Call to Order / Pledge of Allegiance

Mayor Mark A. Lauretti called the meeting of the Board of Aldermen to order at 7 p.m. All those present stood and pledged allegiance to the flag.

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 – excused
Alderman John P. Papa – present
Alderman Eric McPherson – present
Alderman Anthony Simonetti – present

Mayor Mark A. Lauretti
Assistant Corporation Counsel Ramon Sous

Public Session

Judson Crawford

Last month on June 13, Item 10.3 Selection of the Propane Supplier/Station. Alderman Anglace you moved, and seconded by Alderman McPherson, to discuss this in Executive Session. Whenever the Purchasing Agent determines that it would be impractical, impossible or otherwise, the recommendation shall be in writing and stating the reason. Thank you for answering my first question to you that it was stated that no votes were taken in executive session. Has the Purchasing Agent made a recommendation in writing to the Aldermen? And secondly to you, after reading the term “Executive Session,” what item would make this fall to be able to fall under to be discussed under executive session? Do you need to see the backup documentation that I have done? I went and I contacted the, on the website, the Freedom of Information out of the State of Connecticut and the information that I got back I’m trying to decipher. Where would this fall under the term “executive session”? Would you have an answer Mr. Anglace?

Mayor Lauretti stated, we are not responding under the public portion.

Mr. Crawford stated, it’s just a thought to you all. Thank you.
Mayoral Lauretti asked if any member of the public wished to speak. Being none, he declared the public session closed.

**Add-Ons**

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

9.4 Application for Community Center General Grant
10.4 Bid Waivers for the Shelton High School Fire Code Doors and Front Stair Replacement

SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

**Agenda items**

**MINUTES FOR APPROVAL**

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


subject to correction of the Board of Aldermen Special Meeting of June 27, 2013 as follows:

2. **INTER-DEPARTMENT TRANSFERS FOR FISCAL YEAR ENDING JUNE 30, 2013**

   President Anglace made a motion to make the following INTER-Departmental Transfer for Fiscal Year ending June 30, 2013. These transfers are to come from the Capital Projects Fund – Account No. 001-6900-991.60-17.

SECONDED by Alderman Papa. A voice vote was taken and the CORRECTION PASSED 7-0.

A voice vote was taken and the MOTION to accept the minutes PASSED, 7-0.

**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

None presented.

6.0 LEGAL REPORT

6.1 Corporation Counsel Billing

Alderman Anglace MOVED to authorize a total payment of $4,905 to Corporation Counsel Welch, Teodosio, Stanek and Blake, LLC, for services rendered per statement dated July 3, 2013, with funds to come from the following Legal Services Accounts:

<table>
<thead>
<tr>
<th>Description</th>
<th>Account Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Fees</td>
<td>001-1900-411.30-03</td>
<td>$4,762.50</td>
</tr>
<tr>
<td>Foreclosure Fees</td>
<td>001-1900-411.50-01</td>
<td>$112.50</td>
</tr>
<tr>
<td>Court Costs</td>
<td>001-1900-411.80-84</td>
<td>$30.00</td>
</tr>
</tbody>
</table>

SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 7-0.

6.2 Assistant Corporation Counsel

Alderman Anglace MOVED to authorize a total payment of $465 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated July 1, 2013 with funds to come from the following Legal Services Accounts:

<table>
<thead>
<tr>
<th>Description</th>
<th>Account Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Fees</td>
<td>001-1900-411.30-03</td>
<td>$465.00</td>
</tr>
</tbody>
</table>

SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 7-0.

7 LEGISLATIVE - OLD

No items.

8 FINANCIAL BUSINESS OLD

8.1 TD Bank Agreement

Alderman Anglace MOVED to adopt the following Resolution:
WHEREAS, the Board of Aldermen of the City of Shelton has determined that a true and very real need exists for the acquisition of the 60 Blue Bird school buses, GPS, two-way Radios, two camera systems and related accessories described in the Lease Purchase Agreement presented to this meeting; and

WHEREAS, The City of Shelton has taken the necessary steps under applicable law to arrange for the acquisition of said Equipment;

THEREFORE, BE IT RESOLVED by the Board of Aldermen that the terms of said Lease Purchase Agreement are in the best interests of the City of Shelton for acquisition of such Equipment, and the Board of Aldermen designates and confirms Mayor Mark A. Lauretti to execute and deliver the Lease Purchase Agreement and any related documents as may be amended by Corporation Counsel to the consummation of the transactions contemplated by the Lease Purchase Agreement.

SECONDED by Alderman Finn.

Mayor Lauretti explained, I would ask the Board to approve the resolution, less the word “lease” in it. So everywhere the word “lease” appears would be stricken from the agreement, and it would read “purchase agreement.”

Alderman Anglace MOVED THE AMENDMENT; SECONDED by Alderman Simonetti.

Alderman Anglace stated, it appears the words “lease purchase” appear in four places in the resolution; and I’ve stricken them out as an amendment.

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

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

9 FINANCIAL BUSINESS NEW

9.1 July Statutory Refunds

Alderman Anglace MOVED that the report of the Tax Collector relative to the refund of taxes for a total amount of $4,287.06 be approved and that the Finance Director be directed to make payments in accordance with the certified list received from the Tax Collector with funds to come from the Statutory Refunds Account 001-0000-311.13-00; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

9.2 Restoration of Maintenance Facility at Riverdale Avenue - $150,000

Alderman Anglace MOVED to add to the Capital Improvement Plan Renovation of the Maintenance Facility at Riverdale Avenue in the amount of $150,000 with funding to come from LOCIP; SECONDED by Alderman Papa.
Mayor Lauretti explained, it’s a building we own and use for various things. It’s located on Riverdale Avenue right across from the wastewater treatment plant. We’re in the process of putting a new roof on it, residing the building, and putting in some overhead garage doors to allow Public Works vehicles to be serviced there, as well as school buses. This is a ball park number at this point. We are out to bid for this work and once the bid comes in we’ll know the final number. We want to try to get that work started this summer.

Alderman Finn stated, I was led to believe by Paul DiMauro that there were going to be three bays in the front of the building, and one of the bays was going to be for the Fire Department, for our maintenance. Is that correct that we’ll have one bay for the Fire Department?

Mayor Lauretti stated, that is correct.

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

9.3 City of Shelton/Northeast Financial Management Associates, LLC

Alderman Anglace MOVED to approve the Personal Property Tax Agreement by and between the City of Shelton and Northeast Financial Management Associates, LLC and authorize Mayor Mark A. Lauretti to execute any and all documents necessary to effectuate same; SECONDED by Alderman Papa.

Mayor Lauretti stated, this is in respect to the personal property audits.

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

9.4 Application for Community Center Generator Grant

Alderman Anglace MOVED to adopt the following Resolution:

BE IT RESOLVED BY THE CITY OF SHELTON BOARD OF ALDERMEN that the City of Shelton may apply for a grant for a Generator for the Community Center (project cost of $100,000) from the State of Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security, in the amount of $75,000, and deliver to said agency any and all documents which it deems to be necessary or appropriate; and that if said grant is approved, that the City of Shelton will contribute the 25% local share of the project cost, in the amount of $25,000.

BE IT FURTHER RESOLVED that Mayor Mark A. Lauretti, as Mayor of the City of Shelton, is authorized and directed to execute and deliver any and all documents on behalf of the City of Shelton and to do and perform all acts and things which he deems necessary or appropriate to carry out the terms of such documents.

SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.
10. - LEGISLATIVE - NEW

10.1 ITEMS TO PUBLIC HEARING

No items.

10.2 Waiver of Bidding Process for Used Highways & Bridges Equipment and Trucks

Alderman Anglace MOVED, in accordance with Charter Section 7.14.3(c), to waive bidding for used Highways and Bridges Equipment and Vehicles provided such negotiated price has the concurrence of the Mayor; SECONDED by Alderman Papa.

Alderman Papa asked, do you have any idea how many pieces of equipment they’re looking for?

Mayor Lauretti stated, they have a laundry list of things and whatever is available out there for the right price is what we’ll do.

Alderman Papa asked, are you going after dump trucks, or loaders, or...

Mayor Lauretti stated, we already bought a brand-new dump truck. We put the order in for that based on the last appropriation that the Board made. There is any number of pieces of equipment that we need – they need pickup trucks, I know that. We’re looking at getting a second paver. We only have one paver and it breaks down then you’re out of business for a couple days.

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

10.3 Notice of Performance Bond Release and Acceptance of Public Improvements: Scenic Grove Estates Subdivision, Richard Boulevard

Alderman Anglace MOVED to accept the 770-foot extension of Richard Boulevard, to release the performance bond and to accept the public improvements for the Scenic Grove Estates Subdivision as set forth in the June 12, 2013 letter from Richard D. Schultz, subject to the developer meeting the conditions of items 3, 4, and 5 of said letter; SECONDED by Alderman Papa.

Mayor Lauretti stated, I just want to let everyone know that you will probably approve this tonight, but there will be a lot of scrutiny by me before this bond is released. This has been a bone of contention for a number of years now; not just this project but other drainage in the area. I have to make very certain that we honor and respect the rights of the people who are being affected by this. So even though you approve it, it might be held up.
Alderman Kudej asked, are they to the point where that road is finished? There are constantly trucks going up there with dirt and stuff, I don't know what they're doing there.

Mayor Lauretti stated, they're still building homes up there.

Alderman Kudej stated, usually we don't do something like this until everything is complete, right?

Mayor Lauretti stated, the road is complete.

Alderman Kudej stated, I don't know what “complete” means.

Mayor Lauretti stated, items 3, 4 and 5 are just standard things they ask for anyway.

Alderman McPherson asked, don’t these things usually get accepted after all these bonds have been posted and then isn’t there like a waiting period for “x” amount of time before we accept something like this?

Mayor Lauretti stated, all of that has transpired. They've been at this for two years. The road is finished, the drainage has been put in for the road. They’re talking about surrendering a portion of the bond. As Ray points out, there is a call for a maintenance bond – a lesser amount.

Attorney Bellis asked the Mayor to be heard on the topic being discussed. He explained, the road was completed in the wintertime and the bond was reduced to $25,000. That road has been done from the winter all the way up until now, July, at least six months. That was the $25,000 that was released at the June meeting by the Planning & Zoning Commission and as Counsel has advise, we would then substitute that for a maintenance bond for one year. Normally, the initial bond was $390,000 to construct the road, to construct the infrastructure, to do the pond, the drainage, and everything else. Usually the maintenance bond is 10 percent, so it would be $39,000. In this particular report, it may have been done in the winter, I’m not really sure. The engineer didn’t know about what was happening on the lot next to the pond, so he wanted a $5,000 additional bond to see if the grass grew. It is July and obviously the grass is growing, so I don’t see the need for that. That can be covered in the maintenance bond. All we’re asking for is that you’ll have one year, as the Mayor has said, to look to make sure that the road has been maintained, and if any repairs are needed you’ll have what I’m requesting is $39,000 of the developer’s money to make those repairs, only in the event that he doesn’t make the repairs. As I said, this shouldn’t be a problem.

Alderman Kudej asked, what are your trucks hauling into that area almost daily for the last week?

Attorney Bellis explained, there are two more houses left to be built, one of them is constructed with the foundation in so there’s really only one more lot left on the end.
Alderman Kudej stated, I know people have been moving into the houses, but the area doesn’t look like it’s been landscaped and is taken care of. That pond that’s supposed to catch all the water, that doesn’t look like it’s up to par yet.

Attorney Bellis stated, it is absolutely up to par and our engineers would disagree with what you just stated. It has had no problems, no failures, no issues. It is catching all the water from our subdivision. The Mayor is alluding to a subdivision that was built years ago by Ralph Matto and his water from Audubon goes across some neighbor’s property. It has nothing to do with us. That was a pre-existing condition.

Mayor Lauretti stated, yes, but the water, the drainage that comes off of your site also feeds into that area, too.

Attorney Bellis stated, only after it goes through the detention pond.

Mayor Lauretti stated, but it feeds into it and that is where the bone of contention is for me. I have no issue with the road. The road for all intents and purposes is complete and done correctly. It was inspected while they were building it. The road is not the issue; it’s the drainage that I reference.

Attorney Bellis stated, well we’ve had more rain in the first six months of 2013 than in any recent time and there has been not issue. I don’t know the average. 13 inches in the month of June is a lot of rain. So we’ve had no problems. There are no failures; no issues.

Mayor Lauretti stated, I am bringing to the Board’s attention that this has been a bone of contention for a number of years and I’m going to double check before I allow any of this to go forward.

Attorney Bellis stated, I have no problem with that because I know we did it up to and above the standard.

Alderman Anglace referenced a similar situation near Brownson Country Club.

Mayor Lauretti stated, different location, different watershed area, but nonetheless same types of problems that we get stuck with after the bonds have been released. Things five and 10 years down the road, they fail, they don’t perform like they were engineered to perform, and it usually winds up in my office.

Alderman Kudej stated, the Audubon thing. They started having water problems down on Richard Boulevard and Bruce two or three years after it was approved and accepted. We were bailing yards out.

A voice vote was taken and the MOTION PASSED 7-0.
10.4 Bid Waivers for the Shelton High School Fire Code Doors and Front Stair Replacement

Alderman Anglace MOVED to waive the bidding process for the purchase and installation of fire-resistant interior classroom doors and the replacement/repair of the front stairs at Shelton High School in accordance with Charter Section 7.14.3(c) as recommended by the Purchasing Agent; SECONDED by Alderman Papa.

Mayor Lauretti stated, the doors that were replaced from the fire by the contractor were not fire-rated doors. So when the State came in and did their inspection, there were 24 violations there because these doors didn’t meet the spec. That is what this is for.

The other issue is the replacement of the concrete steps going into Shelton High School. It was a bid item this past year. The Board of Education asked me if I would have Highways & Bridges do the demolition to help save some money. And so we did, right after graduation, we went in that weekend, worked on a Saturday, we did the demolition and lo and behold the contractor that was supposed to do the work is not returning calls. We are shifting gears now because the building is sitting there without a set of stairs and there are many activities that take place at Shelton High School even in the summer months. We need to put the stairs back in place. I actually think we’re probably going to wind up doing better with the numbers than what the bid item was. That’s my sense of where we’re at.

Alderman Finn asked if we are recouping $15,000 from the vendor on the classroom doors?

Mayor Lauretti replied, I don't know. I would probably say no because it will probably cost more to litigate it than the $15,000, so probably not. It’s a business decision; an economic decision. We have called them and there are a lot of people running for cover right now. If you've got to go to litigation, we've had a lot of experience with paying attorney’s fees, as does every other municipality in the State. It’s a business decision really.

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

EXECUTIVE SESSION

At approximately 7:35 p.m., Alderman Papa MOVED to enter Executive Session to discuss the following:

11.1 Workers Compensation – David Eldridge
11.2 Workers Compensation – Thomas Federowicz
11.3 Workers Compensation – Benjamin Trabka
11.4 88 Long Hill Cross Road, LLC – Tax Appeal
11.5 International Place, LLC – Tax Appeal
11.6 Beard Sawmill, LLC – Tax Appeal
11.7 One Enterprise Drive Shelton, LLC – Tax Appeal
11.8 Two Corporate Drive, LLC – Tax Appeal
11.9 One Corporate Drive, LLC – Tax Appeal

and invited Assistant Corporation Counsel Sous, Assessor Bill Gaffney, and Attorney Kevin Blake for the workers compensation matters to remain in the auditorium during the Executive Session; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 7-0.

RETURN TO REGULAR SESSION

At approximately 7:50 p.m. Alderman McPherson MOVED to return to Regular Session; SECONDED by Alderman Farrell. A voice vote was taken and the MOTION PASSED 7-0.

It was noted that no votes were taken in Executive Session.

11.1 Worker’s Compensation – David Eldridge

Alderman Anglace MOVED to accept the recommendation as set forth in the letter of Counsel and accept the compensability of the claimant and payment of the permanent partial disability award in the workers compensation matter of David Eldridge as discussed in executive session; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 7-0.

11.2 Worker’s Compensation – Thomas Federowicz

Alderman Anglace MOVED to accept the recommendation as set forth in the letter of Counsel and accept the compensability of the claimant and payment of the permanent partial disability award in the workers compensation matter of Thomas Federowicz as discussed in executive session; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 7-0.

11.3 Worker’s Compensation – Benjamin Trabka

Alderman Anglace MOVED to accept the recommendation as set forth in the letter of Counsel and pay the permanent partial disability award. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 7-0.

11.4 88 Long Hill Cross Road, LLC – Tax Appeal

Alderman Anglace MOVED to approve the stipulated agreement as presented in the matter of 88 Long Hill Cross Road, LLC Tax Appeal; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 7-0.
11.5  International Place, LLC – Tax Appeal

Alderman Anglace MOVED to approve the stipulated agreement for the International Place, LLC Tax Appeal; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

11.6  Beard Sawmill, LLC – Tax Appeal

Alderman Anglace MOVED to approve the stipulated agreement for the Beard Sawmill, LLC Tax Appeal; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

11.7  One Enterprise Drive Shelton, LLC – Tax Appeal

Alderman Anglace MOVED to approve the stipulated agreement for the One Enterprise Drive Shelton, LLC Tax Appeal; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

11.8  Two Corporate Drive, LLC – Tax Appeal

Alderman Anglace MOVED to approve the stipulated agreement for Two Corporate Drive, LLC Tax Appeal; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

11.9  One Corporate Drive, LLC – Tax Appeal

Alderman Anglace MOVED to approve the stipulated agreement for One Corporate Drive, LLC Tax Appeal; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

ADJOURNMENT

Alderman Papa MOVED to adjourn; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 7-0.

The meeting adjourned at approximately 7:55 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk  Date Submitted: _____________________________
Board of Aldermen

DATE APPROVED: __________________BY: ______________________________________
Mark A. Lauretti
Mayor, City of Shelton