



Board of Aldermen  
Shelton, Connecticut  
**Public Hearing on Ordinances**  
**March 22, 2005**

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**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Aldermanic President John Anglace opened the Public Hearing at 7 p.m. All those present rose and pledged allegiance to the flag.

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**ROLL CALL**

- Aldermanic President John F. Anglace, Jr. - present
  - Alderman John "Jack" Finn - present
  - Alderman Stanley Kudej - present
  - Alderman Joseph Lanzi - absent
  - Alderman Lynne Farrell - present
  - Alderman Nancy Minotti - present
  - Alderman Kenneth Olin - present
  - Alderman John P. Papa - present
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**1. STREET EXCAVATION ORDINANCE – REVISION**

**PROPOSED**

Amended Ordinance #715  
Street Excavation Ordinance

Sec. 14-51. Permit Required

- (a) No person shall make any opening, excavation, or construct any walk, curb, pavement, driveway, or perform other construction work within, on, through, or under any public street, highway or public right-of-way located in the city, including a state highway, for any purpose whatsoever, unless a permit has been obtained pursuant to this article from the director of public works or his designated agent. Any permit issued shall be valid for a period of ninety (90) days from the date thereof. Any work performed pursuant to such permit shall be subject to approval by the director of public works or his designated representatives.

On state highways located within the city, the city street opening permit must be obtained prior to the issuance of a permit by the department of transportation of

the state. This article does not supersede any regulations as set forth by the state with regard to excavation in state highways.

(b) Street opening permits will not be issued until an applicant has a condition precedent:

- (1) Paid to the city a permit fee of twenty five (\$25.00) for each opening, excavation, etc.; and
- (2) Unless exempted as provided in this article, paid to the city a fee for the cost of permanent patching of the street as calculated on a cost of per square yard basis by the city engineer; and
- (3) Unless exempted as provided in this article, filed with the city a surety bond in an amount which is sufficient, in the opinion of the city engineer, to secure the adequate restoration of the street as required by this article. In lieu of a surety bond the city engineer may require a cash bond or a letter of credit;
- (4) Unless exempted by this article, provided the city with evidence of general liability insurance in minimum amounts of five hundred thousand dollars (\$500,000.00) for each person, one million dollars (\$1,000,000.00) for each occurrence, bodily injury insurance and one hundred thousand dollars (\$100,000.00) property damage insurance which policies shall name the city as an additional insured;
- (5) Shall have provided the city with the full name and business address and telephone number of the applicant, and the name, address and telephone number of two (2) persons with authority from the applicant to take action in case of emergency and who will be available on a twenty-four hour basis;
- (6) Provide a general statement of the scope of the proposed work in such detail as may reasonably be required by the director of public works, or his designated representative, including the number of days that the work is estimated to take and specific plans for safeguarding the work and any condition left prior to the final completion of work. These plans shall be subject to review and approval by the public works director or his designated representative and the public works director or his designated representative may make such reasonable requirements as are necessary in order to insure safe passage on the highway and to protect the public health, safety and welfare. Such requirements may include, but are not limited to, provisions for lights, barricades, warning signs and the like depending upon the nature of the work.

**(7) Provide a letter from the Chief of Police or his designee, acting as the Traffic Authority, setting forth such measures as the Chief of Police or his designee requires in order to insure the safety of the public and to maintain adequate traffic flow and control.**

**The letter shall specify the type of traffic control, if any, that is required to maintain traffic flow and public safety, to wit: (1) Police Officers; (2) Flag Persons; (3) Signs and/or warning devices; or (4) Exempt (no traffic control required) or any combination of the foregoing.**

**Utility company service vehicles, such as electric, gas, water, telephone and or cable companies stopping for a short period of time on the traveled portion of the highway in order to complete repairs or to render certain service may be exempt from providing traffic control of the type and form described above, at the sole discretion of the Chief of Police or his designee in order to maintain traffic flow and public safety.**

**Any work that is being conducted on a public street may be required by the Chief of Police or his designee to post warnings in both directions, provide proper illumination of said warnings for a distance of at least 100 feet to warn motorists.**

**All flag persons and Police Officers shall be properly trained in accordance with evidence of same provided to the Chief of Police or his designee and equipped at all times with the proper safety equipment.**

**Sec. 14-52. Same-Notice to director of public works; term.**

The director of public works and the police department shall be notified at least twenty-four (24) hours in advance of actually starting any work authorized under a permit. Failure of the permittee to notify the city may result in the revocation of the permit. Permits are void three (3) months after their issue date.

**Sec. 14-53. Public service companies**

Nothing in this article shall be construed to prevent making of any necessary excavation or the performance of any work related thereto by any public service company in the event of an emergency. In the event of an emergency, the public utility company shall notify the city immediately or if after hours the start of the next city hall business day at which time application for a permit shall be made.

Any public service company which has complied with the provision of section 16-230 of the general statutes shall be exempted from the requirement of posting a bond as hereinbefore set forth and shall be further exempted from the requirement of paying a fee for the cost of permanent patching of the street opening as hereinbefore set forth, provided that the utility shall place on file with the city a written agreement constituting a continuing obligation binding the utility to permanent repair required by this article at its own expense and in such a manner as is required by this article as if the work were to be done by the city contractor as further guaranteeing the quality of the workmanship and materials to the same extent as would the city contractor and agreeing to complete the work at the times required by the city engineer. The utility shall warranty all their permanent repairs for one (1) year.

Sec. 14-54. Requirements if closing of public highway required

No highway may be closed without the approval of the traffic authority. Such approval shall only be issued in extraordinary circumstances, for a short period not to exceed one workday, and when occupied properties can obtain access by an alternate route. If the work of the permittee requires the closing of a public highway for any period of time, notice shall be given in writing to the traffic authority and to the director of public works or his designated representative twenty-four (24) hours in advance. The traffic authority may determine the need for closing the highway and may require the work or work method be so altered as to provide for traffic flow. The director or his agent shall provide written notice to the police and fire departments upon receipt of notice of the intent in advance of closing any public highway.

Sec. 14-55 Tunneling or jacking

Tunneling or jacking shall be permitted only when plans prepared by a registered engineer are submitted to and approved by the city engineer.

Sec. 14-56. Materials not to interfere with travel; barricades required

All excavation materials shall be compactly piled and shall not interfere with public travel to any greater extent than necessary. Suitable barricades shall be provided, and warning lights kept burning between sunset and sunrise and any other time as may be required by the director of public works or his agent. If the location and extent of work is such that a traffic director, in the opinion of the director of public works or his agent, is required, such traffic director shall be provided at the expense and responsibility of the contractor.

Sec. 14-57. Backfilling

Backfill in trenches within paved areas shall be placed in layers not more than twelve (12) inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the director or his agent. Compaction equipment must be at the excavation site and shall be utilized during all backfilling operations.

The material used for backfill shall be subject to the inspection and approval of the director, or his agent, and if in his opinion, the excavated material is unsuitable for backfill, the contractor shall be required to dispose of the unsuitable materials in the amounts and proportions specified by the director or his agent. When backfill has been completed within the fifteen (15) inches of the finished pavement or surface grade, the next fourteen (14) inches shall be filled and compacted using an approved grade of bank-run or processed gravel. The last two (2) inches shall be covered with adequate temporary hot bituminous paving material (when available) and in such a manner as shall be approved by the city engineer.

#### Sec. 14-58. Inspections

The director or his agent is empowered to inspect all excavations for workmanship and materials. The excavation may not be permanently backfilled without the director or his agent present at the site. The city will require the permittee to excavate and expose for inspection any portion of the excavation backfilled without inspection or authorization to backfill.

#### Sec. 14-59 Maintenance of work by contractor

The contractor will be required to maintain his work until permanently paved by the city. During this period he shall inspect the trench at such regular intervals as may be necessary to maintain the area in satisfactory condition. The contractor shall make all necessary repairs, and in the event that the contractor fails to make such repairs as are deemed necessary and the city must perform any work, the contractor shall pay the cost of this work. Failure on the part of the city to give notice that repairs are needed shall not relieve the contractor of any of the duties set forth herein.

#### **Sec. 14-60. City responsible for permanent repair**

The permanent repair of street openings shall be the responsibility of the city. The city shall charge each permittee a fee for cost of the permanent repair based on the area of the final repair as calculated by the city engineer. The square yard unit prices shall be annually determined by the city engineer in accordance with current costs and construction practices. A uniform method on which to base these costs shall be prescribed by the city engineer and approved by the director of public works.

In the event the size of the permanent repair exceeds the estimated size of permanent repair, the permittee shall pay the additional fee to the city within ten (10) working days. Failure to pay the additional fee will result in the permittee forfeiting any rights to future permits until the outstanding balance is received.

#### **Sec. 14-61. Bituminous concrete**

Hot-laid bituminous concrete shall be as specified by the state department of transportation in their specification and latest revisions for "Bituminous Concrete, Class 2".

**Sec. 14-62. Liability of permittee for unsafe conditions or abandonment.**

Any person, firm or corporation who violates any provision of this ordinance shall be subject to a fine of not more than \$100.00 for each violation. Any person, firm or corporation who receives a permit and leaves an excavation in an unsafe condition in violation of any of the provisions of this ordinance or abandons a street opening, shall be subject to a fine of not more than \$100.00 for each violation and shall be liable for all costs incurred by the city to correct any condition.

**Sec. 14-63. City's right to not issue, revoke permits.**

Any permit may be revoked by the director of public works for just cause including, but not limited to, defective workmanship, trench settlement, failure to notify or nonpayment of additional fees. The director of public works may refuse to issue a permit to any person, firm or corporation which has not paid to the city any fees incurred under the provisions of the ordinance prior to making such permit application.

**Sec. 14-64. Termination of permit; release of contractor's obligations**

Six (6) months after completion of construction, the contractor shall apply for termination of the permit and release from any obligation involved thereafter. If in the opinion of the director or his agent the work is not satisfactorily completed or settlement is occurring, necessary repairs shall be undertaken by the contractor and an additional period of liability established by the director or his agent will be established before release. The installation of permanent repairs by the city, to such opening shall terminate the permit and release the permittee from any obligations thereafter.

Chief Robert Voccola of the Shelton Police Department explained, this amendment of the Street Excavation Ordinance was submitted by me after some issues about two years back when it was unclear who had the responsibility to decide if there should be a Police Officer or not on road construction. The ordinance was ambiguous. In this room we had at least one hearing with the union and the labor board, and as a result of those hearings, our City labor attorney drafted some language that would fit the bill a little better. I took that language and reworked it into a proposed ordinance that I sent over to Corporation Counsel Tom Welch. What you have in front of you is the final reviewed and accepted copy by everybody involved and by the City attorney.

We took out sections that said the Public Works Director would be obligated to do certain things, and in reality it was antiquated. We brought it up to speed with today's methods of operation. It is an ordinance that will save the City money in the long run. If you look at #7 on the first page there – it says "provide a letter from the Chief of Police," – this is what the contractor must do – "provide a letter from the Chief of Police or his designee acting as the traffic authority and under State law, under traffic authority for the City, setting forth such measures as the Chief of Police or his designee requires in order to insure the safety of the public and to maintain adequate traffic flow and control. The letter shall specify the type of control," and a little bit of this is new, "if any, that is required to maintain traffic flow and public safety." To wit, do you need a police officer on the job? Can we get along with flag people? Or can we get along with signs and/or warning devices, or, no traffic control is required, or any combination of the above.

"Utility companies, service vehicles such as electric, gas, water, telephone, or other cable companies stopping for a short period of time on the traveled portion of the highway in order to complete repairs and to render certain services may be exempt from providing traffic control of the type and form described above at the sole discretion of the Chief of Police or his designee in order to maintain traffic flow and public safety." In the past, what happened was, the phone company came to your house to do a repair – your phone didn't work. So they came up with a truck and part of that truck was parked on the traveled portion of the highway for a short period of time and they ended up getting tickets because they were in violation of the ordinance that said they didn't have a cop on the job, and they were only there for 15 or 20 minutes.

So we met, the Police Department, myself and my staff, we met with the Police union, we met with the unions from the utility companies, and we came to an agreement that, if you're going to be out there for 15 or 20 minutes, 30 minutes, making a repair, you obviously don't need a cop. What it says here is that they would have to put out some warning devices – some cones, some signs – and all of the utility companies carry those on the truck.

This is an agreement that we've had in place for several years now, but it's always better in writing; so there it is.

Alderman Anglace asked, was this discussed with the Public Health & Safety Committee?

Alderman Papa stated, for the record, this ordinance has been recommended and it went through Public Health & Safety, was reviewed, voted on, and there is no need for it to go back to the Public Health & Safety Committee. As the Chief mentioned, after #7 came #8, and it said "the provisions of paragraph 6 and 7 may be waived by the Director of Public Works for conduit work, service lines for the lines which shall be determined by the Department of Public Works in case of an emergency to provide utility service to residential property." We took that out.

Alderman Anglace stated, thank you very much. Are there any other persons wishing to speak about the Street Excavation Ordinance?

Being none, Alderman Olin MOVED to close the hearing; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 7-0.

## **2. ORDINANCE RELATING TO THE SALARY OF THE MAYOR**

### **PROPOSED ORDINANCE RELATING TO THE SALARY OF THE MAYOR**

Be it ordained by the Board of Aldermen of the City of Shelton that an ordinance relating to the salary of the Mayor is hereby amended to become EFFECTIVE December 1, 2005 in accordance with the following provisions:

1. That the Office of the Mayor shall be considered a full-time position equivalent to "Exempt" status as described in the Fair Labor Standards Act.
2. That **an annual** salary of **\$88,250** be established for the position of Mayor as of **November 22, 2005**. Such salary shall **be further adjusted to \$91,800 as of November 21, 2006**.
3. That the Mayor's salary be updated on a biannual basis using the rationale employed by the City Wage and Salary Consultant, as further modified this year, using the latest Connecticut Conference of Municipalities (CCM) Salary Survey data among cities of like population groupings. Further, that the Consultant compares ability to pay, grand list equalization, and Internal salary comparisons data to arrive at a recommended two-year salary.
4. That the objectivity in the process be achieved by acceptance of the fact that this process is not a science. It is logic applied by a professional Wage & Salary Consultant who will recommend to the Board of Aldermen. The Board then will codify this recommendation in ordinance form, hold a public hearing on such ordinance change and then adopt the final Mayoral salary.
5. That the Mayor be provided with Life, Medical, Dental, and Disability insurance. Life insurance coverage will be two times salary rounded to



the next highest full one thousand dollars, if necessary. Accidental Death and Dismemberment coverage equal to the amount of Life insurance shall be provided. Medical, Dental, and Disability insurance shall be provided equal to the plan being offered to Merit System employees. Mayoral contributions to these plans will be equal to the contribution rate established for Merit System employees. Holidays, Vacation, and Bereavement shall be provided equal to that provided to Merit System employees. The Mayor shall, as a pension benefit, be entitled to a City paid eight (8%) of the annual base salary contribution to a 401K or similar type plan designated by the Mayor.

All other Ordinances inconsistent with the above provisions are hereby repealed.

**Adopted by the Board of Aldermen:** \_\_\_\_\_  
*Date*

**Approved by the Mayor:** \_\_\_\_\_

\_\_\_\_\_  
*Date* *Mayor's Signature*

**Attested to:** \_\_\_\_\_  
*City/ Town Clerk*

**Printed in the Connecticut Post:**

Alderman Anglace stated, for the record, this has gone through the Finance Committee and is being recommended by the Finance Committee. Would anybody like to speak on this ordinance?

Being none, Alderman Kudej MOVED to close the hearing on the Ordinance Relating to the Salary of the Mayor; SECONDED by Alderman Minotti. A voice vote was taken and the MOTION PASSED 7-0.

**3. AMENDMENT ORDINANCE # 748 – CLERK’S PAY**

**PROPOSED  
CLERK’S PAY**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON THAT;

- A) For any clerk hired after July 1, 2000 who performs the duties of taking and transcribing the minutes of the meetings of the various boards and commissions shall be paid at the rate of \$18.00 per hour. If said clerk is the regular clerk of the board or commission and is employed by the City

of Shelton in another capacity, the hours employed in both positions shall be added together to provide that said clerk be paid one and one half the weighted average hourly rate earned during the week for each hour worked in excess of forty (40) hours in any week. "Regular Clerk" is defined as a clerk who attends and takes minutes at meetings of a board or commission on a regular basis. A clerk who attends and takes minutes of meetings on only an occasional or sporadic basis shall not be considered the regular clerk and shall not be entitled to overtime compensation as described above. "Weighted average" shall be determined in accordance with 29 C.F.R. Section 778.115.

- B) The hourly rate of \$18.00 described in Subsection A. shall not apply to any clerk hired on or before July 1, 2000. All other provisions of said Subsection A. shall apply to all clerks regardless of the date of hire. The rate of pay for any clerk hired prior to July 1, 2000 shall continue to be paid at the rate in effect as of said date provided that if said Clerk was being paid less than \$18.00 per hour, said Clerk's pay shall be increased to \$18.00 per hour.
- C) Any clerk who attends a properly scheduled meeting which is canceled due to the lack of a quorum shall be paid a sum equal to one hour's wage.
- D) This ordinance is effective \_\_\_\_\_.

(This ordinance replaces Ordinance #748)

*Adopted by the Board of Aldermen:* \_\_\_\_\_  
Date

*Approved by the Mayor:* \_\_\_\_\_  
\_\_\_\_\_  
Date Mayor's Signature

*Attested to:* \_\_\_\_\_  
City/ Town Clerk

*Printed in the Connecticut Post:* \_\_\_\_\_  
Date

Alderman Papa asked, who put this together?

Alderman Kudej replied, this went through the Finance Committee and was approved.

Alderman Anglace explained, there has been no change in this Clerk’s pay for nine years. We’re just updating it.

Alderman Finn asked that a copy be sent to the Board of A & T for their budget workshops to that they are aware of the increase for the clerks.

Alderman Anglace stated, we haven’t sent this to them, or anybody. It’s in the works. Good idea for the clerk to send a copy of any ordinance dealing with money to A & T to let everybody in the budget process be aware of it. Does anybody else wish to speak on the Clerk’s Pay Ordinance?

Being none, Alderman Papa MOVE to close the hearing on the Clerk’s Pay Ordinance; SECONDED by Alderman Olin. A voice vote was taken and the MOTION PASSED 7-0.

**4. AMENDMENT ORD. #724 – CORPORATION COUNSEL SALARY**

**PROPOSED**

Ordinance #

**Amendment  
CORPORATION COUNSEL’S SALARY**

Be it ordained by the Board of Aldermen of the City of Shelton that:

1. Commencing July 1, 2005 the annual compensation for general matters for the Corporation Counsel shall be thirty eight thousand sixty (\$38,060.00) to be paid in monthly increments during the fiscal year. The salary for the Assistant Corporation Counsel shall be twenty six thousand two hundred sixty (\$26,260.00), payable in monthly increments during the fiscal year.
2. The Corporation Counsel shall receive, in addition to such sum, the sum of six hundred five (\$605.00) per month in lieu of secretarial assistance and the Assistant Corporation Counsel shall receive a payment of Four Hundred Ninety (\$490.00) per month in lieu of secretarial assistance.

For those matters which are not included within the above referenced items of compensation, specifically litigation, contested matters and labor work, and such other matters as historically have not been included within the annual

compensation of the Corporation Counsel, the hourly rate shall be as approved by the Board of Aldermen from time to time.

Alderman Anglace stated, this has gone through the Finance Committee. I can't tell you when the last change was to the Corporation Counsel's rate of pay.

Alderman Papa replied, I think it was 1998. It was \$31,460, now it's going up to \$38,060.

Alderman Anglace stated, the stipend is changing for the sum of \$605 to be paid per month; that used to be \$500 in lieu of secretarial service. Assistant Corporation Counsel will receive a payment of \$490 in lieu of secretarial assistance, up from \$400.

Alderman Papa stated, we still get a pretty good rate from our Corporation Counsel.

Alderman Finn stated, just send copies to the Board of A & T with those changes.

Alderman Papa stated, don't we have a line item for increases or contracts that are not in effect yet but will go into effect, say, as of July 1? Do we have an account for that to pick up the increases in salary and different wages?

Alderman Anglace stated, with respect to the Ordinance #724 and its changes, that money is in the Legal Services Account. With respect to Clerk's Pay, that goes into a general account.

No persons came forward to speak, therefore, Alderman Farrell MOVED to adjourn; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 7-0.

**ADJOURNMENT**

Alderman Olin MOVED to close the public hearing at approximately 7:15 p.m.; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 7-0.

Respectfully submitted,

Patricia M. Bruder  
Clerk, Board of Aldermen

Date Submitted: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_ BY: \_\_\_\_\_

Mark A. Laretti  
Mayor, City of Shelton