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 three times if any member of the public wished to speak. Being none, he declared the public session closed.

MINUTES FOR APPROVAL

Alderman Papa MOVED to waive the reading and approve the minutes of the Regular Meeting of November 10, the Special Meeting of November 15, the Special Organizational Meeting of November 22, and the Public Hearing on Ordinances of November 29, 2011; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

5.1 FINANCE COMMITTEE

No items.
5.2 PUBLIC HEALTH & SAFETY COMMITTEE

No items.

5.3 STREET COMMITTEE

No items.

REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

I discovered that our recent appointment of Attorney Bronislaw “Ben” Winnick to the Board of Ethics resulted in a situation where the political make up of the Board did not conform to the Charter requirements of one Democrat, one Republican and one Unaffiliated voter. It turned out that Attorney Winnick and Byron Peterson were both Republicans. Subsequent to that discovery, Mr. Peterson changed his party affiliation to Unaffiliated, giving us the Charter-required political makeup and allowing us to move forward.

I have since spoken with Maria Davis, Chairman of the Board of Ethics, and we have agreed that we can best proceed to narrow our proposed Code of Ethics Ordinance differences and make progress if the Board of Ethics meets with an Aldermanic Subcommittee.

Consequently, I am appointing a Board of Ethics Subcommittee consisting of Alderman Jack Finn, Alderman John Papa, Consultant Ken Nappi, Consultant Marty Coughlin, and myself. Our first meeting with the Board of Ethics will be held at 5:30 p.m. Monday, December 19th in Room 104. By agreement, this meeting will be limited to one hour and we will use it to work out organizational issues to be sure that our future meetings result in progress.

I have asked Corporation Counsel Welch to review the Board of Ethics appointing procedure to be sure that our recent appointment meets Charter requirements and advise us if any changes are necessary.

6.0 LEGAL REPORT

6.1 Corporation Counsel Billing

Alderman Papa MOVED to authorize a total payment of $768.29 to Corporation Counsel Welch, Teodosio, Stanek and Blake, LLC, for services rendered per statement dated December 1, 2011 with funds to come from the following Legal Services Accounts:
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 $1,762.50 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated December 1, 2011 with funds to come from the from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

7 LEGISLATIVE - OLD

7.1 Amendment to Chapter 16, Section 16-34 Winter Parking Restrictions Ordinance

Alderman McPherson MOVED to adopt the amendments to Chapter 16, Section 16-34 Winter Parking Restrictions, which is included by reference. And further,

MOVED that this ordinance be published in summary form with a full copy available for review in the office of the City/Town Clerk. SECONDED by Alderman Finn.

Alderman McPherson stated, I was just made aware today of a very minor change to be made in Section A paragraphs 1 and 2 regarding the odd numbered days and even numbered days. I met with Sgt. Zaksewicz this afternoon from the Traffic Division. It is suggested by the Police Department to, instead of having odd/even numbered days, which could cause a lot of confusion with people, sometimes people don’t realize what day it is, that they would recommend odd/even months – do it by the month as opposed to the day. They feel it would really go a long way in not creating confusion – they think it would be easier and more workable.

Alderman McPherson MOVED to SO AMEND the ordinance. Alderman Finn SECONDED the AMENDMENT.

Alderman Anglace asked Corporation Counsel Welch, is this considered a significant change or is it insignificant enough to add it as an amendment.

Corporation Counsel Welch stated, I think based upon taking testimony from the public hearing and information you’ve gathered, you can do it. I just want to make sure I’m clear because referring to odd-numbered days, from a legislative history standpoint, what will that mean? Right now it says, Subsection A (1) parking shall be permitted during the aforementioned hours only on the odd-numbered side of the street. Are we saying that on ...

Alderman McPherson interjected, let’s say January being the first month is an odd-numbered month. So we’d have to park on the odd-numbered side of the street during
odd-numbered months. And you’d park on the even-numbered side of the street during even-numbered months such as December.

Alderman McPherson stated, several other towns have adopted this format and I believe it was for the same reason.

Alderman Simonetti asked, if you let people park on the same side of the road for a whole month, the snow that’s there is going to be stuck there; it’s not going to be moved at all, and not gotten to by the Parks Department. I can understand even a week, but I don’t understand a month. I’m wondering how it works in other cities.

Alderman Anglace asked, have you had a chance to talk to Highways and Bridges about this?

Alderman Finn stated, this only goes into effect when there is snow on the ground. You don’t leave a car parked on the odd side for the whole month; you can park on both sides. Once there’s a snow emergency called, then and only then would this go into effect. Highways and Bridges usually does the streets during the day when the cars are moved. There might be one car there that will get plowed in for the whole winter; the rest of the street will be bare.

Alderman McPherson stated, this just came to me today.

Corporation Counsel Welch stated, maybe, if we go back, I see that my comment is going to be, if we’re going to change it to months, because it only applies to four months we might say during January and March it’s on this side, and February and December it’s on this side. Then to Alderman Finn’s point, if these restrictions in subsection A are only to be applicable when subsection G is in force as a snow emergency, maybe we can look at that and just maybe tweak it a little to say, it is only when there’s a storm, just so it’s clear.

Alderman Anglace stated, Administrative Assistant Tom Taylor would like to add a comment.

Mr. Taylor stated, I’m for the way it’s written. Last year I had to put this into effect because we had quite a lot of snow last year. The problems that we had were with the people that didn’t move their cars. You have to clear away the snow. Alderman Simonetti hit it on the nose; one day you’d have all the cars on one side of the road so they could come out and clean off one side, and then when they put them on the other side of the road the following day you could clear the other out. The only problem with that is the cars that didn’t move. For the cars that ended up being igloos, the Police Department would red-tag those. During a snow emergency, that is still the best way to do it other than the few streets – it usually affects Aldermen Kudej and McPherson’s area here downtown – in those cases the snow became backed up so much that we had to put no parking on both sides of the road until we cleared them out. In order for the Ordinance to work, people have to be aware what is the odd, what is the even. We didn’t get it out early enough.
Alderman Papa stated, if the car has been parked there, piled in snow, for a couple of days, did you have those cars towed?

Mr. Taylor replied, some we did have towed, to the municipal parking lot. After a while we had too many cars where those facilities were over-filled.

Alderman Anglace suggested holding this in abeyance until next month to give us a chance to talk to them.

Alderman Finn asked Corporation Counsel Welch, after you do some fine-tuning to the Ordinance, would we have to go back to a public hearing, or could we go ahead and approve or reject the Ordinance?

Corporation Counsel Welch replied, I think we’re talking about not making truly substantive changes to it, but taking, I would think it’s based upon a dialogue and discussion I don’t think, I will take a look at it and compare it to the Charter, the requirements. The purpose of the public hearing is to put something before and have input. What I’m hearing now if you’re changing the odd number of the days or when that’s in effect, I think it’s part of your public hearing process and part of your adopted process.

Alderman Finn stated, if we have another winter like last winter, it would be very important that this be in effect next month.

Alderman Kudej stated, if it’s in effect for a snow emergency, then it’s only for one day or two days.

Alderman McPherson stated, unless we have a winter like last time. One storm alone dumped two and a half feet.

Alderman Anglace stated, it appears that we’re not going to take any action tonight so the appropriate action to take then would be to refer this back to the Street Committee where you can make whatever changes that you deem appropriate and bring it back to the full Board next month for a vote.

Alderman Papa stated, if we start to get snow before that, the existing ordinance is still in effect?

Alderman Anglace stated, I don’t think there’s anything in the Charter that prohibits the Street Committee from holding a special meeting or prohibits the Board from holding a special meeting to adopt it sooner.

Alderman Finn asked, Mr. Taylor, current procedure is for the odd/even days. Would the Administration, until this Ordinance is approved, consider changing your procedures to what we want in the wording in this Ordinance, with even months and odd months?
Alderman McGorty stated, wait a minute; I don't know if we all agree on that. You said “we” want.

Mr. Taylor stated, we could do it, but I recommend that you don’t. The plan last year wasn’t put into effect. Within the next week or so I want to notify and have press releases going out to explain this to the public and have it posted on our Internet site so we do everything we possibly can to get the word out, so we can take appropriate actions to prevent and have this go into effect right from the start. That is my recommendation.

Alderman Anglace stated, the purpose behind having an ordinance to begin with is so that we can clean the streets in an orderly manner and there are a lot of people, especially downtown, that just don’t have parking other than on the street. We’d like to get that street cleaned so that they can have a place to park. Sometimes you see that people don’t move their cars and as a result Highways and Bridges plows around them and plows them in. Nobody takes the action to have them towed and removed so we can clean the street.

Alderman Finn stated, it’s not only very important to clean the streets for the residents, but also so that the emergency services can get into those streets as well.

Alderman Kudej stated, I think that we should stay with the daily thing. You park on the odd side of the street today. Tomorrow they have a chance to clean the other side because you’re moving. If you go a whole month or so, you may get a pileup there. I think last year we just didn’t enforce the ordinance enough. People are just taking advantage.

Alderman McPherson stated, this would make it an Ordinance – what we had in the past was just restrictions, it was never even in the form of an ordinance. We could pass this tonight and just do a review of it next month.

Alderman Anglace stated, I think that’s another option that’s available to the Board – pass the ordinance as it is presented and then if there is sufficient interest in making the change that was suggested tonight, it could always be brought up in the future as an amendment. The Street Committee wouldn’t have to do anything; you’d just pass it. You would have your ordinance in place and you’d have your teeth in it, and you could start to enforce it now so that you do provide clean streets that we want.

Alderman McPherson WITHDREW HIS AMENDMENT; Alderman Finn WITHDREW HIS SECOND TO THE AMENDMENT.

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

8 FINANCIAL BUSINESS OLD

No items.
9 FINANCIAL BUSINESS NEW

9.1 December Statutory Refunds

Alderman Papa MOVED that the report of the Tax Collector relative to the refund of taxes for a total amount of $1,680.43 be approved and that the Finance Director be directed to make payments in accordance with the certified list received from the Tax Collector with funds to come from the Statutory Refunds Account 001-0000-311.13-00; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

9.2 Funding for Repairs at Shelton Police Department - LOCIP

Alderman Papa MOVED to add repairs at the Shelton Police Department to the Capital Improvement Plan with funding in the amount of $6,800 to come from LOCIP; SECONDED by Alderman McPherson.

Alderman Finn stated, A&B Mechanical LLC has the contract for the City for heating, plumbing and air conditioning. The letter they sent to the City indicates the above quotation is good for 30 days. Would we be looking at this as an additional expense to the existing contract as to where we don’t have to go out and require three quotes as required by Charter?

Corporation Counsel Welch stated, my understanding is last year we went out to bid for a year for electrical, plumbing and HVAC so that we wouldn’t have to bid it each time. They held their prices for a year. In looking at it, I’m not sure whose handwriting that is but it says under Contract, Bid #30-37, it expires 3/30/2012. You had asked for prices from people for the next year. To me it looks like you’re just... The contract wasn’t for an amount; it was saying that you’re going to be the electrician for a year. It looks as though this is, “here, this is how much I’m going to charge you for this project.” I can check with Purchasing. That’s how I’m reading it.

Alderman Finn stated that’s how I was reading it too. I just wanted to make sure.

Corporation Counsel Welch will check with the Purchasing Agent.

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

9.3 Inauguration Expenses

Alderman Papa MOVED to pay inauguration expenses in conjunction with installation night held on November 21st with funding in the amount of $2,075 to come from Contingency General Account 001-9900-900.99-00; SECONDED by Alderman McPherson.
Alderman Finn stated, again, I don’t see three quotes. To be in compliance with the Charter anything from $1,000 to $4,999 requires three quotes. I would like to see the other two quotes. All we’ve been provided was the invoice. I have nothing wrong with paying the invoice, but I would like to see the other two quotes as required by the Charter.

Alderman Simonetti stated, I think the Mayor has those in his office.

Alderman Anglace stated, the difficulty here was, and I don’t think we’re trying to circumvent the Charter. If you recall, the place for the inauguration and the whole setup came about quickly. It was supposed to be here, then it was moved to the Senior Center, and then we added the light buffet. That is where this expense comes from. We had to get somebody and get somebody quick. I just don’t know what to say. Counsel, would it be appropriate for the Board to waive the...

Corporation Counsel Welch stated, not without a letter from the Purchasing Agent.

Alderman Papa stated, but this has already been done.

Corporation Counsel Welch stated, it doesn’t matter. You need between $1,000 and $4,999 three quotes or a waiver of bids.

Alderman Anglace stated, the nature of this decision just didn’t lend itself to prior, formal approval or quotes. We had like one day to do it.

Alderman Papa asked, what happens when we have our Christmas party? Do we go and get a quote?

Corporation Counsel Welch stated yes, you get quotes.

Alderman Anglace stated, let’s say we table it. How do we meet the requirements of the Charter?

Alderman Simonetti stated, whose to say there aren’t any quotes? How do we know we don’t have them?

Alderman Finn stated, you waive the bids, the Purchasing Agent has to write a letter saying it’s impractical to obtain quotes at that time.

Alderman Anglace stated, we table the action, we get the letter, we waive the bids at our next meeting or sooner, whenever we meet. We’ll take care of it then and we’ll waive the bids and pay the invoice.

Alderman McGorty asked, is there any legal way of paying the bill and doing that in the interim so the small business owner can get their payment?

Corporation Counsel Welch replied, no.
Alderman Finn stated, you’re just going around the Charter by doing that.

Alderman Anglace stated, we’re just going to have to expedite it because we created it. I’ll tell you, it was nothing planned; it was all spur of the moment.

Alderman Finn stated, yes, this is the first time this bill has ever come in front of us. I don't know how they paid for it in the past.

Alderman Anglace stated, it came out of the candidates... this was available to all candidates, all elected officials, and their families, regardless of their party. It was beautifully done. It was a great thing and I hope they continue it in the future. It was a very nice night for everybody and it got us all off on the right foot.

Alderman Finn stated it was. It was an excellent place to hold it.

Alderman McPherson moved to table; seconded by Alderman Simonetti. A voice vote was taken and the motion passed 8-0.

9.4 Funding for City Vehicles

Alderman Papa moved to appropriate $110,000 for vehicles for Administration, Building Maintenance and the Public Works Department with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; seconded by Alderman Simonetti. A voice vote was taken and the motion passed 8-0.

10. - LEGISLATIVE - NEW

10.1 ITEMS TO PUBLIC HEARING

None presented.

10.2 Reappointments to Water Pollution Control Authority

Alderman Papa moved to reappoint the following people to the Water Pollution Control Authority, effective immediately; terms for all three to expire December 13, 2015.

Michael DeAngelis – R – 45 Hubbell Lane
Edwin Hellauer – D – 40 Wakelee Avenue Extension
Bronislaw Piotrowski – R – 12 North Street

Seconded by Alderman Simonetti. A voice vote was taken and the motion passed 8-0.
10.3 Appointments to the Public Employees Appeals Board

Alderman Finn asked that these be voted on individually.

Alderman Anglace stated, it can be done.

Alderman Papa MOVED to appoint the following people to the Public Employees Appeals Board, effective immediately.

Gene Kierce – R – 120 Thoreau Drive; term to expire 12/30/2014
Robert Douglas Dempsey – R – 6 Ashwood Circle; term to expire 12/30/2015
Chris Gallo – D – 16 Centerview Drive; term to expire 12/30/2016

SECONDED by Alderman McPherson. A roll call vote was taken and the MOTION PASSED as follows:

Alderman Finn – In favor of Mr. Kierce and Mr. Dempsey; not in favor of Mr. Gallo. The remaining seven Aldermen were in favor of all three appointees.

10.4 Christopher Laux Consultant Plan Review Services

Alderman Papa MOVED to approve the agreement between the City of Shelton and Christopher Laux Consultant for plan review services for the Avalon Bay Canal Street project with funds to be provided by the escrow account established for said purpose; and further,

MOVED to authorize Mayor Mark A. Lauretti to execute said agreement and the escrow agreement. SECONDED by Alderman Simonetti.

Corporation Counsel Welch stated, I think you received a copy of the agreement with Mr. Laux, the consultant, and you also received a copy of the escrow agreement that is prepared between the developer and the City of Shelton. In that document it references the International Building Code and Connecticut General Statutes, which requires this. You didn’t have the International Building Code as part of it, so I sent it over so you briefly understand why this is happening.

It requires, whenever you’re building a residential multi-family single structure with 100 dwelling units, that the City has to do certain things. One of them, when it exceeds that threshold limit, the building official of the municipality in which the structure or addition will be located shall require that an independent structural engineering consultant review the structural plans and design specifications of the structure or addition to be constructed to determine compliance of the requirements of this code to the extent necessary to ensure the stability and integrity of the primary structural support systems of such structure or addition. Most importantly, the last sentence of that provision says, “any fees relative to such review requirements shall be paid by the owner of the proposed building project.”
What you’re doing is, the intent here is that Avalon Bay will give the City to be held in escrow $10,000 and funds from that account will be paid to the consultant for services performed.

Alderman Finn stated, since we’re going to have a consultant reviewing the plans, will the local building department and the Fire Marshal’s office still be involved?

Corporation Counsel Welch explained, yes. This is just review of the plans. The inspections, because the issue then came up that the developer would pay for the inspection. There is no enabling legislation. So the building official and the Fire Department handle everything but the review of those structural plans and designs. It’s all the ongoing requirements of the City still remain in full force.

Alderman Finn stated, so the Fire Marshal and the Building Inspector can also review this plan and make recommendations over and above the consultant.

Alderman Papa stated, that $10,000 covers his fee.

Corporation Counsel Welch replied yes, that agreement says he’ll charge less than $10,000.

Alderman Anglace stated, in addition to the building inspector and the Fire Marshal, this is an independent review of those areas. He says in his letter, I propose to provide review services to determine substantial compliance with State Building Code and State Fire Safety Code requirements using the 2003 International Building Code.

Alderman Simonetti stated, just another way for the government to spend more money. I think it’s ridiculous to do it, but I understand it has to be done.

Alderman Anglace stated, I don’t know that I would be ready to refer to it as being ridiculous. There must be reasons for it; maybe we’re just not aware of them.

Corporation Counsel Welch stated, you have three levels. The plans that are being reviewed are being stamped by structural engineers, then you’ve got a consultant that reviews it, and your own people review it.

Alderman Papa stated, plus we’re not paying for it. It’s another protection for us that it’s being done properly.

Alderman Simonetti stated, I still think it’s a burden on the builder that shouldn’t be there.

Alderman Anglace stated, actually, it’s not a burden on the builder, it’s an attempt to protect the end purchaser of the property that it’s done and done right.

Alderman Finn asked, how did the City come across the consultant’s name?
Corporation Counsel Welch replied, Mr. Ballaro recommended him. My understanding is that he used to be the Chief State Building Official for the State of Connecticut.

Alderman Finn stated, then we have a good person there.

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

10.5  Waiver of Bidding Process – City Line Distributors – Senior Center

Alderman Papa MOVED, per the recommendation of the Purchasing Agent, to waive the bidding process for food supplies (perishable and non-perishable) for the Shelton Senior Center; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

10.6  Waiver of Bidding Process – Valley Transit – Senior Center

Alderman Papa MOVED, per the recommendation of the Purchasing Agent, to waive the bidding process for Valley Transit District service for the Shelton Senior Center; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 8-0.

11  EXECUTIVE SESSION

No items.

ADJOURNMENT

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

The meeting adjourned at approximately 7:44 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

DATE APPROVED: ________________________ BY: ______________________________________

Mark A. Lauretti
Mayor, City of Shelton