



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
SPECIAL MEETING
THURSDAY, JANUARY 10, 2008

Call to Order / Pledge of Allegiance

Mayor Mark A. Lauretti called the meeting of the Board of Aldermen to order at 6 p.m. All those present rose 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 Kenneth Olin - present
Alderman John P. Papa – present
Alderman Jason Perillo - absent
Alderman Anthony Simonetti - present

Administration:

Mayor Mark A. Lauretti
Corporation Counsel Thomas Welch

There was a quorum present.

Agenda Items

Minutes for Approval

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

1. SPECIAL MEETING OF DECEMBER 14, 2007
2. SPECIAL MEETING OF DECEMBER 20, 2007

SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

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 \$2,089.90 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated January 3, 2008 with funds to come from the following Legal Services accounts:

Legal Fees	001-1900-411.30-03	\$2,089.90
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SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 6-0.

7 LEGISLATIVE - OLD***7.1 ITEMS FROM PUBLIC HEARING***

7.1.a WATER MAIN EXTENSION FOR HICKORY LANE

Alderman Anglace MOVED, per the recommendation of the City Engineer, to deny the funding of the Water Main Extension for Hickory Lane (#2 to #23) for lack of a clear majority in favor of the extension; SECONDED by Alderman Kudej.

Alderman Finn stated, I would like to have a second round of ballots sent out to the residents on Hickory Lane so we could get a clearer outlook of what their intentions are. Four residents on that street did not return their ballots.

Alderman Anglace asked, and if they don't return them the second time around?

Mayor Lauretti stated, remind me next week and I'll have the City Engineer do it again.

A voice vote was taken and the MOTION PASSED 5 Yes, 1 No (Finn).

[Alderman Simonetti arrived - 7 present 1 absent].

**7.2 OPEN SPACE AREA ASSOCIATED WITH BLUESTONE PROJECT
LOCATED ON IVY BROOK ROAD**

Alderman Anglace MOVED to accept the open space area associated with the Bluestone Project located on Ivy Brook Road Open Space Parcel (4.2 acres) as identified on the partial map of Shelton Office Park Two; SECONDED by Alderman Papa.

Alderman Papa stated, I wondered if the Open Space Committee Tom Harbinson could give us an idea if he is in favor of this.

Mayor Lauretti stated, we know that the Conservation Commission is in favor of it, and I think everybody knows that I am not in favor of it because I don't want it to become a maintenance nightmare for the City.

Alderman Papa stated, all I'm saying is I don't have any correspondence from the Open Space Committee that they want us to purchase it.

Mayor Lauretti stated, this came from Conservation, there is no more Open Space Committee.

Alderman Papa stated, I mean Conservation. I was asking for comments from Tom so we'd have it in the minutes that they are in favor of this open space area.

Mr. Harbinson stated, the Conservation Commission reviewed it at our November meeting. I don't know if correspondence on it was forwarded to you in a memo form or not. The Ivy Brook area is an area of importance. The City has accumulated some open space along that corridor to protect it. There are some historic artifacts along Ivy Brook further down. This represents an area where the head waters of it contribute to the clarity of it, the cleanliness and healthiness of that water corridor. So Conservation was endorsing that it be acquired, not really purchased in this case, but acquired as open space.

Alderman Papa stated, because the 4.2 acres, there is no cost involved. Is this a high maintenance area?

Mr. Harbinson replied, the Mayor at the last meeting mentioned that there was some cleanup that had occurred on the property in the past. I'm not sure when that occurred, but if it were City open space, there would be ordinances that you have in effect that could bring enforcement actions against parties that were dumping, whereas if it's private property, it's up to the private property owner to clean it up. The City has apparently undertaken doing that in the past.

Mayor Lauretti stated, well let me just say in response to that, the counter point to that is that the land is unbuildable. There is nothing to protect. It's already protected. When people dump illegally it's next to impossible to catch these people. We have from time to time in other locations that are a little more traveled than this one, and we've been out there several times in the last couple of years pulling out all kinds of construction debris, a refrigerator on one occasion, there are tires. How far do you want to go with this? We want to protect the water quality, let's protect it at Rocky Rest Road when all that runoff and sand and everything goes into the brook and winds up in the Housatonic. Let's be consistent.

Alderman Papa stated, so if we accept this or not accept it, you still have the same problem anyway, right?

Mayor Lauretti stated, no, if it's on private property then you make the property owner clean it up. You can't build on this land, it's a ravine.

Alderman Papa stated, usually we go along with Conservation Commission if they think we should accept it, we normally go with them.

Mayor Lauretti stated, listen, I've disagreed with different boards and commissions on many occasions. I just want some questions answered, that's all.

Mr. Harbinson stated, the Mayor is correct in that it is a wetlands area, and it is unbuildable on its own.

Alderman Anglace stated, the two reasons that I recall Conservation wanted us to accept this was, the nature of the wetlands is pristine and we want to keep it that way.

Mr. Harbinson stated, correct.

Alderman Anglace continued, secondly it offered no assistance to anybody who wished to come in and use that four acres to add to what they already have and get a higher density.

There are some Planning and Zoning type nuances that could be utilized with paper streets in the area of that parcel that if amalgamated with adjacent parcels could create more development potential. But our intent is not to prevent development, our intent as the Conservation Commission is to protect the resource.

Alderman Anglace asked, if the Board of Aldermen decides not to accept it, what is the alternative? Does that revert back to Planning and Zoning to negotiate a fee in lieu of?

Mr. Harbinson replied, you'd have to ask Corporation Counsel Welch what could happen. I'm not sure. If Planning and Zoning has made an approval, I don't know if they could modify that approval to accept a fee in lieu of in replacement of an already accepted open space dedication. I don't know how that might work.

Alderman Anglace stated, if counsel wants more time to respond to that then we can table it.

Mayor Lauretti stated, we didn't hear what the question was.

Alderman Anglace stated, the question was, what is the alternative if the Board of Aldermen doesn't accept this, then what is the alternative. Does Planning and Zoning then go back and negotiate a fee in lieu of or do we just lose out on the opportunity?

Corporation Counsel Welch stated, the land would remain the owner of the property's. I don't know how the condition was at Planning and Zoning. I could take a look at that.

Mayor Lauretti stated, you have to look at the condition of approval to determine what if any action.

Alderman Anglace asked, should we table it?

Mayor Lauretti stated, that's a good idea. I would much rather see a fee in lieu of on a piece of property like this. Obviously the owner and developer is not going to be happy with that, but hey, he had the opportunity to develop that 80 acres over the course of the last eight years and did well. He got his return on investment. I don't know why we need to be stuck with constant cleanup on that all the time. It's a problem – go look at it and you'll see what I'm talking about. It's not like somebody dumped something on the side of the road and you can send a couple of guys out there to go pick it up and they drive away in 15 minutes. It's like this "V". Make them put up a six-foot high fence all the way around it so they can't easily dump stuff down there.

Alderman Anglace stated, we can table it to give Counsel an opportunity to look into it and Planning and Zoning to come back with another alternative.

Mr. Harbinson stated, the only other information I would add is that it is adjacent to two other open space parcels owned by the City of Shelton.

Mayor Lauretti stated, and had I caught it sooner that probably wouldn't have happened either, but I think one of those happened before me. One of them

happened years ago. Of course years ago we didn't have this kind of a problem like we have now with this illegal dumping.

Alderman Anglace MOVED TO TABLE; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

7.3 REVISED ADDENDUM TO HTE INC. APPLICATION SERVICES PROVIDER AGREEMENT AND THE SCHEDULE A ORDER FORM

Alderman Anglace MOVED to approve the revised addendum to HTE, Inc. Application Services Provider Agreement and Schedule A – Order Form between the City of Shelton and HTE Inc.; and further,

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

Alderman Anglace stated, the order form – we have a copy – the reference to Sungard should be removed. They want to be referred to as HTE and the last copy we got still had Sungard at the top and bottom.

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

7.4 RECISSION OF ACTION – ITEM 10.7 OF THE DECEMBER 14, 2007 SPECIAL MEETING – ABANDONMENT OF A PORTION OF THE RIGHT OF WAY AT THE END OF WELLS AVENUE

Alderman Anglace MOVED to refer the request to abandon a portion of the right of way at the end of Wells Avenue to the Street Committee; SECONDED by Alderman Papa.

Alderman Kudej stated, it's right to refer this back to the Street Committee for further review of the facts and evaluation and needs for further action. It has been represented that the neighbors do not oppose this request to abandon, that the neighbors believe that such action to abandon would result in improvement for their neighborhood. We have thus far proceeded to act based on that information. As of yesterday I was contacted by constituents and told otherwise. It is right to refer this back to Street Committee where my constituents will be heard, where the information can be reviewed and evaluated and the Street Committee can provide the Board of Aldermen with recommendations as to appropriate course of action to take.

Alderman Anglace stated, the reason I didn't move to rescind is, in my mind there is a question as to whether or not you can rescind a motion once it has gone through the statutory requirements for the Mayor to veto it, and at that point it becomes law. I'll ask that question of you.

Corporation Counsel Welch stated, you have the right to rescind it. In this particular instance you're sending it back, otherwise it leaves it open. What are you sending back if there's already a motion passed. I think Attorney Sous had indicated that a motion to rescind would be in order and then send it back to the Street Committee where Attorney Bellis would have the opportunity to be heard.

Mayor Lauretti stated, if you're rescinding the motion, then why are we rescinding the motion and why are we sending it back to the Street Committee? For what purpose?

Corporation Counsel Welch stated, for the Street Committee to evaluate it. You are rescinding your action and sending the entire item to Street Committee.

Alderman Anglace stated, I'm not sure that it's necessary to rescind the earlier action in order to give Street Committee a chance to look it over anyway. If we refer this back to them, and they come back and they say, look, it's not possible to rescind, it's already gone through. I don't know what Counsel and Street Committee might come up with, but is that an appropriate action, to rescind before you send it back to them?

Corporation Counsel Welch stated, yes, because otherwise what are you sending back? You're sending back nothing. It's already passed.

Mayor Lauretti stated, there is a discrepancy in the metes and bounds of what was abandoned. That would be what the Street Committee would be discussing, among other things related.

Corporation Counsel Welch stated, the City Engineer offered certain comments, Attorney Sous sent a memo to the Board and this was his recommendation.

Alderman Anglace stated, I'll add to the motion.

Alderman Anglace MOVED to AMEND THE MOTION TO add: and further, MOVED to rescind the action of the Board of Aldermen made at the December 14, 2007 Special Meeting for Item "10.7 Abandonment of a Portion of the Right of Way at the End of Wells Avenue" which

encompasses .08 acres as identified on the attached map subject to an 8-24 referral from Planning and Zoning; SECONDED by Alderman Papa.

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

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

8 FINANCIAL BUSINESS OLD

8.1 RECISSION OF ACTION FOR ITEM 8.2 OF AUGUST 9, 2007 FULL BOARD MEETING AND APPROPRIATION OF FUNDS FOR INFRARED ROOF SCAN OF THE COMMUNITY CENTER POOL ROOF

Mayor Lauretti stated, why do you have to rescind the motion? Just add the appropriation.

Alderman Anglace MOVED to rescind the motion passed by the Board of Aldermen at the August 9, 2007 meeting, which was "Item 8.2 Roof Scan at Community Center," and the motion read: "Move to add the Community Center Pool Roof to the Capital Improvement Plan with funding in the amount of \$3,150 to come from LOCIP."; and further,

MOVED to appropriate funds for the Infrared Roof Scan of the Community Center's Pool Roof in the amount of \$3,150 with funding to come from the Contingency General Account #001-9900-900.99-00; SECONDED by Alderman Finn.

Mayor Lauretti stated, this goes to my point on the last item that you are rescinding an action that was approved and completed. It doesn't make sense in my mind. If there is a correction to be made on the funding, that is not rescinding the action. You're correcting a deficiency in the payment. Apparently it's not LOCIP eligible.

Alderman Anglace stated, you don't know in all cases whether or not something is LOCIP eligible until you submit for payment.

Mayor Lauretti stated, that is a secondary issue. I question this bit about rescinding motions.

Alderman Anglace stated, my point is that the motion sometimes, the original motion is made maybe six months earlier and then you find out it's not LOCIP eligible for one reason or another and so we don't go back

and rescind the motion. We just reappropriate the money from LOCIP to Contingency.

Mayor Laretti stated, I know. That's just a mechanical thing. I question this business about rescinding a motion. We've never rescinded motions before. We rescind motions before they're voted on.

Alderman Anglace asked, so you want to remove the motion and just read the new motion?

Corporation Counsel Welch stated, the motion as written is appropriate. You can do it a variety of ways. This is not an improper motion.

Mayor Laretti stated, the only thing I question is rescinding a motion that was passed back in August – I'm speaking in general, I'm not speaking to this particular issue.

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

8.2 WAIVER OF RFP PROCESS RELATIVE TO THE DTC PROPOSAL NO. 07-107-00 FOR REVISED ENGINEERING SERVICES FOR BOILER REPLACEMENTS AT SUNNYSIDE, BOOTH HILL, LONG HILL AND MOHEGAN SCHOOLS

Alderman Anglace MOVED to waive the RFP process relative to the DTC Proposal No. 07-107-00 for revised engineering services for boiler replacements at Sunnyside, Booth Hill, Long Hill and Mohegan Schools; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 7-0.

9 FINANCIAL BUSINESS NEW

9.1 JANUARY STATUTORY REFUNDS

Alderman Anglace MOVED, per the recommendation of the Finance Committee, to approve the report of the Tax Collector relative to the refund of taxes for a total amount of \$3,777.70 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 7-0.

9.2 FUNDING FOR THE REMODELING OF THE FINANCE OFFICE AT CITY HALL

Alderman Anglace MOVED to add the remodeling of the Finance Office at City Hall (painting, new floor tiles, new lighting and electrical costs) to the Capital Improvement Plan with funding in the amount of \$8,000 to come from LOCIP; SECONDED by Alderman Papa.

Alderman Simonetti asked, what is the timeframe of this project?

Mayor Lauretti stated, it should be completed some time in the next two months but don't hold me to it because it may happen in one month, it may be later.

Alderman Papa asked, is this the only money you need?

Mayor Lauretti stated, I have no idea what I'm going to need. The only real outstanding cost that would jump out at me based on what we've done before is the electrical cost. Most of it will be done in house by our own maintenance people.

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

9.3 REQUEST TO OVER EXPEND – REGISTRAR OF VOTERS

Alderman Finn recused himself from discussion and vote on this item.

Alderman Anglace MOVED to authorize the over expenditure of the following Election Department accounts: Poll Workers Account 001-0500-413.10-04; Printing & Advertising Account 001-0500-413.30-07; Commissary Account 001-0500-413.80-41, by the Registrar of Voters; SECONDED by Alderman Olin.

Alderman Anglace stated, it was very difficult looking back a year ago to anticipate any of this.

A voice vote was taken and the MOTION PASSED 6-0.

10. - LEGISLATIVE - NEW

10. 1 ITEMS TO PUBLIC HEARING

10.1.a AMENDMENT TO ORDINANCE 447 PERTAINING TO PROHIBITION OF INTOXICATING BEVERAGES ON PARK / CITY PROPERTY

PUBLIC HEARING SCHEDULED FOR JANUARY 22, 2008 AT 7 PM AT SHELTON CITY HALL.

Ordinance 447

Pertaining to Prohibition of Intoxicating Beverages Park/City Property:

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

That the possession and use of intoxicating beverages are strictly prohibited in any park or City property, unless authorized by the Department of Parks and Recreation, Board of Education or other duly authorized agents.

Any person violating this ordinance shall be subject to a fine of Two Hundred and Fifty Dollars (\$250).

**10.1.b AMENDMENT TO (COMP. ORDINANCES 1975, 3.1(6))
SECTION 14-3 REMOVAL OF ICE AND SNOW ON
SIDEWALKS REQUIRED**

PUBLIC HEARING SCHEDULED FOR JANUARY 22, 2008 AT 7 PM AT SHELTON CITY HALL.

Sec. 14-3 Removal of Ice and Snow on Sidewalks Required.

It shall be the duty of any owner, occupant or any person having care of any land adjoining any paved sidewalk within the city to keep the same clear from snow, ice or sleet, and to remove the same within (12) hours after it has fallen. In the event of failure to comply with this section, such owner or occupant shall upon conviction pay a penalty to the city ~~not to exceed fifteen dollars (\$15.00)~~ of Two Hundred and Fifty Dollars (\$250). If after the time limit in which to remove such snow, ice or sleet, it has not been removed, it shall be the duty of the commissioner of streets to cause the same to be removed, and the expense thereof shall be reported by the commissioner of streets to the clerk of the city, who shall notify the owner or occupant in writing, and if payment is not forthwith made, the expense of such removal shall be recorded in the name of the city in a any appropriate form of civil action. (Comp. Ords. 1975, 3.1 (6))

10.1.c LANE STREET WATER MAIN ASSESSMENTS

A PUBLIC HEARING WILL BE HELD ON FEBRUARY 26, 2008 AT 7 P.M. AT CITY HALL.

10.2 APPOINTMENT OF A CHARTER REVISION COMMISSION

Alderman Anglace MOVED to appoint the following members to the Charter Revision Commission, effective immediately:

Susan Coyle – R
7 Hilltop Drive

Kenneth Nappi – R
42 Perch Road

Stephen Bellis – R
Lane Street

Michael Davis – D
7 Bonita Drive

Paul DiMauro – R
16 Spring Street

Robert Lally – D
54 Brownson Drive

Irene Smith – R
12 Meadowbrook Drive

Jack Bashar – D
10 Meadowridge Drive

Christopher Gallo – D
16 Centerview Drive

SECONDED by Alderman Papa.

Alderman Finn MOVED to AMEND THE MOTION to add:

Christopher Panek – CU
19 Meghan Lane

David Goiello - D
65 Walnut Tree Hill Road

There was no second to the motion – AMENDMENT FAILED.

Alderman Finn stated, the address may be wrong for Jack Bashar. Richard Bashar lives at 10 Meadowridge Drive.

Mayor Lauretti stated, we'll check the address and make sure it's in order, and will provide that correction.

Alderman Finn stated, I support the recommendations of the appointments to the Charter Revision Commission with the exception of one person whom I believe has a personal agenda for being placed on this committee.

Mayor Lauretti asked, do you want to name that name?

Alderman Finn replied, no.

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

Alderman Anglace MOVED to appropriate the sum of \$3,000 to the Charter Revision Commission for costs associated with clerical services to be transferred from Contingency General Account #001-9900-900.99-00 to Charter Revision Commission Account 001-0300-412.80-93; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED AS AMENDED 7-0.

10.3 REAPPOINTMENT TO NAUGATUCK VALLEY HEALTH DISTRICT

Alderman Anglace MOVED, per the recommendation of the Mayor, to reappoint Mary Casalveri – U, of 16 Meadowridge Drive, to the Naugatuck Valley Health District Board of Directors effective immediately, term to expire January 10, 2011; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 7-0.

10.4 APPOINTMENTS TO THE BOARD OF ASSESSMENT APPEALS

Alderman Anglace MOVED, per the recommendation of the Tax Assessor, to appoint the following people to the Board of Assessment Appeals effective immediately with an expiration of January 10, 2011:

Patrick M. Carey – R
6 Blueberry Lane

Paul F. Jensen – U
19 Winthrop Woods Road

William Allan – R
42 Poplar Drive

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

11 Executive Session

At approximately 6:34 p.m. Alderman Simonetti MOVED to enter into Executive Session to discuss the following items:

- 11.1 Richard Arsenault v. City of Shelton
- 11.2 Michael McPadden v. City of Shelton
- 11.3 Stop & Shop Tax Appeal
- 11.4 CCI Tax Appeal
- 11.5 Simons Tax Appeal
- 11.6 Sosnoff v. City of Shelton
- 11.7 Cacchillo v. City of Shelton
- 11.8 Approval of contract renewal between the City of Shelton and Local 1303-238 Council 4, AFSCME

and invited Mayor Mark A. Lauretti and Assistant Corporation Counsel Welch to remain in the Auditorium; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 7-0.

Return to Regular Session

At approximately 6:44 p.m. Alderman Finn MOVED to return to Regular Session; SECONDED by Alderman Farrell. A voice vote was taken and the MOTION PASSED 7-0.

Mayor Lauretti noted that there were no votes taken in Executive Session.

Motions from Executive Session

11.1 Richard Arsenault v. City of Shelton

Alderman Anglace MOVED to approve the finding and award dated December 3, 2007 in the matter of Richard Arsenault as presented; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

11.2 Michael McPadden v. City of Shelton

Alderman Finn MOVED to authorize Corporation Counsel Thomas Welch to execute the mediation agreement in the matter of Michael McPadden v. Thomas Musbeck; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

11.3 Stop & Shop Tax Appeal

No action.

11.4 CCI Tax Appeal

No action.

11.5 Simons Tax Appeal

No action.

11.6 Sosnoff v. City of Shelton

Alderman Finn MOVED to waive the RFP process in order to retain the services of Sheehy Associates LLC and to execute the retainer agreement dated December 26, 2007 and allocate the sum of \$7,000 from the Contingency General Account #001-9900-900.99-00 to pay for the services required therein; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 7-0.

11.7 Cacchillo v. City of Shelton

No action.

11.8 Approval of Contract between the City of Shelton and Local 1303-238 Council 4, AFSCME

No action.

Public Session

At approximately 6:50 p.m., Mayor Lauretti asked if any member of the public wished to address the Board. Being none, he vacated the Chair.

Adjournment

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

The meeting adjourned at approximately 6:50 p.m.

Public Session

At 7 p.m. Alderman Papa asked if any member of the public wished to address the Board.

Richard Widomski, 49 Christine Drive

I was going to come here and speak in regard to a City Planner tonight, but I prefer to speak in front of the full Board, so I'll wait until next month when the full Board is here.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

DATE APPROVED: _____ BY: _____

Mark A. Laretti
Mayor, City of Shelton