don’t know that.

Alderman Kudej stated, that one don’t work too good.

Mr. Bellis stated, you keep telling me. I had nothing to do with Audubon Lane.

Alderman Kudej stated, because I know from personal experience.

Mr. Schultz stated, if I could have a couple of comments. Corporation Counsel will assist you on this, as he always does. Your charge is to determine which way you want to handle this. You have a couple of options. You’re hearing this all tonight. You could have a detention basin on land owned by the City. That is what is being requested by the developer. Parcel A. You could reject that, add it to Lot 9, the land, like in Audubon, and then there’s an easement over it. I think it’s important you understand – you do have options. You have to determine what’s in the best interest of the City.

Alderman Kudej stated, and Rick, you said...

Mr. Schultz continued, and if you do modify it; if you don’t accept Parcel A, my commission does have to go back and modify the conditions of approval.

Alderman Papa stated, so you’re saying that lot next to the retention pond, Lot 9, will not be a home there, will just be another detention pond, is that what you’re saying?

Mr. Schultz replied, no. Lot number 9 which is adjacent to it, if you decide that you do not want to accept, in fee, Parcel A with the detention basin, the developer has an option of changing the plan and incorporating all the land into Lot 9.

Mr. Bellis stated, Rick, I’m not changing it.
Mr. Schultz stated, I’m just saying, whether or not he pursues that course. And then the City would accept that drainage structure when you accept the road. So you do have options.

Alderman Anglance stated, we accept the Parcel A when we accept the road? Is that what you said?
Mr. Schultz replied, no. The developer wants to know now, if you will accept Parcel A, because it’s shown on the record map. The map needs to be recorded in the Land Records. If you don’t want to go that direction, then we’ve got to revisit it at Planning and Zoning Commission.

Alderman Kudej stated, you said something, I’ve heard it a couple times and maybe I’m misunderstanding something. Accept Parcel A in lieu of fee?
Mr. Schultz stated, no, “in fee.” It means you own it – you own the land. Fee simple.

Alderman Kudej stated, we’re getting the land for free. Is that part of the agreement that we have with Conservation? So doesn’t Conservation have a say in whether they would like to accept this?
Mr. Schultz replied, they’ve already made a recommendation.

Alderman Kudej stated, they accepted it.
Mr. Schultz stated, no. Their recommendation was to take the payment in lieu of any dedicated open space.

Alderman Anglance stated, they’re getting $10,000, right?
Mr. Schultz stated, we’ve already received it.

Alderman McPherson stated, we’re getting this tonight, yet it went to no committee of the Board. It didn’t go to Street Committee.

Alderman Anglance asked, what’s that got to do with it?
Alderman McPherson stated, well it does. At Street Committee we accept roads. This is being part of it, down the road, when we accept the road. The engineer said, in theory, or in past practice, these things are part of when we accept a road. So the question is, why am I voting on this tonight when this should have gone to Street Committee? The second question...

Alderman Anglance interjected, Rick, why didn’t you send this to the Street Committee?
Alderman McPherson continued, secondly, the other question is...
Mr. Schultz stated, that is your charge, because all of the Board members need to know about this.

Alderman McPherson continued, ...where is any accountability going to be when this thing goes in and gets accepted. God forbid we have some kind of mistakes like we have at Audubon Lane which is a nightmare for many years, where is the accountability? What does the Planning and Zoning Commission do? Do they even go out and look at what they’re voting on?

Mr. Schultz replied, absolutely.

Alderman McPherson asked, where is the accountability, and are we going to get stuck holding the bag? That’s what I want to know.

Mr. Schultz stated, as you heard tonight from everyone, there’s no 100 percent guarantee but there have been enough checks and balances put into place. At the end of the day, you’re getting a stamp from a professional engineer. We also have the
bonding route that we can take. The developer submits a performance bond to make sure it complies with the design. The City Engineer then reviews it after the project engineer stamps it that he built it to the [inaudible] of the plan. At that time, my commission accepts it and makes a recommendation to the full Board again. You have to decide to accept it and that triggers the maintenance bond, which is for a one-year period. I mean, you can adjust the period and the dollar amount, that's your call. Alderman McPherson stated, my other question is, did the Commission even consider this option? The option of bonding?

Mr. Schultz replied, not in details [inaudible].

Alderman Anglace stated, when we started out and we heard that, these are our regulations, City of Shelton regulations that you followed, that the applicant has followed. Now, the City of Shelton regulations required a review process, etc., and I think you've got all the minutes and I summarized it all here. All these things were done. Now, what do you want to do? Do you want to vote on it or do you want to refer it to the Street Committee?

Alderman Papa stated, I have another question. This went to Inland Wetlands Commission, they approved it. It went to Planning and Zoning Commission, they approved it. The City Engineer approved it.

Mr. Bellis stated, and the Conservation Commission.

Alderman Papa stated, so, now it's with us. Now, if we would say this is the wrong way to go, all the department heads that voted on it, I mean, I don't know where we're at. The bottom line is...

Alderman Anglace stated, if it's designed...

Alderman Papa interjected, if it's designed properly and you went through the right procedure having this retention pond built, and everybody has signed off on it...

Mr. Bellis stated, yes, they have.

Alderman Papa continued, now it comes to us and what the heck do we do?

Alderman Anglace stated, if it's designed to current engineering standards and its built to those standards and we oversee it, our people, I'm talking about our City Engineer and Inland Wetlands people, Bob, if you have something to add to this, please do.

Mr. Kulacz stated, we're talking about owning the piece of property versus having an easement on it. Now, my report did not realize that the applicant was going to have this new situation where we were going to own it in fee. This is, we're breaking new grounds here. Our past practice has been to have a detention pond on a parcel that belongs on one of the parcels in the subdivision. Unless there was a large piece of open space such as explained on Whippoorwill Lane. This one here would not be consistent with our past practice going back to our first detention pond, which we constructed or accepted in 1979.

What you're being asked to do now is to accept Parcel A. The pond hasn't even been constructed. What our office does, we're very satisfied with the design and the remedies that came about to address all the concerns of the neighbors. What I'm not in favor of is the City owning the parcel with the pond. It should be combined with that Lot number 9, make Lot number 9 an oversized lot similar to the end of Audubon Lane and we wouldn't be here tonight.

Alderman Papa stated, if that was the case, who is responsible for that retention pond?

Mr. Kulacz stated, we will be responsible for it.

Mr. Bellis stated, yeah, there's no difference.
Alderman Papa stated, so that adjustment you have to make...

Mr. Bellis stated, I’m not making that adjustment. No. I am not making that adjustment, because it doesn’t make any difference to the City of Shelton. You’re still going to maintain the detention pond. So the only difference is...

Corporation Counsel Welch interjected, Mr. Bellis, it does make a difference to the City of Shelton whether we own the fee or have an easement over a piece of property. So, it does make a difference.

Mr. Bellis stated, yeah, you got a better deal. You own it.

Corporation Counsel Welch stated, it’s an easement versus fee ownership, so there is a difference. The difference of having an easement over a piece of property and maintaining a facility versus owning the entire fee and we can argue as to how much extra land is available but there certainly is a difference.

Alderman McPherson asked, we would be setting a precedent?

Corporation Counsel Welch stated, you’re always going to own the storm water management facility that’s built. It will always be yours. Mr. Kulacz, is that correct?

Mr. Kulacz replied, that’s correct.

Corporation Counsel Welch continued, the storm water facility that is being constructed, once constructed, approved by the City Engineer, and signed off on, regardless of where it is and when it breaks down will always be your problem, if it breaks down. So the question, as Mr. Kulacz has correctly put forth before you is, whether you’re accepting this piece of land as ownership of the land. And if I’m correct from Mr. Kulacz’s statement, if it was just an easement this in fact would never even come before you. They’re asking you to accept the land. Is that correct?

Mr. Kulacz replied, that’s right.

Alderman Papa stated, so we would own it and take care of it.

Mr. Bellis stated, you’re going to take care of it anyway.

Corporation Counsel Welch stated, but you’re going to own the entire piece of land. That’s why you don’t have these coming before you in the past because they weren’t asking you to accept the land. Now this request is to accept the land, and then the detention basin is going to built on the land.

Mr. Bellis stated, Tom, with all due respect, the Long Range Plan was approved in 2006 and the engineer is talking about retention ponds that were built in the 70s. You have to go with what the law is today. The Long Range Plan of Development was passed. You guys approved it in 2006. In that book it says, “the City shouldn’t own these detention ponds.”

Corporation Counsel Welch stated, there’s not a disagreement as to the facility; I don’t think that’s the question. The facility that’s being built will be the City’s. It’s the land.

Mr. Bellis asked, and what’s the problem with owning some land?

Corporation Counsel Welch stated, that’s the difference.

Mr. Bellis stated, I haven’t heard one word where there’s a problem owning the land around it. What’s the difference? It’s better for the City.

Corporation Counsel Welch stated, I don’t think anybody on the Board has a copy of the Long Range Plan in front of them.
Mr. Bellis interjected, Tom, I don’t understand what the difference is...

Corporation Counsel Welch continued, but does the Long Range Plan specifically say they shall own the fee or they shall own the facility?

Mr. Schultz stated, it doesn’t go into that great detail.

Mr. Bellis stated, yeah, it’s not that detailed.

Mr. Schultz stated, plans are for general guidance.

Mr. Bellis stated, the idea here is that you’re going to have to maintain it no matter how we do it. I’m not attaching it to Lot 9. It’s not fair to that lot owner. I followed all the regulations and the only reason we’re before you today is because the City is going to get some land, free land. You’re not paying us for it. And the City is also getting the fee in lieu of the open space.

Alderman Finn stated, Alderman Anglace, you made a recommendation to us tonight – there are two avenues we can go. One is to accept it or send it to the Street Committee.

Alderman Finn MOVED to forward this item to the Street Committee; SECONDED by Alderman McPherson.

Alderman Simonetti stated, we still have a motion on the floor.

Alderman Finn stated, then I’m making an additional motion.

Alderman Papa stated, you’re making an amendment?

Alderman Anglace stated, you’re making a motion to...

Alderman Finn interjected, send it to the Street Committee.

Alderman Anglace stated, in other words, you want to curtail discussion at this point and send it to the Street Committee instead?

Alderman Finn replied, yes, sir.

Alderman Anglace stated, the motion has been made. Did somebody second it?

Alderman McPherson replied, I did. Mm hmmm.

Alderman Anglace asked, is there discussion?

Alderman Simonetti stated, I fail to see where you’re going to go with this in the Street Committee.

Alderman Anglace stated, me too.

Alderman Simonetti stated, if the builder is following all of our ordinances, all of our regulations and all of our rules, and the Long Range Plan as the engineer has said and as Mr. Bellis has said, what are we wasting time on that for?

Alderman Finn stated, I don’t think we’re going to be wasting time. Corporation Counsel Welch and Mr. Bellis both brought up some interesting comments about having ownership or not having ownership. This would be the opportunity for the Street Committee or anybody else that requests Corporation Counsel Welch to review that further and get that information back to the Street Committee prior to coming to the full Board to make the final decision.

Alderman Papa asked, how much time do you need?

Mr. Bellis replied, I’m running out of time.
Alderman Papa stated, I mean, if we send it to Street Committee and then it comes back to us in April... Do you have time or no?

Alderman Simonetti stated, Corporation Counsel Welch is right here.

Mr. Bellis stated, we’ve hashed this out. There is nothing I’m going to say any different to the Street Committee. I am at a loss.

Mr. Kulacz stated, I want to bring up one scenario. We’ve never had a complaint on these detention ponds that are on private property where we have an easement. I know what’s going to happen in this case here; I can see this happening. Nobody owns it except the City. Who is going to do routine maintenance and cut the grass around the outside of the pond?

Alderman Finn stated, the City, if we own it.

Mr. Kulacz stated, if we own it, yes, we’re going to have to do that. We don’t do that on the easements now because it belongs to somebody else.

Alderman Simonetti stated, who says they want to cut the lawn?

Mr. Kulacz stated, well then that’s their property, they’ll be cited for blight; not us. That’s one area we have to consider because again, we’re setting a new precedent here tonight if we do that. If that’s going to be our policy so be it, but we have to look at the ramifications down the road. I don’t know what other ramifications we’re going to have. This system we’ve had seems to have been working pretty well and I’d like to keep it that way, unless you change the policy. Whichever way, you’re the boss.

Mr. Bellis stated, the City maintains the roads. They’re turned over and they become the City’s. Where there are cracks you have to fill them. When there is snow you have to plow them. When there is water that is running off any City roads it’s going to go into a detention pond and you have to clean them. There is nothing different about this.

Alderman Anglace stated, let’s go back to the motion that’s on the floor to send this to the Street Committee. That’s what we’re discussing. What’s the advantage? If we send this to Street Committee, we’re sending it to a subdivision of the entire Board. The entire Board is here. We’re gathered tonight to discuss this and decide it. Why don’t we just continue and decide it. Steve, in all fairness to the applicant, I’m sorry, we’ve got, our consideration is for the City. We represent the people of the City of Shelton and our interest is their interest. If we make a decision that you don’t like I’m sorry, but we have to do what we think is in the best interest of the people. So I think the best interest of the people is to set this out and continue and decide it tonight. Get it over with. If we send it back to Street Committee nothing is going to change.

Alderman Simonetti stated, call the question.

Alderman Anglace stated, I’ll call the question on whether or not we send it back to the Street Committee.

All those in favor say “Aye.” There are four Aye’s (Finn, Kudej, Farrell, McPherson). All those in favor of NOT sending it back to the Street Committee, say No. There are four No’s the other way (Simonetti, McGorty, Anglace, Papa).

Corporation Counsel Welch stated, Mr. President, I would indicate it’s a motion for or against so the clerk is clear on that.

Alderman Anglace stated, okay, I’ll say it again. Those in favor FOR sending it back to the Street Committee raise your hand. I see four hands (Finn, Kudej, Farrell, McPherson). Those in favor of NOT sending it back, or AGAINST sending it back to Street Committee raise your hand. So that’s four (Simonetti, McGorty, Anglace, Papa).
So, the motion fails. You have to have five votes to send it back. So we continue with the debate. The issue is whether or not we accept Parcel A with ownership or without ownership. Right? That’s the issue we’ve got to decide. We all agree, we all know the Long Range Plan requires us to maintain it whether we accept it with or without ownership.

Alderman Simonetti stated, I have a question for Corporation Counsel Welch. If we make this decision to accept it as proposed, does it set a precedent that we can’t change to ask the next builder who comes before us to attach it to number 9?

Mr. Bellis stated, no.

Alderman Simonetti stated, I’ve asked Corporation Counsel Welch. I don’t want to put you in that position.

Corporation Counsel Welch replied, no.

Alderman Papa stated, so we can handle each situation as it comes.

Alderman Kudej stated, can I ask a couple more questions before we go to voting on this?

Alderman Anglace replied, certainly.

Alderman Kudej stated, looking at this detention pond and the maps that you have drawn there, you had acquired 35-foot total easement on the property Chad R. and it seems like you’ve got some kind of catch basin there. Do we have to maintain that too?

Mr. Bellis stated, Chad McNeil’s property? The City already has an easement in favor of it for storm drainage over the property.

Alderman Kudej stated, I mean, you’ve got these pipes running down there. I’m looking at this map and I’m trying to...

Mr. Bellis stated, I’m not sure which ones, what map these are...

Alderman Simonetti stated, next to number 8, Lot 8.

Alderman Finn stated, it shows on Lot number 8 you have storm drainage running underneath Lot 8 over into the adjacent property where the pond it. So we would have to maintain the pipe on Lot 8 as well?

Alderman Simonetti stated, standard R-1? Standard rip?

Mr. Bellis stated, rip rap. Like rock.

Alderman Simonetti stated, standard rip rap, okay.

Alderman Finn stated, we’ll also have an easement on Lot 8.

Mr. Bellis stated, no, no, you’re getting me mixed up. The City already has an easement over the Chad McNeil property – that’s not being proposed.

Alderman Kudej stated, you have an easement, that thing has already been constructed there, that rip rap or whatever it is?

Alderman Simonetti stated, it shows it coming from your retention pond under the street...

Alderman Kudej stated, there’s pipe running all the way from your retention pond, across the road, down the hill and into McNeil’s property.
Mr. Bellis stated, yeah, and the McNeil’s have an easement now to accept storm water drainage.

Alderman Finn stated, if we have to get onto Lot 8 we also have an easement on Lot 8 to maintain that pipe that’s running underneath their property?

[C]orporation Counsel Welch stated, if I may. There was a question asked. With Mr. Kulacz in the room, again, the question is that is before you this evening is that you are always going to own the actual storm water management facility, which is identified on the map. The sole question before you is basically in the upper left hand corner of this Parcel A and the lower right hand corner and the bottom half. What the difference is, do you want to own that area that is outside of your lines to the upper left and the lower bottom? That is the sole question. Is that correct, Mr. Kulacz?

Mr. Kulacz replied, I believe so. You’re talking the entire parcel.

Corporation Counsel Welch stated, right. So the facility itself with the easement, because the facility is on the easement, the fee is owned by the owner. It’s your obligation to maintain that detention basin. So the issue before you is whether you accept the balance of the property.

Alderman McPherson stated, which is wetlands, basically.

Corporation Counsel Welch stated, the question is, do you accept the balance of the property?

Mr. Bellis stated, that’s fair. I don’t think that’s what these guys are talking about.

Mr. Bellis continued, there is a drainage easement here that the City already has against the McNeil property, so this dumps into that drainage easement.

Alderman Kudej stated, you have all that piping into that area, huh?

Alderman Simonetti stated, the piping exists now, Steve, as far as you know? Or it doesn’t – you’re going to be putting that in.

Mr. Bellis stated, it’s proposed.

Alderman Kudej stated, he granted you an easement, but that stuff hasn’t been installed yet.

Alderman Simonetti stated, nothing’s been done.

Alderman Kudej stated, so once it’s installed we’ve got to start maintaining it.

Mr. Bellis stated, you would either way, regardless of how you vote tonight.

Alderman Anglace stated, I’m afraid we’re going to vote on this motion without having some of the questions that were asked along the way responded to. What’s the answer to the questions about performance or maintenance bond? Would there be one on this?

Mr. Schultz stated, oh yes, absolutely.

Mr. Bellis replied, there always is.

Alderman Anglace stated, okay. What recourse does the City have if this detention pond fails, one, two, three years down the road?
Mr. Bellis stated, I don’t think it would change whether it’s in fee or whether there’s an easement. You would be responsible either way.

Alderman Anglace stated, so we’re accepting full responsibility for maintenance of this facility, and, if we accept the lot, maintenance of the lot as well.

Mr. Bellis stated, either way, John, even if you didn’t accept, even if you had an easement and it was owned by someone else you’d still be responsible for the maintenance of it.

Alderman Simonetti stated, even the lawn cutting as Mr. Kulacz mentioned?

Mr. Bellis stated, you can’t cut anything in the wetlands, or anything 50 feet from the wetlands. So there is no cutting involved.

Alderman Simonetti stated, okay, thank you for that information; that wasn’t brought to our attention.

Inland Wetlands Administrator John Cook stated, in response to Counsel’s statement there, oftentimes detention basins are not just simply abandoned. Many times they can be forgotten and if they are forgotten they tend to develop into a natural overgrown wooded system that acts like a mini wetland. But look along Bridgeport Avenue and you’ll see some of the corporate facilities where those detention basins are actually manicured to make it more of an asset to the facility. So [inaudible] when it’s first constructed there’s not going to be any vegetation. It’s got to be seeded; it’s got to be stabilized. And if the goal is to maintain whether it is associated with the lot owner, they may want to have it looking a little bit nicer, if it doesn’t get manicured, then it doesn’t get manicured and it will overgrow and look wild.

Alderman Anglace stated, we’ve come this far and gone through Inland Wetlands, we’ve gone through Planning and Zoning, we’ve gone through the City Engineer, we’ve heard what everybody’s got to say and we’re to the point now where we have to vote on whether or not we accept Parcel A. If we do not accept Parcel A, what happens to all that has preceded this? In other words, is the application finished? Is there another way to do it?

Mr. Bellis stated, the application wouldn’t be finished; there would have to be a change.

Mr. Schultz stated, modification of that condition of approval. It goes back to Planning and Zoning Commission. Wetlands, too, would look at it and would decide if it was a non-issue or not.

Alderman Papa stated, the retention pond is to the City’s benefit because it’s going to absorb some of the water, isn’t that what it is?

Mr. Bellis stated, yes.

Alderman Papa stated, so if you don’t have it, you’ll have water runoff and it’s going to be a disaster.

Mr. Bellis stated, and we even help pick up some of the problems from Audubon Lane.

Alderman Papa stated, and those lots are all approved as building lots so you’re not changing any zoning.

Mr. Bellis stated, no.

Alderman Papa stated, I don't know what else we could do.

Alderman Kudej stated, the depth of this retention pond.

Mr. Bellis stated, you like to ask all the engineering questions. I’m not an engineer.
Alderman Kudej stated, well, I mean if it’s deep enough for somebody to drown in, and there are plenty of kids in that Richard Boulevard area, and in the Audubon area, right? I would seem to think that if this is approved that there would be fencing available to prevent people from going in there. You know, have a gate for maintenance. You just can’t leave it wide open and say, “Okay, the City’s got the responsibility to maintain it, take care of it and pay all the bills.” I don’t buy that.

Mr. Bellis stated, my understanding is the difference between detention and retention is it’s a dry pond.

Alderman Anglace interjected, wait a minute. The City has open water access all over the place. We don’t put gates. Do you want us to put fences around all of the watercourses?

Alderman Papa stated, the only place we have a gate is around the dog park. That’s the only gate we have, and that’s to keep the people out.

Alderman Kudej stated, in the area where there are kids, I mean, if you have a swimming pool in your back yard they want you to put a fence around it. All right? But if this is big enough to simulate a swimming pool or bigger, why shouldn’t they be forced to have a fence around it?

Mr. Bellis replied, because the water doesn’t stay in it. It’s a detention pond; the water drains out.

Alderman Simonetti stated, you drop something like 17 feet over how many feet? Over a hundred feet? Two hundred feet?

Mr. Bellis stated, the water doesn’t stay in it. It’s mostly dry.

Alderman Simonetti asked, what’s the width of the lot? Do you know off hand?

Alderman Papa stated, it’s a quarter-acre.

Alderman Simonetti stated, no, it’s larger than that. I can’t figure what the width of it is, but... It’s about 120 feet. There’s about a 16-foot movement? 12-foot movement. Not a lot.

Alderman Anglace stated, let’s go back to the beginning and re-state the motion that’s on the floor, please.

Alderman Papa stated, the motion reads:

“MOVED to accept the storm water management facility as designed by the developer as part of the Scenic Grove subdivision and shown as Parcel A on attached map, subject to being pinned at six points by the developer; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate said agreement.”

Alderman Finn requested that a roll call vote be taken.

Alderman Anglace stated, before we take the vote, with respect to the motion, “as designed by the developer as part of the Scenic Grove subdivision and shown as Parcel A on attached map.” We accept this. Is this the appropriate time to accept it or are we accepting it in principle as opposed to accepting it after it’s completed?

Mr. Bellis stated, you are accepting Parcel A. It has not been constructed yet. When it is constructed, the City Engineer will look at it, like when he looks at the road, and then you will accept the infrastructure and the road. You are accepting the land. Did I make that clear?

Alderman Anglace stated, that is clear. We’re accepting Parcel A in it’s entirety...
Mr. Bellis stated, correct.

Alderman Anglace continued, …with the detention pond but we’re not accepting it until it’s built and the City Engineer signs off on it.

Mr. Bellis stated, that’s correct.

Alderman Kudej stated, did you want to include the easements on the other properties?

Alderman Anglace stated, what easements? That’s not part of the motion.

Alderman Kudej stated, okay.

Alderman Anglace asked, any other issues of clarification that the Board wants to ask? All right. We’ll do a roll call vote.

Alderman Finn – Opposed
Alderman Kudej – Opposed
Alderman Simonetti – In Favor
Alderman McGorty – In Favor
Alderman Anglace – In Favor
Alderman Papa – In Favor
Alderman McPherson – Opposed
Alderman Farrell – Abstained

The MOTION FAILED on a vote of 4 in favor, 3 opposed, and 1 abstention.

Alderman Anglace stated, it looks like this will have to go back, like it or not, to Planning and Zoning Commission for another look, is that correct Rick?

Mr. Schultz replied, yes.

Alderman Anglace asked, will you keep us apprised?

Mr. Schultz replied, absolutely.

Alderman Anglace stated, anything as you go along that we could share with the Aldermen, thinking of Planning and Zoning, let us know so that we can keep everybody advised.

Thank you all very much for coming.

Five Minutes Recess

At 8:50 p.m., Alderman Kudej MOVED for a five-minute recess; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

Alderman Anglace called the meeting back to order at 9 p.m.

[Alderman Kudej has not returned to the meeting at this point – 7 present, 1 absent]

MINUTES FOR APPROVAL

Alderman Papa MOVED to waive the reading and approve the minutes of the Public Hearing on Ordinances of January 25, 2011 and the Regular Meeting of February 10, 2011; SECONDED by Alderman Finn.

Alderman Anglace noted a correction to the February 10, 2011 minutes on Item 10.3 – the title reads “Lane” and it should read “Land.”

A voice vote was taken and the MOTION PASSED 7-0.

5.1 FINANCE COMMITTEE
No items.

5.2  PUBLIC HEALTH & SAFETY COMMITTEE

No items.

5.3  STREET COMMITTEE

5.3.1  Request to Rename a Portion of Old Kings Highway

[A Alderman Kudej returned at this point – 8 present]

Alderman Papa MOVED per the recommendation of the Street Committee, to rename the portion known as Old King’s Highway (located between King’s Highway and Buddington Road as shown on attached City Engineer’s Map) as ‘King’s Highway’; SECONDED by Alderman McPherson.

Alderman Anglace stated, does somebody want to say for the record why we’re doing this?

Alderman McPherson stated, I spoke with the Engineer about it and it has to do with clearing up any confusion. There has been a lot of confusion over the years about it and this is basically housekeeping.

Alderman Anglace stated, the confusion comes in where you’ve got Kings Highway and Old Kings Highway running together. Nobody is living on Old Kings Highway so this is the time to do it when nobody is going to be impacted.

Alderman Kudej stated, yes there is. The Bures Family Farm is at the end of Old Kings Highway. I know, I’ve been there.

Corporation Counsel Welch stated, Robert Kulacz says this name change will not affect any residents since there are no properties or homes with an address of “Old Kings Highway.” That must make a difference.

Alderman Anglace stated, maybe the family you’re referring to has a different street address. But if it is a problem, you’re only impacting one family making the change from Old Kings Highway to Kings Highway.

Alderman Kudej stated, there are other families on that road. I know the last one on the road is the Bures family. It’s Old Kings Highway, and there are houses before that.

The clerk noted that an Internet search shows the Bures family address as “123 Kings Highway Extension, Shelton, Connecticut.”

Alderman Anglace stated, Kings Highway, if you look at the map, Kings Highway Extension is a street that runs off of Kings Highway. It’s not affected.

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

REPORT OF THE MAYOR

No report.

REPORT OF THE PRESIDENT

No report.

6.0  LEGAL REPORT
6.1 Corporation Counsel Billing

Alderman Papa MOVED to authorize a total payment of $2,420.92 to Corporation Counsel Welch, Teodosio, Stanek and Blake, LLC, for services rendered per statement dated March 1, 2011 with funds to come from the following Legal Services Accounts:

- Legal Fees 001-1900-411.30-03 $1437.50
- Foreclosure Fees 001-1900-411.50-01 $350.00
- Court Costs 001-1900-411.80-04 $633.42

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

6.2 Assistant Corporation Counsel Billing

Alderman Papa MOVED to authorize a total payment of $1,631 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated March 1, 2011 with funds to come from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

7 LEGISLATIVE - OLD

7.1 ITEMS FROM PUBLIC HEARING

7.1.A Water Main Extension – 599-615 Booth Hill Road and 10 Oxford Drive

Alderman Papa MOVED to disapprove the water main assessments Alternate 1/Alternate 2 as set forth by the City Engineer for 599-615 Booth Hill Road and 10 Oxford Drive in his memo to the Board of Aldermen dated January 6, 2011; SECONDED by Alderman Simonetti.

Alderman Anglace stated, we are not approving or disapproving water main assessments, we are approving or disapproving the installation of the water main, so the second part of the motion, “further moved that these assessments be published in a summary form with a full copy available for review in the office of the City/Town Clerk” can be stricken.

Alderman Papa stated, we are disapproving it because there wasn’t a majority of the people who wanted these services completed. I think it was 6, 5 and 1.

Alderman Anglace stated, the City Engineer sent out ballots and on one ballot he received a 50 percent response. If there are only six houses, that’s three out of six responding, and that’s not anywhere near a majority. On the second ballot he got 33 percent response and the third he got 16 percent response. There is no clear and convincing evidence of what these people want. We reject it without prejudice. If they want to file another application, it’s clearly stated, we’ll consider it.

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

8 FINANCIAL BUSINESS OLD

No items.

9 FINANCIAL BUSINESS NEW

9.1 Waiver of Bid – Emergency Sewer Work Backups – Brennan Construction Invoice

Alderman Papa MOVED, per the recommendation of the Purchasing Agent, to waive the bids for emergency sewer backup and overflow cleaning and repair services on Route 110; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

9.2 March Statutory Refunds
Alderman Papa MOVED that the report of the Tax Collector relative to the refund of taxes for a total amount of $41,072.96 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 Simonetti. A voice vote was taken and the MOTION PASSED 8-0

10. - LEGISLATIVE - NEW

10.1 ITEMS TO PUBLIC HEARING

No items.

10.2 License Agreement – Klapik Property

Alderman Papa MOVED to approve the license agreement between the City of Shelton and Nathaniel Wells regarding city property located on Long Hill Avenue and designated as the “Klapik Property” 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 Simonetti.

Alderman Anglace stated, this license agreement is the license agreement to cut the grass, which is maintenance of the property, and one party that has the contract is ceasing and a new party is taking it over, the same contract for the same fee.

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

10.3 Acceptance of Storm Water Management Facility (Parcel A) for Scenic Grove Subdivision

Previously acted upon –

10.4 Lease of State Land – Shelton State Route No. 8 File No. 126-54-77C

Alderman Papa MOVED to approve extension of lease for Shelton State Route No. 8 File No. 126-54-77C as submitted; and further,

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

Alderman Anglace stated, I’ll ask Counsel to explain this.

Corporation Counsel Welch stated, this is the area under Route 8 where the Riverwalk currently goes. When you’re doing the Riverwalk, any area that’s under the bridge is part of this lease.

Alderman Papa asked, what about the Skateboard Park?

Corporation Counsel Welch stated, that’s a separate lease.

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

10.5 Appointment to Perry Hill School Building Committee / Shelton High School Renovation Building Committee

Alderman Papa MOVED to appoint Bill Banfe of 25 Riverview Avenue to the Perry Hill School Building Committee and the Shelton High School Renovation Building Committee effective immediately. SECONDED by Alderman McPherson.
Alderman Simonetti stated, Bill Banfe worked for the Board of Education and was our go-to person. Without him both committees have been stumbling. The paperwork has not been turned over to the State because we were having a hard time keeping up with the records keeping. Mr. Banfe attended my meeting last night and did offer some suggestions for what he could do for us and both committees, because Sean Sullivan, the Chairman of the other committee was also there and heads were nodding up and down, please, we want Bill back.

Alderman Anglace stated, Bill served before as a compensated person from the Board of Education. He’s asked to come back as an uncompensated member of the Committee.

Alderman Simonetti added, he is well qualified, there would be no question about that.

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

10.6 AUTHORIZATION FOR CONTROLLED BURN

Alderman Papa MOVED to authorize the fire department to do a controlled burn on the city-owned house at 234 Shelton Avenue on the corner of Nells Rock Road and Shelton Avenue (Route 108), subject to a favorable 8-24 referral, if necessary; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

11 EXECUTIVE SESSION

At approximately 9:10 p.m. Alderman McGorty MOVED to enter into Executive Session to discuss the following items:

11.1 Daniel O’Neill, Sr. – Worker’s Compensation
11.2 Perry Hill Road Reconstruction - Settlement

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

Return to Regular Session

At approximately 9:22 p.m., Alderman McPherson MOVED to return to regular session; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

Alderman Anglace noted that there were no votes taken in Executive Session.

MOTIONS FROM EXECUTIVE SESSION

11.1 Daniel O’Neill, Sr. – Worker’s Compensation

Alderman Papa MOVED to approve the permanent partial disability rating in the workers compensation matter of Daniel O’Neill as set forth in correspondence dated February 17, 2011; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

11.2 Perry Hill Road Reconstruction - Settlement

Alderman Papa MOVED to approve the settlement agreement and mutual release of Vanasse Hangen Brustlin, Inc. for construction expenditures for reconstruction of Perry Hill Road with payment by them to the City of Shelton in the amount of $13,000; and further,

MOVED to authorize Mayor Mark A. Lauretti to execute said agreement. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.
ADJOURNMENT

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

The meeting adjourned at approximately 9:25 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

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