



**Board of Aldermen
Shelton, Connecticut
Public Hearing on Ordinances
April 22, 2004**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Alderman John Anglace opened the Public Hearing at approximately 7:35 p.m., immediately following the Public Hearing on Water Main Extension for Brookwood Lane.

ROLL CALL

- Aldermanic President John F. Anglace, Jr. - present
- Alderman John "Jack" Finn - present
- Alderman Stanley Kudej - present
- Alderman Joseph Lanzi - present
- Alderman Diane M. Marangelo - present
- Alderman Nancy Minotti - present
- Alderman Kenneth Olin - present
- Alderman John P. Papa – present

LEGAL NOTICE - CITY OF SHELTON – published

LEGAL NOTICE
CITY OF SHELTON

PURSUANT TO THE CHARTER OF THE CITY OF SHELTON, NOTICE IS HEREBY GIVEN THAT THE BOARD OF ALDERMEN WILL CONDUCT A PUBLIC HEARING ON THURSDAY, APRIL 22, 2004 IMMEDIATELY FOLLOWING THE PUBLIC HEARING IN THE AUDITORIUM AT CITY HALL, 54 HILL STREET, SHELTON.

1. AMEND ORDINANCE – CHAPTER 3, ARTICLE II, SECTION 3-34(G)
2. BOAT RAMP PERMIT – AMENDMENT ORD. 689
3. OVERTIME PARKING – TOWING OF VEHICLES – AMENDMENT
4. ETHICS ORDINANCE – AMENDS ORD.

ALL PERSONS WHO HAVE AN INTEREST THEREIN MAY APPEAR AND BE HEARD IN RELATION HERETO. A COPY OF THE PROPOSED ORDINANCES MAY BE VIEWED IN THE CITY/TOWN CLERK'S OFFICE AT CITY HALL, 54 HILL STREET, SHELTON, CT 06484

DATED AT SHELTON
APRIL 13, 2004

1. AMEND ORDINANCE – CHAPTER 3, ARTICLE II, SECTION 3-34(G)

Alderman Anglace stated, this has to do with the amount of frontage on a lot. Here, for the purpose of reading a letter from Rick Schultz that was sent in for the record, Rick Schultz is the Planning and Zoning Administrator.

I have received and reviewed the proposed amendment of Attorney Dominick Thomas relative to the building and building regulations Ordinance, Chapter 3, Article II, Section 3-34, Requirements for Structures Not on a Public Street. Over the years, the Planning and Zoning Department has wrestled with limitations of this ordinance with property owners and developers. Staff has consulted with Corporation Counsel to address the rigidity of this ordinance, and how to best amend it, without jeopardizing the original intent. The frontage provision under paragraph "G" has always been the centerpiece of discussion, and needs to be given a lot of thought and consideration, as suggested by Attorney Thomas. Accordingly, the request for amendment is worthy of consideration, but must be carefully examined by staff and Corporation Counsel before any adoption should be considered. This amendment could have significant impact on the orderly growth and development of the City of Shelton. Staff will be on vacation until May 4th and will be available to take up this matter at that time..

Attorney Dominick Thomas, Cohen and Thomas, 315 Main Street, Derby

I represent Jack and Josephine Gaida, whose situation is the situation that motivated me to write the letter concerning the amendment. But I'm not here to talk about their specific problem, because tonight is just a suggestion concerning the amendment to the Ordinance.

We were involved in a situation and began negotiations concerning an interior piece of property that had a wide paved driveway and 40 feet of frontage. In an effort to resolve the problem, we had made a certain proposal which would have involved three residential lots in this rear area which was at that time, and still is, zoned IA2 and the properties around there didn't want an IA2-type use in the back.

When I was discussing it with Planning and Zoning, this ordinance was pointed out. The reason it was pointed out is because it had no provision to vary it whatsoever. It was not under the prerogative, obviously, of the Planning and Zoning Commission, it was in the prerogative of the Board of Aldermen.

I have, in my past, worn another hat as town counsel of the Town of Oxford, and we have a couple of ordinances, driveway ordinances and others, that are controlled by the Board of Selectmen. Those have provisions for the Board of Selectmen to vary certain standards. In looking through this and researching it, I observed that there was no provision. Obviously, the thought that came into my mind, is if you had an interior parcel of land and in fact it had 19 feet of frontage, even though everything would be appropriate, it would have more than enough to have a driveway. There was no way to vary it.

So I sat down and I crafted the proposed variance. I did it by adding a sentence. Now, I did not feel it would be appropriate to request that this be able to be varied by an applicant, by an individual, business, corporation or entity, because then you, as the Board of Aldermen, would be subject to anybody with an interior lot just writing a letter, and you'd be sitting as a ZBA for these problems. So the way I drafted it is by adding the following language:

"Except that upon the request of the Planning and Zoning Commission, the Board of Aldermen may grant a variance to this requirement when it is determined that a single-access common driveway with less than 20 feet frontage per rear lot would be appropriate and in the best interest of appropriate development, traffic, safety and the neighborhood."

So the matter would never come before the Board of Aldermen unless it were referred to the Board of Aldermen by the Planning and Zoning Commission, number one, and number two, the other thing that motivated it, is that even when you do have the 60 feet, and I participated in the development in Shelton up on Long Hill Avenue that had the 60 feet, even with that 60 feet, the Planning and Zoning Commission requires common driveways, because they want to eliminate the number of road cuts.

So based on that, based on the rigidity of it, this is why I proposed it. I felt that my proposal had protections because it only could come through the Planning and Zoning Commission, and would allow this Board to retain the control to determine in what circumstance it should be varied.

I'm not here to talk about my specific case – that would only come about if in fact it were to be passed, and I would then have to make application to the Planning and Zoning Commission to see if they would refer it to you. I would be happy to answer any questions. Thank you very much.

Attorney Alan Tyma, 231 Coram Avenue

I represent two people who are in attendance this evening, specifically with respect to requests made by Mr. Thomas' client before the ZBA. I understand we're trying to limit our comments, but I think you have to understand the global picture here, and what may have given rise to this request.

Like Attorney Thomas, I represented various towns including this City, and one of the concerns we always have is, if we open up Pandora's box, we have to be concerned about what's in it. What I would suggest to you is that even though, and I do applaud him for suggesting that the P and Z have control of anything that would come before the Board of Aldermen, I have yet to hear specific circumstances which would give rise to a need to consider this ordinance.

What I would suggest to the panel this evening is that this creatively came about as a result of a request from Planning and Zoning to change an IA2 Zone, which was adjacent to the Route 8 construction, back to a Residential Zone. In fact, I think your records may reflect, and P and Z can certainly give heed to this, that they had actually thought in the past that these areas that were adjacent to the Route 8 construction had been changed back to what was in front of them, which is a residential zone. So, Mr. Fitol, who is almost an abutter, and Mr. Bienkowski, who is an abutter to this property, which is a T-shaped piece of property, have already had to go before the ZBA because of a proposal that has been raised to try to have the IA2 Zone, which apparently, I guess, tomorrow or perhaps next week, is going to have an effective change back to a Residential Zone. But the IA2 Zone is still alive by virtue of a public hearing that was just closed this past week requesting that there be an opportunity to build a commercial building. Now what happens is, it's getting changed to residential, and in fact, there is a house there although I don't know if it's inhabited at this point. The actual property that is being discussed is a couple of acres of land with a 40-foot inlet.

The general routine in this city is that's a Planning and Zoning matter. So when I do hear Attorney Thomas talk about the idea of going to Planning and Zoning first, that is exactly correct. But I do think he's a bit premature in asking for a change in the ordinance at this point in time, because he is

representing a particular client. That particular client already has an application pending before the City for a commercial use. Based upon what may happen there, he may want to come back to ask for a residential use, and then if you'll note his letter, which I believe was sent to you, Mr. Anglace, and also to the Mayor, there is an indication that in fact there is a residential use already on the property, but he's looking to expand that residential use to allow for not just one home, but he would like three homes.

That is what gives rise to the request this evening to try to come up with some creative language to see if there can be access into this, what is in effect, a rear lot. Again, as a Planning and Zoning Commission dictates in this town, the most that you can do with rear lots, and there is no other frontage other than this 40-foot frontage, is to have no more than three lots. That would be the max. In fact, there may only be an opportunity for the one lot that is currently residential. That won't play into the financial desires of Mr. Thomas' client.

What I would suggest is that what appears on the face of it to be perhaps a desire to be helpful to the town, is in effect a plea on behalf of a client, in a very subtle and very meaningful way, to change what has been in fact in place in your community for very many years, and I'm sure Corporation Counsel can reflect on this if it does go before P and Z, that the particular reason for having your 40-foot frontage is all about access. It's all about streets and the development of town over time, and making sure that if there were uses or rear uses of back properties, that the appropriate vehicles, especially City vehicles and especially emergency vehicles would have the opportunity to access that. That is the reason behind, I understand, your particular Ordinance, because it's a multi-faceted ordinance and it's attached to that letter, Mr. Chairman.

What I would like to ask you to do, is to table consideration until perhaps you do get feedback from Counsel and also from your Planning and Zoning Commission, because this is effectively a Planning and Zoning matter, and it's effectively related to a particular individual or individuals who own property. I think trying to change the fabric of the ordinance is really playing into the hands of only that individual at this time, unless there is other information talking about many other opportunities in the town that perhaps aren't getting fair airing. I'm not aware of anything before P and Z, but I think that it can be looked at. Again, it is a creative way to address it. It would still have to come back on the merits, and it probably wouldn't come back, I would submit to you, until after P and Z not only thought about it in a generic way, but also had a consideration of a particular proposal before it. So I think it's the proverbial cart before the horse. I would just ask you to table consideration at this period of time.

I would answer any questions you may have.

Joseph Bienkowski, 403 Long Hill Avenue

My parents live adjacent to Mr. Thomas' clients. I would just like the Board to know that his client has an ongoing zoning violation for filling without a permit and ongoing wetlands violation, and also tried to establish a contractor's storage yard without a zoning compliance. Thank you.

Attorney Dominick Thomas

I had agreed not to address the specifics. I am not here to pitch for my client. In fact, Attorney Tyma wants a specific situation, I told it to you. If you have a 19-foot entrance to a piece of property, you have effectively confiscated it. Therefore are subject to a taking suit. So if you want the reason why, that is the basic reason why. A client has, as far as I'm aware of, and we've checked it, has no pending actions by Planning and Zoning, Wetlands, or anything. This subject came up in an effort to resolve a matter. The effort to resolve it, the ordinance was brought up. In discussions in fact with Planning and Zoning, the members said that for years they have been affected by the rigidity. The comment, because there is no way to effect it, which can lead it to a confiscatory act if in fact you don't have that required 20 feet.

Therefore, without a provision, and I agree with Attorney Tyma that it is a Planning and Zoning matter, and in fact initially I proposed, because this was supposedly an ordinance put in to effect many years ago when there was a concern about isolated pieces of property off of old roads, off of Coram Road or one other road, and I have spoken with Attorney Welch's father about it, and it goes way, way back. It also affects issues concerning whether or not you have a town road. My initial first impression was to create a situation where you actually abolish the ordinance and left it up to Planning and Zoning. But after discussion, with members of the Planning and Zoning staff and Planning and Zoning, and even the Corporation Counsel, it was felt that it wouldn't be the appropriate way to go. This is something that the Aldermen wish to still have control over. So the balance was, how do you have control over it, and how do you vary it.

I'm not here to pitch for my client. That is a case that I would have to do if in fact you modified it. As a matter of fact, it wouldn't even make it to you if Planning and Zoning didn't determine it.

So I think that even though the people that have commented are people that are involved in it, my request to you is that, as Mr. Schultz said, that you get recommendations from Planning and Zoning staff and from Corporation Counsel, and then approach it in that way. Thank you.

Richard Widomsky, Christine Drive

I had no intention of speaking tonight, but this driveway intrigues me, only because some 15 years ago I ran into a situation similar to this, whereby they needed – let me back up - interior lots. I think Mr. Thomas is aware of the situation. We had an interior lot behind my house, and they weren't allowed to put in a road to the lots because it had to be 20 feet. So consequently, the reason that Planning and Zoning said they couldn't do it was because of safety issues, fire trucks, ambulance, make sure the driveway is plowed, whatever. This ordinance has been in effect for I'll bet 15 years.

The other reason they wanted a smaller lot or smaller lines is because you could squeeze in another lot. It affects the square of the lot, it affects the width of the driveway going in. Everything gets smaller – it just affects the whole lot. It means you can get another lot in – this is in a residential area – I don't know anything about what they're talking about. I have first hand knowledge of what happens in a residential zone.

Unfortunately, what happened was, there is a piece of property down at the bottom of the street, which is the other end of where the road goes in. They were able to put in a smaller road, but the reason they got away with a smaller road was because there was other access. The access right now is still wooded. Corporation Counsel at that time ruled because there is access there, or they had the frontage, which was some 40 or 60 feet, they were still able to build three homes. I think there are three or four homes there, I forget what the real outcome was.

The point is, you really need to look at this and spend some time and not just go ahead and listen to one attorney or the other. Of course, take into consideration they are the attorneys – the experts in the field at what they do. Really look into it. Look into the total lot. Look into what is really happening. Look into what happens when you take a 20-foot driveway and drop it down to 10. Does it affect the square of the lot? Does it give the applicant the opportunity to put an additional lot in, which you may not want. I think this is perhaps what Mr. Schultz was alluding to. Just don't go ahead and vote on it tonight – maybe table it and really look into it. Like I said, I have no idea what is going on with Dominick Thomas or Joe Bienkowski, but I ran into this 15 years ago. Don't take it lightly because it

does affect more than just that one parcel. It will affect your R-1 Zones throughout the City – I believe. Thank you.

Alderman Anglace asked if any other member of the public wished to address the Board on this matter. Being none, he closed the public hearing on Item #1- AMEND ORDINANCE – CHAPTER 3, ARTICLE II, SECTION 3-34(G)

2. BOAT RAMP PERMIT – AMENDS ORD. 689

Ron Herrick, Director of Parks and Recreation

This change, as far as the Parks and Recreation Department and Commission – I believe I speak for the Commission, it came up at our meeting. Over the years, down at the Boat Ramp, the way the current ordinance reads, there is a decal sticker that is purchased from the Town Clerk and it's affixed to the vehicle that goes down the Boat Ramp behind Sunnyside School. Over the past few years, we have come across people having two or three vehicles that can tow their boat. We've gotten calls where, "my son has the truck, my wife has the station wagon."

Currently, they would have to use another vehicle with another sticker – they would have to pay twice. Our Commission felt that was a bit of a penalty. They're only using one boat, one parking space. We are looking to change three words in the ordinance - "or boat trailer." This way, the sticker is affixed to the vehicle or the boat trailer. This way, if they have more than one vehicle – they're only going to have one boat, one trailer, still using the ramp once and one parking space. We feel that would be the fairest for everyone. They would still purchase from the Town Clerk, the same fees, and that would be the only change we would be looking for.

Alderman Anglace asked, when I looked at the ordinance itself, I didn't see in there, and maybe I missed it, I didn't see the reference to the \$100 for all others. Is that in the ordinance?

Mr. Herrick replied, for non-residents, yes it is. We will have to order some different waterproof stickers and sell those with the Town Clerk giving those out.

Alderman Anglace asked if any other member of the public wished to address the Board. Being none, he closed the public hearing on Item #1 – Boat Ramp.

3. OVERTIME PARKING – TOWING OF VEHICLES – AMENDMENT

Ron Herrick, Director of Parks and Recreation

I'm speaking concerning an incident that happened at the Boat Ramp – nowhere else in town. We had a vehicle illegally parked down there and the individual was towed. I believe there was a problem concerning payment of towing fees and getting their vehicle back. Mr. Papa was well aware of that – that's from Parks and Rec with the Boat Ramp. That is what that's concerning – to get that down there so everybody is aware that the individual will be responsible for the fees incurred with the towing and/or retrieving of the vehicle.

Alderman Papa stated, the way it's set up now, any place in the City the person who owns the vehicle is responsible for that towing charge. It's just down at the Boat Ramp, we didn't specify it in our Rules and Regulations, so we had to make it known that if it is left there, they are responsible for having that vehicle towed and to pay for it to get it back.

Mr. Herrick added, it's been rewritten to encompass all City property – any overtime parking on City property.

Alderman Anglace asked if any other member of the public wished to address the Board. Being none, he closed the Public Hearing on Item #1 – Overtime Parking – Towing of Vehicles – Amendment.

4. ETHICS ORDINANCE – AMENDS ORDINANCE 304

Irving Steiner, 23 Partridge Lane

The Code of Ethics revision that is contemplated to change and connect the language between the ordinance and the Charter, if you can recall, when I had my initial application made up on a violation of the Code of Ethics, I submitted this application without any instructions regarding the differences between the ordinance and the Charter. I included in my application this discrepancy, and forwarded a registered letter to the town.

It was accepted, there was quite a bit of secrecy about it. It was then admitted that the Ethics Board had received the complaint and I received a letter that it was being reviewed.

At that point, the three Code of Ethics people were involved in reviewing my complaint.

During this period of time, I attempted to correct the Charter Revision that was going on at the time. Mr. Paul DiMauro was heading that up, and I found out that there was a chance for me to correct that, and in some way to tighten up the little bit of Code of Ethics that we had in the Charter, and the ordinance that existed that were never related and the ordinance being created by Francis Kelley back in 1977.

I found it next to impossible to get a correction put on the Charter Revision. It was constantly undergoing change. There was a disagreement within the Charter Revision Commission, and when it finally ended up in front of the Board of Aldermen, I took exception to what had changed. It was a few words, they took out one word and substituted another. Basically, it was not to my liking. I brought this up in a rather extensive speech to the Board of Aldermen. I said I feel the public deserves; I was greatly frustrated at this point; I spent a lot of time, I had an attorney friend review it with me, I spent about a day and a half. The result was practically zip.

I said to the Board of Aldermen, I feel that the public deserves zero tolerance with our elected officials as we do with other sections of our society. We have zero tolerance for our children in our schools, but the Charter Revision Commission wishes to have something less than zero tolerance for adult elected officials of our town. If it is good enough for our children, then our officials should be setting examples of the same stringent standards, or else, you are saying, "don't do as I do, do as I tell you."

Should the Board of Aldermen fail in this critical moment, then this Board and the Mayor will be sending a very disturbing message to the citizens of this community, which they did. We R 1 became an awful lot stronger, because we were feeling the sense of the feeling of the town.

The whole issue now, which is in front of you, is to correct what could have been corrected at that time, but was rejected by the Chairman. Insofar as he said it could not be changed at this point, that whatever came out of the Charter Revision Commission cannot be touched. From what I can see of the State Statutes, that the Board of Aldermen has 15 days to review, return the document for correction, which was a very simple correction, who the reporting point was for the accused. One document said it was in one area, another document said it was in another. You are now trying to address this. It could have been addressed at that time. I was misled to believe that the actual revision as it stood in front of the Board of Aldermen could not be touched.

All right, let's go fast forward now. Since then, I have received the judgment. The judgment, I would like to read you an excerpt of it, totally laundered: *"Regarding 9.7 - Conflict of Interest of the City of Shelton City Charter - it appears to be addressed to the Mayor and the Board of Aldermen and is not within the purview of the Board of Ethics. i.e., not contained within the Code of Ethics."* Well, that was not my fault, but the City Charter is the supreme document and I think the Board of Ethics could have reverted to that Charter and overcome the error that was not of my making, but was of the City's making and totally ignored by the City when I complained about it.

That did not sit well with me. I was very angry about that. I couldn't see how a simple little problem between an ordinance and the City Charter could not have been repaired on the spot by the Board of Aldermen.

Now we're here, and we're doing it again. But it's a moot point right now, because up until this point, there has been no State document that controls cities and municipalities. In other words, a complaint against the top official in any municipality or city, would be valueless. They were not under the cover of a State code of ethics.

I have with me, the latest Code of Ethics that was passed by the Senate last week. I would like to, if I may, hand out copies of it.

Alderman Anglace stated, it would be appreciated.

Mr. Steiner continued, the indication of the synopsis, which is the four-pager which was downloaded to me by Senator Gunther's office, if you look at the second paragraph, the bill eliminates the authority municipalities have to adopt a code and instead requires them and special districts to adopt a bill's model code or a stricter one by January 1, 2006, including procedures for investigating, deliberating, alleged ethical violations. Towns and districts already have adopted a code or do so by July 1, 2004, have to amend it to be at least as strict as the model code. The bill requires a State Ethics Commission to offer training on municipal ethics in each odd-numbered year. Therefore, we fit into the category – we do have a Code of Ethics – and therefore, although the date July 1, 2004 may change slightly, it went through the Senate and it's presently in the House, but it's a given and it will go to the Governor, and I don't think the Governor's going to veto it. That date may change. We are obligated as a City to install this model and it cannot be weaker – it has to be equal to or stricter. That's the challenge that you have with the Charter Revision Commission at the moment.

Alderman Anglace asked, Irving, you've read this I assume. Does it require us to adopt a code which is by ordinance, or does it require us to change the Charter, which is by referendum?

Corporation Counsel Welch replied - by ordinance.

Mr. Steiner stated, well, in any event, that saves that little bit of work of tying the ordinance with the Charter and get rid of a few problems here. But it also lays a healthy responsibility on the Charter Revision Commission. It's my impression from reading it that I am perfectly content with the quality of the document, and I would feel quite comfortable working in an atmosphere governed by that document. I hope that the Board of Aldermen, in charging the Charter Revision Commission with their responsibility, shows them the way that we can become the leading community in the State of Connecticut – we'll probably have the first corrected Code of Ethics in place before any other town in the State of Connecticut.

Alderman Anglace stated, well we can't change the Charter by July 1, 2004.

Mr. Steiner stated, well it's not up to me to decide whether you can or not, sir. What it is, is the State will decide.

Alderman Anglace stated, that's why Counsel said what you do is, you don't change the Charter, you change it by ordinance, which allows you to meet that deadline. To meet that deadline, this is April, something has to be submitted, the way our procedures work, something would have to be submitted by the May meeting, go to public hearing the latter part of May, like tonight – toward the end, and then the first point it could be considered for a vote would be the next meeting of the Board of Aldermen.

Mr. Steiner stated, excuse me. I don't understand the question there, or the approach you're taking, because it is clear there is no adjustment that can be made here unless you go back to the State for reasons of not being able to meet your schedule.

Alderman Anglace stated, the procedures in place to adopt an ordinance are what I just related to you. It's not a question of wanting to do it, it's a question of how we have to go forward to do it. The dictate is, do it by July 1st.

Corporation Counsel Welch stated, my reading of it is correct. It's by July 1, 2006 to put it in place.

Mr. Steiner stated, well, I don't see that either here because it says, "towns and districts that have already adopted a code, or do so by July 1, 2004, have to amend it to be at least as strict as the model code." So we have something in place.

Corporation Counsel Welch stated, we have the ability to process this as quickly as the Board reviews it. We already have an ordinance procedure that's in place, but the State version hasn't been adopted yet, but the mandate, if it was passed, gives you a window, they give you an end date that, we already have it in place, but a municipality that does not have it in place would have to adopt it before July 1, 2006.

Alderman Anglace stated, look at that paragraph just above the words "effective date." It says, "*Lastly, by January 15, 2006, the bill requires each municipality and district to report to the State Ethics Commission whether it has complied with the bill's requirements. By March 1, 2006, the commission must submit a report to the Government Administration and Elections Committee (1) indicating municipalities' and districts' compliance with the bill and (2) making recommendations for getting those that have not complied to do so.*" Is that January 15, 2006 the date?

Corporation Counsel Welch stated, right. Because there are some municipalities who operate through town meetings and have a more difficult time amending their procedures than a town that's run by a legislative body such as yourself.

Alderman Finn asked, can this be submitted as an amendment to existing ordinance we have on ethics? Can I submit this?

Corporation Counsel Welch stated, you can take the ordinance that you have, re-work that ordinance, take any proposal that's put forth, go through the public hearings, just as you do with any ordinance.

Alderman Finn stated, I would like to submit this on behalf of Mr. Steiner for us to act because only a member of the Board of Aldermen or the Mayor could submit this and I would like to submit this on his behalf for us to act on.

Corporation Counsel Welch stated, so then it would go to the next meeting, then your next public hearing, and you can follow right through the ordinance.

Alderman Anglace stated, let's refocus our attention. This is Mr. Steiner's opportunity to tell us, and if you have questions of him, it would be appropriate. Direct them to him. Let's not engage in our comments. I'm sorry – I got us off on the wrong track. Mr. Steiner, do you want to continue, please.

Mr. Steiner stated, well, from what I can see, we're in the tightest schedule of what appears to be all communities because we have a Code of Ethics in place, which is not adequate according to the State standard. I can see where possibly the dates that have to be met, if it stays in the legislature any length of time, would be extended out. You reach a point where it would be impossible for cities and municipalities to meet the one that exists here. I checked that point with Mr. Gunther's office, and I found out that they cannot guarantee that those dates will stand – it depends upon how long it stays in session. But it passed the Senate rather rapidly. They anticipate that it will pass the House equally as rapidly. So maybe those dates stand, maybe they don't, but still, there is an obligation here on the part of the City of Shelton to respond to this in what looks like a rather expedient fashion.

Alderman Anglace stated, would you be suggesting that what is before us now not be enacted and that we wait for this? What specific direction would you give us?

Mr. Steiner replied, you're the Board of Aldermen, and I'm a citizen. I would assume that you would proceed post haste with implementing this and should the date change, or at the worst case become defeated, then you would have to stop and reconsider.

Alderman Anglace said, let me state it again. What is in front of us tonight is the Code of Ethics Section 1-5 and what we're being asked to do is to hear that and then act on that. We fully understand what you've presented to us tonight, and by the way, it's very helpful information. I would ask Counsel to review it and give us the direction, give us the time schedules, as soon as it's passed in Hartford. Do you see anything wrong with us proceeding...

TAPE TWO, SIDE TWO

with what is before us?

Mr. Steiner replied, absolutely not.

Alderman Finn stated, I did submit this on behalf Mr. Steiner for us to act on as an ordinance.

Corporation Counsel Welch stated, okay, so it will be presented at your next regularly-scheduled meeting to go to public hearing.

Mr. Steiner asked, the Charter Revision Commission – are we in discussion on the make up of that?

Alderman Anglace replied no, we're only in session on the Code of Ethics Section 1-5 Written Disclosure Interest.

Mr. Steiner stated, okay, so I thought it would be best if I mention this so that really ceases to be of importance at this point, in light of this information, doesn't it?

Alderman Anglace stated, I think the information that you've given us is very interesting and very informative and very helpful. I think in the spirit in which it's given, Counsel will, I'm sure, keep us informed as to what happens at the Legislature, and then come up with a timeline for us to proceed to adopt it.

Mr. Steiner stated, John, I will also help to keep you informed on that. Thank you.

Walter Sofian, 7 Andrew Drive

I really didn't come with any prepared statement tonight. In listening to what I understand of what's up for discussion, 1.5 whatever of the Code of Ethics, if it is essentially just writing that joins the ordinance with the Code of Ethics in terms of who you have to write written disclosure, that doesn't really do anything. The problem with the whole Conflict of Interest section in the Charter is there are no teeth. There is just no provision for, something "shall be grounds for" and it's the decision of the Mayor and the Board of Aldermen, and it doesn't really spell out any penalties for violation of ethics.

Whereas, obviously the State Statutes are going to be very definite on that. So I mean, you can go through and say, "okay, I'm going to join the two" and you write a letter of Conflict of Interest to the City Clerk, and the Board of Ethics and the Board of Aldermen and the Mayor. That's all good and well, but if you fail to do those things, the problem is, there is no penalty.

When I was here at last month's meeting when the Mayor was being besieged by the property purchase that he had - I'm not really coming in on that issue per se, but one of the issues that really got to me a couple of times is that the Mayor, several times said, "you know," and he didn't say it to me, but he was basically saying that, "if you don't like, or you don't think what is going on is correct, file an ethics complaint." Then you go to Section 9.7 if you complain about the Mayor, and the Mayor and the Board of Aldermen are basically the people that decide whether there is any penalty. Does that make any sense to you? It doesn't to me. I guess that's all I had to say.

Alderman Anglace stated, we'll accept that as a rhetorical question. Thank you.

Alderman Anglace asked if any other person wished to address the Board. He stated, let me just say in closing - very helpful information. I do hope that you will continue to work with us on this as we go through it. We'll try to keep each other informed. Thank you very much.

Alderman Finn MOVED to close the Public Hearing; SECONDED by Alderman Marangelo. A voice vote was taken and the MOTION PASSED 7-0.

ADJOURNMENT

The public hearing closed at approximately 8:30 p.m.

Respectfully submitted,

Patricia M. Regan
Clerk
Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____

BY: _____

Mark A. Lauretti
Mayor, City of Shelton