



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
Public Hearing on Ordinances
June 23, 2009

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

ROLL CALL

Aldermanic President John F. Anglace, Jr. - present
Alderman Lynne Farrell - excused
Alderman John "Jack" Finn - present
Alderman Stanley Kudej - present
Alderman Eric McPherson - present
Alderman Kenneth Olin - present
Alderman John P. Papa - present
Alderman Anthony Simonetti - present

Alderman Farrell submitted a letter noting that she had a commitment with the State Board of Education and was unable to attend tonight's meeting.

**LEGAL NOTICE
CITY OF SHELTON**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ALDERMEN
WILL CONDUCT A PUBLIC HEARING ON THE FOLLOWING:

- PROPOSED DOG ORDINANCE
- STIPENDS FOR EMERGENCY MANAGEMENT PERSONNEL
- ADMINISTRATIVE ASSISTANT ORDINANCE
- STIPENDS FOR FIRE DEPARTMENT PERSONNEL

SAID PUBLIC HEARING SHALL BE CONDUCTED ON TUESDAY,
JUNE 23, 2009 BEGINNING AT 7:00 PM IN THE AUDITORIUM AT
SHELTON CITY HALL, 54 HILL STREET, SHELTON.

ALL PERSONS WHO HAVE AN INTEREST THEREIN MAY APPEAR
AND BE HEARD IN RELATION HERETO.

JUNE 15, 2009

1. PROPOSED DOG ORDINANCE

RESOLUTION: BE IT RESOLVED AND ORDAINED That the City of Shelton adopt the following Ordinance:

A. Definitions:

Owner. Any person or other legal entity owning a dog or, in the case of a person under the age of 18, the person's parent or legal guardian.

Severe Injury. Any physical injury to a human being, **domestic pets & livestock** that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

B. (i) Nuisance. Any dog which has been declared vicious by the Animal Control Officer shall be deemed a nuisance and shall be regulated and controlled in accord with this ordinance. This ordinance shall apply to any dog that enters the territorial jurisdiction of the City of Shelton, regardless of the residence of the dog or its owner or keeper.

(ii) Determination of viciousness:

1. If the Animal Control Officer has reasonable cause to believe that **a dog is vicious, the Animal Control Officer shall conduct an investigation into the conduct and propensities of the dog. The Animal Control Officer may consider, without limitation, provocation, the severity of the attack or injury to a person, domestic animal, pets or livestock previous aggressive history of the dog, observable behavior of the dog, the site and circumstances of the incident and statements from interested parties.**

2. The Animal Control Officer shall declare a dog to be vicious only if any one of the following criteria is met.

- a. Any dog which has severely injured or killed a domestic animal, pets, or livestock while off its owner's or keeper's property.
- b. Any dog which inflicts severe injury in an attack upon a human being, another dog or domestic animal, or livestock without provocation on any public or private property.
- c. Any dog which has been used primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting and continues to exhibit signs of aggressiveness.

3. The Animal Control Officer shall not declare a dog to be vicious if any of the following criteria is met:

- a. If any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of

the dog, or such person was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

b. If any injury or damage was sustained by a domestic animal

which, at the time such injury or damage was sustained, was teasing, tormenting, assaulting or invading the premises occupied by the owner or keeper of the dog.

- c. If the dog was protecting or defending the premises occupied by the owner or keeper of the dog, or was protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

(iii) **Regulation and control of vicious dogs.** If the Animal Control Officer determines a dog to be vicious, the Animal Control Officer may issue any order concerning the restraint or disposition of such dog in order to protect the public health and safety of the inhabitants of the City.

(iv) **Decision and notice.**

1. If the Animal Control Officer determines a dog to be vicious, the Animal Control Officer shall notify the dog owner or keeper of any orders or special conditions for the regulation and control of the dog. Initial notification may be provided verbally. Within five days after declaring a dog vicious, the Animal Control Officer shall notify the dog owner or keeper, in writing, of the determination and of any orders of the Animal Control Officer regarding disposition of the dog. Such written notice shall be given either by certified mail, or by personal delivery through the Animal Control Officer or his/her delegate.
2. The Animal Control Officer shall immediately impound the dog until the orders, special restrictions or conditions are satisfied. The dog owner or keeper shall pay all costs of impoundment. In the event the owner or keeper of the dog refuses to surrender the dog for impoundment, the Animal Control Officer or a Police Officer may obtain a search warrant and seize the dog upon execution of the warrant.

(v) **Appeals.**

1. This ordinance shall not limit or exclude any enforcement powers or authority that the Animal Control Officer has under the Connecticut General Statutes. If any orders of the Animal Control Officer are issued and based upon a finding that a dog has bitten a human being, **domestic pets & livestock** then any appeal of such orders shall be taken pursuant to Connecticut General Statutes, Section 22-358, as the same may be amended from time to time.

2. If any orders of the Animal Control Officer are issued and based upon a finding of viciousness not involving a bite upon a human being, **domestic pets & livestock** then the determination and orders of the Animal Control Officer may be appealed to the Animal Control Board (hereinafter referred to as the "BOARD") by the owner or keeper of the dog within fifteen days of receiving written notice of the determination and orders.

The determination and orders of the Animal Control Officer shall remain in effect pending the appeal. The BOARD shall convene a hearing for the purpose of determining, de novo, whether the dog in question should be declared vicious.

The BOARD shall notify the owner or keeper of the dog by certified mail, or by personal delivery through the Animal Control Officer or his/her delegate that a hearing will be held, at which time the owner or keeper may have the opportunity to present evidence as to why the dog should not be declared vicious. The hearing shall be held promptly, within no fewer than five nor more than ten days, excluding holidays, after service of notice upon owner or keeper of the dog.

The BOARD shall conduct the hearing in the order and form and with such methods of proof as the BOARD deems fair and appropriate. The hearing shall be open to the public. The BOARD shall consider the factors set forth in Subsection B, Determination of Viciousness. If the BOARD determines the dog to be vicious, the BOARD may issue, affirm or modify any orders of the Animal Control Officer.

3. Within five days after declaring a dog vicious, the BOARD shall notify the dog owner or keeper, in writing, of the determination and of any orders regarding disposition of the dog, or the special restrictions and conditions for keeping the dog. Such written notice shall be through certified mail or by personal delivery through the BOARD or his/her delegate.

4. The BOARD shall consist of a licensed veterinarian, the Chief of Police or his/her delegate and a person trained and experienced in dog behavior and temperament evaluation.

5. Appointments to the BOARD shall be made by the Mayor and approved by the Board of Aldermen.

(vi) **Violations and penalties.** Any person violating any order of the Animal Control Officer relating to any vicious dog shall be fined \$250.00 for each offense, and, in addition, the Animal Control Officer may immediately impound the vicious dog and each day that said person remains in violation shall be a separate violation. The impounded dog shall not be released until the dog owner or keeper complies with all orders of the Animal Control Officer or the Board. The dog owner or keeper shall pay all costs of impoundment. The penalties set forth herein shall not be in lieu of or limit the authority of the Animal Control Officer to take other action authorized by the State of Connecticut.

(vii) **Exceptions.** The provisions of this ordinance shall not apply to dogs utilized by law enforcement officers in the performance of their duties.

C. Annoyance by Dogs on Highways.

In addition to the penalties described in Connecticut General Statutes Section 22-362, any person owning or having the custody of any dog which habitually goes out on any highway and growls, bites, or snaps at, or otherwise annoys, any person or domestic animal lawfully using such highway or chases or interferes with any motor vehicle so using such highway shall be fined two hundred and fifty (\$250.00) dollars for each violation, with each incident constituting a separate violation.

D. Disturbance.

In addition to the penalties described in Connecticut General Statutes Section 22-363, no person shall own or harbor a dog or dogs which is or are a nuisance by reason of excessive barking, or other disturbance, or, by such barking or other disturbance, is or are a source of annoyance to any sick person residing in the immediate vicinity. Any person who violates any provision of this section shall be fined two hundred and fifty (\$250.00) dollars for each violation with each incident constituting a separate violation.

E. Dogs Roaming at Large.

In addition to the penalties described in Connecticut General Statutes Section 22-364, no owner or keeper of any dog shall allow such dog to roam at large upon the land of another and not "under the control of" the owner or keeper or the agent of the owner or keeper, nor allow such dog to roam at large on any public highway" and "not under the control of such owner or keeper or his agent, provided nothing in this subsection shall be construed to limit or prohibit the use of hunting dogs during the open hunting or training season. The unauthorized presence of any dog on the land of any person other than the owner or keeper of such dog or on any portion of a public highway when such dog is not "under the control of such owner or keeper, shall be prima facie evidence of a violation of the provisions of this subsection." "Under the control of" as used above require the use of a leash". Violation of any provision of this subsection shall result in a fine of two hundred and fifty (\$250.00) dollars for each violation with each incident constituting a separate violation.

In addition to the foregoing monetary penalties, the City may pursue a court order for injunctive relief and request of the court, inter alia, an order concerning the restraint or disposal of such dog or dogs as may be deemed necessary.

Polly Dyer, 20 Beverly Lane

I'd like to comment on the part of the proposed ordinance that would authorize the Animal Control Officer to investigate the conduct and propensities of a dog within the City limits if there is reasonable cause to label it as vicious.

On May 31st this year we suffered a life-changing experience in the loss of one of our dogs. I was walking our two Jack Russell terriers on the new sidewalks in Huntington from the Center up to the reservoir. Just while peacefully walking on this public place our little dogs were viciously attacked by two pit bulls that got away from their owner, who clearly had no control of these dogs. One of the dogs passed away after being treated beautifully at the Shoreline Veterinary Hospital. Although I know that horrible things happen in life and we can't control everything that's going to happen to us, I somehow feel that if we had an ordinance like this that perhaps these dogs would have been investigated and determined to be vicious before this horrible thing would have happened to us. It was clear to me that these were not friendly dogs. So I would just like to state my support for this ordinance and I thank you for listening.

Judith Brideau, Beacon Hill Terrace

I'm also here to support this ordinance. I want to make a comment that I don't believe the \$250 fine is a strong enough deterrent. Especially after hearing something like that incident that happened in Pine Rock Park on Labor Day. I think there really needs to be a very high fee, something that would really sock because there are, unfortunately, irresponsible owners of dogs. It's not breed specific but there's a dog in the back of one of our streets who's attacked some of the neighbor's dogs, repeatedly. \$100 or \$250 is nothing to some people, and there are such tragic consequences that can follow. I would like to support this ordinance, but I would like to see it made a lot stronger. Thank you.

Alderman Anglace asked if any other person wished to speak. Being none, Alderman Simonetti MOVED to close the public hearing on this ordinance; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 7-0.

2. STIPENDS FOR EMERGENCY MANAGEMENT PERSONNEL

Be it ordained by the Board of Aldermen that the Annual Stipend Salaries for Emergency Management Personnel for the Fiscal Year 2009-10 shall be as follows:

EMERGENCY MANAGEMENT DIRECTOR	\$15,000
EMERGENCY MANAGEMENT DEPUTY DIRECTOR(S)	\$ 7,500

Further, be it ordained that these salaries will be paid at the end of the semi-annual period (December 31, 2009 & June 30, 2010) provided the appointee remains in the position on those dates.

Note: The State of CT will pay one half of each salary.

Tony DiSarli, 36 School Street

I've been a taxpayer for 24 years and a member of Shelton Fire Department for 23 years. I'm here to talk to you as a taxpayer but most importantly to represent the views of White Hills Fire Company and its 50 members. I'd like to take a few moments to read this letter.

Again, I'm here to represent the views, concerns and objections of the members of the White Hills Fire Volunteer Fire Company #5 regarding the compensation plan for the three members of the Office of Emergency Management. Let me first state that our Company supports compensation for positions that merit such amounts. We do not feel these positions merit those amounts being proposed. To help you better understand our position, I'd like to state a few simple facts and compare them to your proposals.

The first item I would like to mention is that nowhere on your agenda or in the job description do they mention they are assigned a City vehicle and cell phone. The actual fact is that they already had these vehicles and cell phones which they use for every day use. What is the vehicle use policy on these vehicles? Do they have to fill out log books like the other City employees? If so, who reviews them? Will they pay for their personal mileage used? These are issues never mentioned in the job write-up and we feel that is very important because these drive additional costs to the taxpayers.

Next we'd just like to present a position in the simple manner stating some facts and comparisons to your proposal versus what we see in the real line of duty here.

Proposed: the Director of OEM – salary \$15,000 a year. Manages two people. Has a City-assigned Ford Expedition acquired through a grant. It's only a few years old. City assigned cell phone and responds to a few emergency calls a year, if any.

Now we take the Fire Department Chief. Has a salary of \$15,000 a year. Manages 250 people. Has a City-assigned 13-year-old Ford Crown Victoria. Cell phone. Responds to several hundred emergency calls a year.

The Deputy of OEM. Salary proposed is \$7,500 a year. Manages nobody. City assigned vehicle. City assigned cell phone. He responds, again, to a few emergency calls a year, if any.

Fire Department Company Assistant Chiefs. Salary \$7,500 a year. Manages numerous amount of people during fire scenes. Only assigned a City vehicle when they're duty chiefs for a week, other than that they respond with their own personal vehicles. No City cell phone. They respond to several hundred calls a year.

Company Line Officers, there are three in each Company. Captains and two Lieutenants. Zero salary. Manages respective Company memberships, up to 40 to 50 people. No City assigned vehicle; no cell phone. Responds to several hundred calls a year.

The next issue I would like to address is the qualifications of the position. The special requirements of the three positions are stated as follows: Must be 18 years of age, a citizen of the United States, and should be available to respond to emergencies 24 hours a day, 7 days a week. Those are the special requirements. There is no mention of education, or special training to perform these positions to assure the City has selected the right people.

Again, to compare with the Fire Chief, Assistant Chiefs and Officers – must have extensive State certified training, years of experience in the fire service, and they also respond 24 hours a day, 7 days a week, 365 days a year.

One final question I would like to know. Did Shelton's Public Safety Council review the statement of duties, review the applicants' qualifications to make that decision that these people are the best qualified to fill the positions, especially for the fact that one does not even live in Shelton. We'd also like to know why the positions were not posted to the public so all interested parties could apply, and that the taxpayers could be assured the best qualified persons are being appointed for these positions.

To summarize our position, we the members of White Hills Company 5 object to the approval of the ordinance and feel that there should be no compensation for the Deputy OEMs, no City assigned vehicles or cell phones issued to them. The Director of OEM's compensation should be reduced a significant amount, if not eliminated, and the OEM vehicle purchased through the grant parked at City Hall and only used during emergency situations.

Everybody knows we are in very tough economic times and the City of Shelton budget has been reduced in many areas of services across the board. Approving this additional \$30,000 for positions that do not merit such compensation would be a waste of hard-earned taxpayers' money. I thank you for your time and appreciate your concern.

Mark Widomski, 55 Long Meadow Road

I'm here tonight to speak against the proposed ordinance for OEM. Section 4.7 of the City of Shelton Charter describes the specific steps the Mayor and any member of this Board must take when proposing any ordinance. Section 4.7.1 specifically states "The Mayor or any member of the Board of Aldermen may propose an ordinance to the Board, and not later than the next regular meeting following submission, the Mayor shall refer the ordinance without the requirement of a vote to the proper committee of the Board of Aldermen."

The key word in that phrase is "shall." Accordingly I have provided a definition from the Merriam-Webster Dictionary for the word, "shall." "Shall" is defined as, will have to, or must, or if used in laws, regulations or directives to express what is mandatory. As an example, "It shall be unlawful to carry firearms." This word does not mean you have the option to send it to committee. It does not mean, we can if we want to. It means you will send it to a committee. Any other interpretation is improper and wrong. By virtue of conducting this public hearing tonight, you are violating the very document that gives you your powers. One reason to violate the Charter is to fast track something to avoid public outcry, scrutiny or more importantly try to secretly pass something unscrupulous. By violating the Charter, you are giving the appearance of something improper by dissolving the transparency of an open and honest government. The big question is, why the fast track?

The current Director of OEM has a City cell phone issued to him that averages 830 minutes of use per month. Are there that many disasters that justify this amount of time? A partial gas consumption list was obtained and appears to have gaps and is difficult to interpret. The consumption list does not include, if any, gas usage from the Street Department or any other locations. Based on the information provided, the Director's vehicle used 90.4 gallons in the month of February, filling up on an average of every five days. This equates to 234 miles per week at 13 miles a gallon on that type of vehicle, or 1,170 miles per month, or just over 14,000 miles a year.

The maintenance records for this vehicle could not be located. The current Director is a certified fire officer level one, attended a class on incident command, a class on management of company tactics and operations, took a bomb awareness class and recognition class. These classes were all attended some 10 years ago, and no records could be located for any recent classes. The current Director has also attended bloodborne pathogens and basic hazmat class, also back in the 90s. Based upon the training records that were reviewed and made available to me, there is absolutely no classes pertaining to FEMA, Public Safety management, disaster management or mitigation. The classes that are on file that I reviewed are for fire ground operations only, nothing administrative.

The City has appointed one Deputy Director and one Assistant Director, according to their website. The Deputy Director has been issued a City cell phone and averages 1,688 minutes a month. How much of this is actually OEM business? Again, I didn't realize the City has that many disasters happening on a daily basis. The Deputy Director's training records indicated that he has achieved a firefighter 1 level, a safe boating certificate, ice rescue instructor, an MRT – Medical Response Technician that expires July 1st of this year, attended a safety officer class, an incident command class and a few others. Based upon the training records that were reviewed, he too has no classes pertaining to FEMA, Public Safety management, disaster management or mitigation. His classes are also fire ground operations and nothing administrative.

The Assistant Director has also been issued a City cell phone. I did not review those records as this person is also employed as the Information and Technology vendor for the City of Shelton and therefore can probably justify his cell phone usage in that manner. The Assistant Director's training records reflect the bloodborne pathogen and some type of class on flood training. As with the others and based upon the training records reviewed, there are no classes pertaining to FEMA, Public Safety management, disaster management or mitigation. Two of the three political appointees have been volunteers with the Shelton Fire Department for a number of years. They have served as company officers such as Lieutenant, Captain and Commissioner. But I must inform this Board that these positions are not obtained by qualifications and merits, but instead are based upon an election at the Company level. One has served with the Fire Department for a few months and then resigned and has no other background in public safety. The Deputy Director currently shares a vehicle with the Assistant Director, but I was informed by one that

the other has exclusive, full-time use of this vehicle. The gas consumption for this vehicle could not be located and subsequent search for maintenance records could not be located. Mileage records apparently do not exist, but I know this vehicle is being used for personal use.

When I inquired about time sheets, activity reports, a resume indicating qualifications, or a vehicle use policy, I was informed that the records simply do not exist. When I inquired about how these appointees justify their use of City property and taxpayer paid gas, I was again told they don't file nor do they have to file any reports with the City. When I ask how their time is accounted for, I received nothing more than a shrug of the shoulders and, they don't. When asked about the current stipend they receive, I was told they do not receive anything for their current services. Am I to understand that free use of a cell phone, free use of City-owned vehicles and free gas for personal use is considered as nothing? I would consider that to be a paid benefit or stipend, much as the IRS currently does. When asked about the qualifications of the individuals for their positions, the reply I was given, "Do you really think the Mayor would appoint somebody not qualified?" I don't think we need to, nor want to, delve into the appointing of a former fire chief that failed a written test but was still appointed by the Mayor as chief. When looking at the training records or lack thereof of the current political appointees for these positions, and comparing them to the duties listed in the job description, I cannot fathom how this Board can even entertain the notion of a cash stipend on top of free vehicle use, gas use and a cell phone.

To ask for \$15,000 for the Director is even more ridiculous considering he oversees two, quite possibly three because there's a clerk listed there, subordinates. Compare this position to the Fire Chief who oversees more than 250 personnel, responds to fires 24 hours a day, carries out his administrative duties. It is a slap in the face to him.

The Deputy Director's proposed stipend of \$7,500 – he appears to oversee possibly one or maybe two people. He uses the City car full time and has a City paid telephone. Compare this to the Assistant Fire Chief's stipend who responds to fires 24 hours a day, must maintain a high level of training, oversee a large number of subordinates and carry out administrative duties. It is a slap in the face to each of them.

The Assistant Director is employed as a City vendor for Information and Technology, which presents a clear conflict of interest. A check with the Ethics Commission indicates that no letter had been received informing the administration of this potential conflict.

While researching these positions, I visited and spoke to communities of equal size, and found that the majority of them have established the OEM position as a volunteer position with no benefits, car or stipend. Those that do give a stipend use it for mileage reimbursement. Those that have full time use of a vehicle do not

receive a stipend or pay as a vehicle use is considered their compensation. I spoke with the Department of Emergency Management and Homeland Security and was informed that the City of Shelton had contacted them and was seeking a job description for the Director and the Deputy Director for the Office of Emergency Management. The City was told that a generic job description could be found in the Emergency Management Performance Grant Application. The job description was modified to fit the needs of Shelton just a few weeks ago. When I reviewed these two documents, they were exactly the same, except for the appointment, the removal section, and the special what ever they are, criteria that they need. The supervision received section was added – both sections indicate that they are both and all answerable only to the Mayor and can be removed by the same. How can this Board consider passing an ordinance that equals \$22,500 in such hard economic times? The proposed ordinance does not indicate how many deputies are allowed, nor does the Charter. Is this going to turn into a political hand out? How can this Board justify the additional expenditure over and above the current benefits? How can this Board consider this expense for a position whose job description entailed no research except for a phone call and some printing? How can this Board expect the public to accept another expense when comparable towns do not give both a stipend and other benefits? Most importantly, how do you justify the blatant violation of the Charter and the appearance of a fast track and non transparent approval process? I would urge this Board to table this ordinance until the proper research is conducted for this position. The proper approval process is adhered to, and a written legal opinion from Corporation Counsel be rendered on whether the process had been properly conducted. Until such time the process has been corrupted, and the big question remains – why the fast track?

Chris Panek, 19 Meghan Lane

Good evening members of the Board of Aldermen and thank you for taking the time to hear my comments tonight. I would like to state for the record the agenda for this meeting wasn't available online. Unfortunately, I wasn't even aware that there were other ordinances you were considering tonight. I was looking into the Salaries for Emergency Management Personnel Ordinance, and that's what I wanted to discuss with you tonight.

As I have brought up to you many times in the past including at your last full Board meeting, again I must express my dissatisfaction with your continued, in my opinion, violation of the City Charter, Section 4.7.1 by moving ordinances directly to a public hearing without first sending them to a committee. I can see no valid reason why the Board would choose to fast track ordinances in this fashion other than to not give the public ample opportunity to review and form opinion on new or revised City ordinances.

Charter Section 4.7.1 reads “The Mayor or any member of the Board of Aldermen may propose an ordinance to the Board, and not later than the next regular meeting following its submission the Mayor shall refer the ordinance without the requirement of a vote to the proper committee of the Board of Aldermen.” In my mind it could be no clearer that the word “shall” as defined everywhere I look it up means “must, an order, an obligation, and a requirement.” “Shall” does not mean it is up for debate and that you have a choice whether or not to send it to a committee. It is clear that someone in this administration thinks this section of the Charter should be changed because there were attempts to change it during all three recently-failed Charter revisions.

Now, you might say, what is the big deal if we send it to a committee or not? The big deal is that you are silencing the voice of the public by not giving them ample time to review an ordinance and obtain information.

Let me give you an example of what I had to go through over the past 10 days, and only seven business days, to obtain information on this proposed ordinance.

You moved the ordinance to a public hearing at your Thursday June 11th meeting. On Friday June 12th I visited City Hall to collect and review information on the ordinance. Since you did not divulge who the author of the ordinance was at your June 11th meeting, it was impossible to know where to even start looking for information. I had heard that the Mayor proposed the ordinance himself, so instead I decided to send an official written request to Alderman President Anglace and to Sandy Nesteriak, Administrative Assistant to the Mayor on Monday June 15th requesting information on the ordinance. Mr. Anglace responded with what information he could and referred me to Ms. Nesteriak, who was on vacation all of last week. I was then advised by Mr. Anglace to forward my request directly to the Mayor’s office, which I did in writing on Tuesday June 16th.

I received a response to my inquiry from the Mayor’s secretary on Friday, last Friday, June 19th however I was referred to the Police Department to retrieve further information that was not available in City Hall. On Friday June 19th I sent an official written request to Police Chief Hurliman requesting information. Yesterday, on Monday June 22nd, I received a response that the Chief’s secretary would get me the information as soon as possible. This afternoon at 2 p.m. I did receive further information from the Chief’s secretary.

I bring this timeline of events to your attention not to criticize anyone involved in the process of obtaining the information involved with this ordinance as everyone was quite prompt and helpful, but because it is proof that the means by which you continue to use to approve ordinances is flawed.

What City resident is going to jump through these hoops, go to these lengths to try and obtain backup information on an ordinance? Why would you, in the name of open and honest government, make your constituent's work this hard when if you just followed the language in the Charter and sent it to a committee first these answers could be obtained before a public hearing?

There is a clear reason why the Charter was originally written as it is, because it gives the public time to review and hear the intent and logic of the ordinance. It is your job as members of the Board of Aldermen to propose new laws for this City. It should not be mine to spend hours and hours to acquire backup information that could be discussed at the committee level.

I do have several comments on the proposed ordinance itself. The ordinance proposes a total annual expenditure of \$30,000; a \$15,000 stipend for the Emergency Management Director and a \$7,500 stipend each for the two Deputy Emergency Management Directors.

According to the documentation provided to me this is a new stipend and the current holders of these three positions receive no stipend and receive no benefits currently. I assume since this is a newly-proposed ordinance, which will now pay the OEM Director the same amount that our City Fire Chief receives, there must have been some big change in the demands and tasks that this job requires. Are the duties of the OEM Director as demanding and time consuming as the Fire Chief's?

I was referred to review the job description, statement of responsibilities and examples of duties of the OEM Director. Many of these items seem like an overlap of duties already performed by our emergency services personnel, and I even noticed in the job description it states "emergency responsibilities assigned to department Chiefs by Charter or standard procedures remain the responsibilities of department Chiefs". That leads me to the question of what exactly does the OEM Director do on a day-to-day basis to require a near \$300 per week stipend? What do the Deputy Directors do on a weekly basis to receive a \$150 stipend?

How many hours are required each week to accomplish the duties of the OEM Director and the Deputy Directors? How many hours do the deputy directors put in each week? DO the OEM Director and Deputy Director's have full-time use including take home capability of City-owned vehicles? Who tracks the fuel usage and mileage of the OEM vehicles? What needs of the OEM Director and Deputy Director require the usage of a City vehicle?

Unfortunately since this ordinance never went to committee, I do not have an answer to these and other questions. I would guess most of you members of the Board of Aldermen do not have answers to these questions either since you have never discussed this ordinance amongst yourselves publicly.

What concerns me further about this proposed ordinance is that in this year of “no tax increases”, and the state of our economy, that you are proposing a \$30,000 expenditure of taxpayer dollars for what? What are we getting for that \$30,000? Maybe there is a logical and verifiable reason for this expenditure, but as it stands tonight you have not provided the public with enough information to warrant moving this to a vote of the Board of Aldermen or even considering it’s passage. I would ask that you keep this public hearing open and forward the ordinance on to either the Finance Committee or the Public Health and Safety Committee of the Board of Aldermen for further review.

Lastly, I’m going to provide to the Clerk copies of letters addressed to Corporation Counsel Welch and Assistant Corporation Counsel Sous requesting their written response and interpretation of Charter Section 4.7.1 and if it is their legal opinion that this section of the Charter does not require ordinances to be sent to a committee of the Board of Aldermen.

Thank you.

Bruce Kosowsky, 29 Martinka Drive

I’m a little confused tonight listening to different people talk here tonight on how we can be running a City without records, especially when it comes to gasoline. I thought that was a requirement. I’m a little concerned about that.

The other thing is, I’ve been a member of the Board of Fire Commissioners for 25 years. In the 80s, I recall coming to the Board of Aldermen about ordinances for stipend pays. Back then that group of people said, “Let’s keep everything fair.” And I think this is what this is about, it’s called fairness.

As you’re aware, or maybe you’re not aware because apparently you have problems with the Charter, in the Charter, the Board of Fire Commissioners cannot be compensated. So when I originally went for election for the position, I knew I wasn’t going to get compensated. I’ve never come here and asked for any compensation.

All the Charter revisions that went through the City, they made sure that was in there that the Board of Fire Commissioners receive no compensation. I pay for my own phone and I get no gas. I have over the years attended many, many alarms. Presently right now from the time I joined the Fire Department, I’ve been there 42 years, so you can imagine how many fires I’ve gone to over a 42 year span.

From what I can see and listen to people saying here this evening, if you have a system that is supposed to review ordinances, why aren't we doing it? I also recall as a member of the Board of Fire Commissioners, we asked you not to vote on an ordinance the last time for the Fire Department personnel because we had issues with that ordinance, and you didn't follow our request. You did it anyways, and now it's back up here again for some of the things that we had talked about. So it's apparent that this administration has difficulty in knowing what they're doing.

As a taxpayer and somebody that's been volunteering for a long time, it is quite apparent that, listening to the people here, you don't know the Charter, that's obvious, and you didn't listen to department heads in the past. So you're probably not going to listen to any of these people here tonight because obviously if you want to push this through, you're going to push it through anyway. In fairness to all the people that volunteer in the City of Shelton, and we know how you've been treating the volunteers in this City over the last few years – I mean we have trouble getting turnout gear, radios working – there's a lot of issues in the City about volunteerism and how much money we save. It doesn't seem like we're getting fair treatment here. Back in the 80s, it was said to me, we have to keep everything fair. It's obvious people forgot that word fairness.

Victor Godin, Jr.

I don't reside in the City. I've been a fireman in the City of Shelton for 48 years, going on 49. I've seen a lot of changes made; good things, bad things. Even though this Office of Emergency Management might be in violation of some part of the Charter, before this we basically had nothing to contact or had contacts nationwide. With this Office of Emergency Management, we have State level, Federal level. Those people can be accessed when needed. Right now we didn't have anything. We had something, it may not be the best. It can be repaired or replaced. But at least give it a shot, even though the expenses are there. You need people in place. Thank you.

Fran Jones, Fire Chief, 199 River Road

I'd like to address the Board of Aldermen and speak in favor of the Office of Emergency Management, the structure of the Office of Emergency Management. The world we live in has changed since 9/11/2001 and since 2005 and 2006 the different hurricanes that went through Florida and through Louisiana and Texas. It's important as a community of 39, 640 residents and growing, of 33 square miles and eight miles of river coastline that includes flood plains and other types of natural disasters that we have a strong emergency services – not only Fire Department, EMS and Police Department, but also Emergency Management.

I'm also a career firefighter, career paramedic for Valley Emergency Medical Services, and I have 22 years experience in the Shelton Fire Department. I know a little about emergency services and the delivery of emergency services. Shelton as a growing community needs a strong Emergency Management system. OEM has developed; it used to be called, if you go back to the 40s and 50s it was Civil Defense due to wartime preparations. Then it became Civil Preparedness - as the world changed you needed preparedness for a nuclear war attack in the 50s and 60s, all the way up to the 80s. A lot of your Civil Defenses, like in Seymour and Ansonia, they were disbanded and changed into different agencies. Since 9/11, since the different hurricanes over the past decade, the Office of Emergency Management developed.

Shelton is no different than any other community state-wide. There are five different regions within the State of Connecticut – they're called DEMS regions – Department of Emergency Management systems. Shelton falls in Region II, which is 32 or 33 different communities in the southwestern south-central part of the state.

In all fairness to the three individuals that are currently in the position, I won't get into the fairness of how many people they supervise or whatever. I do believe they should be compensated. I do believe the Fire Department personnel should be compensated more so – we do have a lot more responsibilities in town. But the Emergency Management personnel – it's a growing team. Teamwork is developing. It's a developing agency - not only within our City, but statewide and nationwide.

I believe as a City we should embrace the Office of Emergency Management. Again, I won't speak to the stipend end of it or the fairness part that was well addressed by my brother firefighters as to what they believe the fairness should be.

As for my interaction with the Office of Emergency Management over the last eight months as your Fire Chief, I believe the three individuals are putting their best foot forward. We have attended numerous region-wide meetings. Yesterday I had a meeting at Shelton High School – I can't get into the details of the meeting but it was in regard to planning for mass vaccinations of our citizens and it included the Public Safety Council, the Police Department, EMS representatives, region-wide EMS representatives and our Fire Service representatives.

There is a lot of work happening behind closed doors to help better prepare the public. These three members are also members of the Shelton Fire Department. Two of the three have numerous years of experience; the other member is a rookie to our Fire Department – he's learning the ropes. He does bring other qualities to our Fire Department and to our City, being involved in Information Technology. As Fire Chief, I've leaned on that individual to help increase our IT division within the Fire Department. He's helping on our accountability system for the Fire Department and for all the Emergency Services.

The individual has also developed a flood plain control plan using the computers and overlays to help our citizens in the Maples area. There is a lot of work happening, so I do support the Office of Emergency Management.

I would encourage that careful consideration be taken as to how the job descriptions are developed, and careful consideration into what the salary/stipend or benefits should be for those positions. Up, down, either way I won't comment – that would be my personal opinion – but it should be a compensated position. There is a lot of work that needs to be done. I'll be speaking to the Board of Aldermen later on as Agenda item #4 for Fire Department Personnel.

As the Commissioner said, we need to take care of our emergency personnel. OEM is one of our four groups of people – we have EMS, Fire Department, Police Department and now OEM - we need to take care of the volunteers, or part-time stipend employees of our Emergency Services. Thank you.

Sam Stern, Birdseye Road

I'm also a member of the Shelton Fire Department. I agree with the Chief in regard to the definite need for OEM. I don't think anybody that spoke here tonight said there wasn't a need. It's obvious that you need to look at the way you've written the ordinance and the way the job description is written. I think that's what a lot of people are questioning tonight. Thank you very much.

Alderman Anglace asked three times if anyone else wished to be heard on this proposed ordinance. There being none, Alderman Kudej MOVED to close the public hearing; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

3. ADMINISTRATIVE ASSISTANT ORDINANCE

BACKGROUND:

The existing Ordinance pertaining to the salary of the Administrative Assistant was written and adopted in 1990. It is antiquated and provides little, if any guidance regarding pay and benefits for this position. Since the incumbent has tendered her resignation, it is incumbent upon the City to establish the salary and benefits for this appointed position utilizing the concept established for other appointed positions such as the Clerk of the Board of Aldermen where the appointed position(s) are considered under the rules of the Merit System

To do that the Board must follow the Merit System rules describing the position, and then refer it to the current Administrative Assistant to have it evaluated and assigned to a Salary Grade where the Salary Range is determined. Then, this recommendation must be approved by the BOA. Once completed, a starting salary can be determined and this procedure can be adopted as an Ordinance.

ESTABLISHING THE JOB DESCRIPTION:

In accordance with Section 6.1.1 of the Charter, City of Shelton, revision of 1994, the Mayor shall appoint ... an Administrative Assistant. The Administrative Assistant shall be chosen on the

basis of administrative qualifications, character, education, training and experience and shall hold at least a baccalaureate degree with a minimum of one (1) year of experience in public administration (federal, state or municipal) or private business or industry in a responsible management, supervisory capacity; or he shall hold at least an associate degree with a minimum of two (2) years of such experience; or in lieu of a college degree, shall have a minimum of four (4) years of such experience.

Section 6.1.2 describes the Powers and Duties. Together, these two sections of the Charter describe the job duties of the Administrative Assistant.

REVIEW AND ASSIGNMENT OF SALARY GRADE::

From this Charter determined criteria plus any other criteria so added, the Administrative Assistant will assign a salary grade and submit it to the BOA for approval.

ANNUAL SALARY REVIEW:

As is the case with other Merit System employees, the incumbent must be given a Merit Review annually which forms the basis for salary adjustments.

BENEFITS OF THE POSITION:

The Administrative Assistant shall be entitled to the same benefits as provided to Merit System employees.

Alderman Papa stated, I believe we should go out and find out what other towns our size start off as their Administrative Assistant salaries, to get an idea if we're in the ball park, are we too high, too low – before we get into the process of changing any ordinance regarding salaries. We may want to pursue that before our next go-around.

Alderman Anglace stated, I think he's trying to say that the ordinance as it currently exists is very simple. It was passed in 1990. It says the position shall pay \$35,000 a year and that the position can be increased annually up to 7 percent. I think it's important for us to give you some of this background at the time this ordinance was put in its present form. Now, if you hear what Alderman Papa has said, maybe we should just concentrate on that simple ordinance, change the dollar amount of the starting salary, and address the issue of increased compensation as the person progresses in the job. That would be a lot simpler than to try to do what we have outlined here. We've tried to outline a methodology by which this position – the pay for this position – is determined. The job description for the Administrative Assistant is in the Charter; just about everything you need to know about the position is already written out – that's why there is no job description accompanying it. We've provided background and talked about how we will go about establishing a job description. What is being proposed, is that we mirror the Merit System. I didn't say follow the Merit System, but mirror the Merit System. We would take the job description, excerpt it from the Charter. The Merit System says that the Administrative Assistant, that would be the current Administrative Assistant, would develop the labor grade, which she does for all Merit System jobs. Then that labor grade would come to the Board of Aldermen for approval.

There are some views that this might be cumbersome, some say it might be a fair way to do it, and some views say maybe we should look at it and take the simple ordinance that has existed from 1990 and modify that.

With that background, we'd like to hear what you have to say about it tonight, and perhaps this ordinance will be referred back to one of our committees, based on your opinions here tonight. We would appreciate hearing what you have to say.

Mark Widomski

I have to, I'm a little baffled by the bizarre behavior of the Board. I'm a little confused, and some other adjectives I'd like to throw in there. You just spent 10 minutes giving background information on the Administrative Assistant position that nobody is here disputing, questioning the legality of it, or the process. You thought maybe it could be referred back to the appropriate committee. I can't for the life of me figure out what this Board is doing. Seven or eight people just spoke tonight regarding the OEM ordinance with no background information provided, no research done, no methodology done. Where are you guys coming from? I'd like a well thought out educated answer. But as far as the OEM you just brushed it off like it was nothing. No background information, no nothing.

As far as the current Administrative Assistant determining what the pay grade should be for the next one, baffles me also. As we all know, the Administrative Assistant is a political appointee, so if the current Administrative Assistant says that job is worth \$200,000 and that is what she proposes to you, and in your infinite wisdom you say that, then the next political appointee gets that. I think you should continue to mirror the Merit System and have this Board, the Finance Committee, determine a pay to propose. I don't know how one could propose the pay for their own position. Granted, they know that position but it still doesn't make sense, particularly if it's a politically appointed position. I wish you luck on this. That's all I'm going to say on that. It's bizarre behavior.

Alderman Finn

Thank you for the background information, I didn't know the background information either. Who presented this ordinance to the Board of Aldermen?

Alderman Anglace replied, I did.

Alderman Finn continued, since Alderman Papa made mention tonight to get some background, why not go to the Finance Committee before it came here tonight?

Alderman Anglace replied, because it doesn't have to go to the Finance Committee. Any member of the Board of Aldermen can submit an ordinance and that is what happened. We've been down this road a number of times and we're not going to get into it. The best suggestion I heard tonight was somebody is going to send a

letter to Corporation Counsel and I welcome that. I think you should. I've already checked with Corporation Counsel and I think you should send a letter. You will get an answer, and maybe that question will be put to bed once and for all.

Alderman Finn stated, I agree that this ordinance should be, once it goes to the full Board at our next meeting, it should be referred to the Finance Committee first.

Bruce Kosowsky, 29 Martinka Drive

As a suggestion, why can't you make the Administrative Assistant position a contract position with a number of years instead of this political appointment stuff? If somebody comes in and for whatever reason the Mayor gets in for one term – now you're going to get another Administrative Assistant the next term? Why don't you start looking forward and say, appoint someone that has experience, in Human Resources or in Business Management or something like that and make it a five year job with a decent salary. I would think the Administrative Assistant should make more money than the Mayor, because the Mayor is an elected position and it's really a part-time position. By Charter, isn't the Administrative Assistant the full-time person? That's the person we're supposed to go to, really. It's a suggestion.

Alderman Anglace stated, the City was given notice through a letter that the Administrative Assistant retired, and she picked a date. I'm sure the Mayor would like to see her stay on until the end of the term. I hope she reconsiders.

Mr. Kosowsky stated, wouldn't it be easier if you had a term limit job, a contract job? Don't you do that with the Police Chief? Isn't the Police Chief hired for a number of years?

Alderman Anglace replied, yes, contract. It's a good point. The Charter outlines the Administrative Assistant. Two jobs in the Charter – appointed positions – one is the Administrative Assistant appointed by the Mayor, and the other is the Clerk of the Board of Aldermen appointed by the Board of Aldermen. Those are the only two appointed jobs in the entire City. They serve the elected term of office of the appointing authority. We'd love to see her stay and this would give the Mayor and the City more of a chance to make the transition. You know from your own personal involvement in Fire Department affairs, you probably worked more with the Administrative Assistant than most anybody in the entire City. You can understand the value of that position. Our thinking was to try to take it and make it something that becomes effective, utilize the Connecticut Conference of Municipalities salary survey data to see what other municipalities of our size are paying their Administrative Assistants.

Mr. Kosowsky stated, I would think that even if another person comes in the office, or even an Alderman change, you want somebody to stay over to keep the continuity on – even a three or four-year contract term, at least you'd have somebody in the City that would continue that.

What if everybody on the Board of Aldermen said, "I'm not going to run again." So you lose people with a lot of years of service, a lot of time. At least if there is one person left that continues the ball rolling until the new administration takes over. Just a suggestion.

Alderman Anglace stated, thank you very much, it's very helpful.

Alderman Anglace asked three times if any other member of the public wished to speak. There being none, Alderman Simonetti MOVED to close the hearing on this matter; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

4. STIPENDS FOR FIRE DEPARTMENT PERSONNEL

Be it hereby ordained by the Board of Aldermen that Ordinance #826 –Salaries for Fire department Personnel, adopted by the Board of Aldermen on May 10, 2007 and approved by the Mayor on May 16, 2007 is hereby rescinded and the following substituted:

Fire Chief stipend salary	\$15,000
Deputy Fire Chief stipend salary	10,000
Assistant Chiefs stipend salary each	7,500
Custodians (4) stipend salary each	4,000
Quartermaster stipend salary	5,000
Recruitment Officer stipend salary	5,000
Director of Training stipend salary	5,000
Training Assistants (4) stipend salary	1,000

Francis Jones, Fire Chief

Thank you for your patience, a Chief's job is never done. I was taking care of a training issue outside. Tonight before the Board of Aldermen and the public is the stipends for Fire Department personnel. This comes to the Board at this point in time due to a restructuring we did of the Shelton Fire Department since I became the Fire Chief. I worked diligently with the Board of Fire Commissioners, the Board of Aldermen, the Administration of the City of Shelton, to develop a workable budget for the Shelton Fire Department as we go forward for 2009-2010.

Part of managing our Fire Department, as I stated before we're a growing municipality, we have over 39,000 residents, 33 square miles, we have buildings that are 17 stories tall, we have new developments on our Bridgeport Avenue corridor and our downtown district breaking ground every week. So the challenges of our volunteer Fire Department are tremendous. Each and every day as my brother firefighter stated, we have dedicated volunteers that answer the call to duty, rain, sleet, snow, day, night. We do have a sizable force of more than 250 members; over 180 of those members are structurally certified.

To be a successful department we need to have a good organizational chart. One of the things we developed, I cannot just say myself as Chief, but we, the Board of Fire Commissioners, the Fire Company officers, the Officers Council and my Chief's office is, we developed this new organizational chart for the Fire Department. I know the Board saw this chart during our budget meetings. The reason it is before the Board tonight is, according to the Charter, our positions for them to be compensated for, has to become an ordinance. Currently the Fire Chief, the Deputy Chief, the Assistant Chiefs, and Superintendent of Alarms are the only stipend positions within the Shelton Fire Department organizational structure.

My past position within the Shelton Fire Department for the last eight years was Training Coordinator, which was a compensated stipend position, but somehow the Quartermaster and Training Officer job for the last eight years was supposed to be on the ordinance and was never done properly and went through the proper channels to be a position. I was compensated for eight years as Training Coordinator, the Quartermaster was compensated for six to eight years. Now as we move forward the administration told the department and the Board of Fire Commissioners that we have to do it properly and bring these positions into the stipend ordinance which is before you all.

As part of our approved budget set for 2009-2010 we included the additional positions of Recruitment Officer, Training Coordinator, and Quartermaster, which we already had, and the positions of Company Training Assistants. These positions are the key to the success of the Shelton Fire Department going forward. Our department needs someone to handle recruitment retention. As a volunteer Fire Department, membership is key. We always have to continue to strive to seek out new membership and to retain our current membership with retention, stipends, to give a little give back to all the volunteer services that our membership gives. The other key component to any successful organization is training.

My goal as the Fire Chief is to take a new recruit firefighter that may already be in the department or may be willing to join and develop him into a successful, safe firefighter that one day could step up and take the job as Fire Chief. That is the goal of the Fire Commission, my Company Officers and my Chief Officers.

I strongly encourage the Board of Aldermen support this ordinance by repealing the current stipend allocations for the Fire Department and replacing it with the proposed stipend ordinance so that we can start July 1st providing the services that I know we can, with the right personnel in place. Thank you.

Alderman Papa asked, are you satisfied with the new stipends that are proposed?

Chief Jones replied, under the current economic conditions and under the approved budget that we have for 2009-2010 going forward, these proposals have been agreed upon and are workable, to start July 1st. As we move forward, 11 months from now, 10 months from now, as Fire Chief I'd like to sit down with the Board of

Fire Commissioners and revisit these stipends and see where they should be for comparable cities our size, for the amount of work that we do.

Alderman Papa stated, so you're saying that as we go into different fiscal years you think we should review it.

Chief Jones explained, it should be reviewed, just like any document it should be reviewed periodically. Shelton is a big city; it's a growing community. We need to take care of our volunteer firefighters, the officers, the members that step up to the plate and are providing those additional services. A lot of the members on the Board have a business background. Running the Fire Department is like running a business – you have to train people and continue to readjust, retool and take care of people. The people are the most important part. We ask a lot of our volunteers to get up, go to the calls, pack the hose, do training events, do public education. We cover hazmat calls, technical rescue, rope rescue to ice water rescue to water rescue, in addition to fighting structural fires to doing public service calls when there are pump outs needed.

Our Fire Department is an all hazards department. Our duties are expanding. We talked earlier about the Office of Emergency Management. Just this week alone I developed three incident action plans with the Police Chief, Office of Emergency Management, EMS and myself for the fireworks coverage next week. That's mostly a volunteer effort on behalf of the Fire Department and EMS that evening. We'll have anywhere between 15,000 to 25,000 people coming into our downtown district to have a nice, safe, enjoyable night and it's our job as emergency management volunteers, firefighters, EMS, and Police to ensure that. We're working as a team. We have a communications trailer and we're doing a unified command. These are additional meetings, additional things that our volunteers have to attend besides going to fires.

My Assistant Chiefs, my hopefully future Deputy Chief, Recruitment Officer, Training Officers - these people deserve some kind of compensation, stipend, because their duties are not just responding to the calls but they're going to three or four meetings a week, they're going to statewide meetings, they're developing plans. Especially the Training Division for the last eight years, I worked with the Commissioners, my fellow fire officers, to develop a training division. Those individuals that work in the Training Division are developing our future volunteers and future firefighters. I truly think we need to revisit it almost every year to see if these positions are being funded appropriately.

Is it a bare bones budget, small stipend? It is. But it's something. And you have to give back. You give a little you'll get a lot. You give nothing, you'll get nothing.

Alderman Anglace asked, are these positions in the 2009-2010 budget?

Chief Jones replied, yes. They're in the budget and have also been approved by the Board of Fire Commissioners. Each of the job descriptions went through a rigorous development phase of determining the level of education, experience criteria needed for them. There is a process of interviews. We just interviewed for the Training Coordinator position and the new Training Coordinator appointment letter will be forwarded soon to the Mayor's office so she can start work, assuming we get the ordinance passed.

Alderman Anglace stated, there are no job descriptions with the proposed ordinance, but it appears that everyone is aware that there are job descriptions.

Chief Jones replied, correct.

Alderman Anglace stated, but earlier in the evening when a similar request came up for stipends, nobody was aware that job descriptions exist for those. I wonder why?

Chief Jones stated, I would not know. I know the Board of Fire Commissioners have done an excellent job and my Officers' Council has done an excellent job developing these job descriptions and ensuring that the proper processes are followed.

Alderman Anglace stated, you described it earlier and I applaud you for your excellent description of the emergency services functions that are working together, that are coming together – the ambulance, the police, the fire and OEM. OEM has been around for a long time, but it seems that we haven't paid much attention to it. Now with Homeland Security, with 9/11 and everything else, it's taken a different twist. There are job descriptions for that as well as for your positions. You worked on this ordinance with members of the Administration and with members of your own department and you brought it to us, and we accept it the way it is written and presented because it asks for consideration for stipends for these positions names. Now, you don't have to have tons of paperwork supporting that. The way you've gone about doing this, you've laid all the groundwork out before. The same thing with OEM; they did the same approach. Their job descriptions exist. Nobody is asking the questions about benefits, cell phones, etc. for your position, but yet they did for those.

Chief Jones stated, it's because our Department has been established and a working department; we have a Board of Fire Commissioners. Even though OEM has been around since the 40s or 50s, the name has changed, the personnel has changed. They are starting at the grass roots level, so they have to develop an organizational structure. I have an organizational structure, a strong foundation to build upon. That's why I'm here before the Board, is to built upon this foundation. I was entrusted as Chief to take the department and lead it forward. Part of leading the Department forward is taking care of my membership, ensuring their safety. One way to ensure their safety is to put the proper people in place.

Alderman Anglace stated, you mentioned earlier, the Fire Department responds to any number of emergencies. Floods, water, [inaudible]. OEM on the other hand is going to be planning how to provide, how to prevent, how to communicate, when we have hurricanes, when we have floods, all these kinds of things, and terrorist activity as well. The point I'm trying to illustrate, and I'm not trying to play one against the other, I'm simply trying to say that while OEM has been around a long time, it's been woefully misunderstood, and woefully underutilized and hopefully will come out of the dark ages with a new group that can communicate in the year 2009, they can plan, they can cooperate regionally and statewide, and locally, with the other services in town, as a member of the Public Health & Safety Committee.

Alderman Finn stated, we closed the public hearing on the Office of Emergency Management; now we're dealing with the Fire Department. Can we just stick to the Fire Department?

Alderman Anglace replied, thank you for your observation.

Alderman Simonetti stated, Chief Jones, thank you very much for talking to us. You, yourself, the Assistants, the Deputy Chiefs, the hours are tremendous. As you said, three or four meetings a week are almost expected. Their families miss them and I applaud them for what they do, and thank them. For the Recruitment Officer, Department of Training, and the Training Assistants, would you say they do 10 hours a week, 30 hours a week sometimes? What are their hours?

Chief Jones replied, as a past training officer I probably spent 50 hours a week. When I was the Training Coordinator I made \$6,500 as a stipend. We reduced the Training Coordinator to \$5,000 in this proposed ordinance because as part of my reorganization I added a Training Assistant. Having eight years experience as the Training Coordinator it's a span of control issue. One to 250 isn't going to work. So having one Training Coordinator with four Assistants for each of the respective Fire Companies helps the Training Division. The offshoot of that is your individual fire instructors. As we're moving forward, because we had to fit within our budgetary constraints for 2009-2010, we developed these positions to fit that framework. That's why the Training Coordinator is now \$5,000 and each Training Assistant is \$1,000. It's to give a little to get a lot of results. We'll get a lot of results by this. That is my professional experience from being the past Training Officer.

Alderman Simonetti stated, my question is, because I think the Training Assistants at \$1,000 are woefully under stipend if I may say so.

Chief Jones stated, they are, and within the next budget cycle I'll be lobbying everyone at City Hall and yourselves that we need increased funding for the Fire Department, and not just for stipend employees but in general. We need to start looking at some capital improvement projects on our firehouses and our fire trucks. Some of our fleet is almost 30 years old. We used to have a \$150,000 vehicle replacement fund within the Fire Department budget each and every year, so every

few years we could buy a new fire truck. A new pumper costs about \$400,000. A new aerial truck is about \$1.2 million. We're going out to spec a couple rescues. Our rescue trucks – three rescues in town – are from 1985. One is out of service more than it's in service, so we'll be looking for bonding or referendum in the near future to purchase some of these.

We're trying to build – again, I was given a great foundation as the Fire Chief, a great structure – I'm trying to lead us into the future and continue developing our Fire Department for the safety of the citizens and the safety of my men and women. Thank you.

John Millo, Director of Emergency Management

I'm also the former Fire Chief for the last 10 years. I want to comment in regard to the Fire Department stipends. It's apparent that when the Department reorganized and conducted a professional outside study of the department, a need was developed. I think it was longer than eight years ago, but the current Chief has been in the position of Training Coordinator for eight years. I applaud the Board of Fire Commissioners for listening and getting together along with the operational side of the Department to create these positions and shore up the training that is so important to the department. A lot of the success of the major stops in fire prevention and suppression of fire is attributed to the training that the Department receives. I can't tell you enough that although the Board of Fire Commissioners intentions were right, it appears that they didn't meet the requirement of a stipend ordinance. I think as we talk about stipends here this evening, it is the intention to make all the emergency services ordinances applicable so the individuals receive a stipend. If you don't receive a stipend, of course if you work 50 hours a week for eight years and you bill the City at whatever the amount of hours is, it turns into a legal mess. That isn't the intention of the Fire Department or anybody in the emergency services.

Unlike the Department of Emergency Management, the fire service doesn't have all the opportunities that Emergency Management has when it comes to grants and funding to pay for training and stipends. For example, the emergency management stipends will be reimbursed at 50 percent by the federal government. The Fire Department will have the advantage in the future through the new Homeland Security to apply for similar grants so that his newly-created positions of Training Company Officers could be increased. They're going to have to earn their pay, but I'm sure the Chief and the Board will administrate them.

Just to clear the air, the stipends that existed or that have been paid in the past to the Fire Department and to the prior Emergency Management Directors and Assistants and Deputies have been done and there have been payments in the past. However, the ordinance, this is clearly the right thing to do. I think that the Board should support all the emergency services as you have in the past, especially

during my ten years as Chief of the department. I thank you for your time, and please help them out.

Bruce Kosowsky, 29 Martinka Drive

I just want to clear the air – the table of organization has not been completely voted on by the Board of Fire Commissioners yet. It was part of the budget because we weren't sure where we were going with the budget. I have concerns with this ordinance in regard to the budget, because if you remember, at the budget we kept saying we were under-funded in the part-time account, which the stipend pays come out of the part-time account. The other thing that, if you go back to 2007, the Board requested that original ordinance be withdrawn because there were issues in regard to the appointments that the Board of Fire Commissioners make per the Charter. One of the questions is that I wanted to know why the Fire Prevention Chief wasn't on the ordinance and the Deputy Fire Marshals that are part-time are not on the ordinance. Again, we're talking about fairness. Why do all the firemen have to be on the ordinance and other people not on the ordinance, when the Board of Fire Commissioners make the appointments? If the Board is making the appointments to all these positions, then this should all be on one ordinance. This is the reason we wanted to pull it back in 2007 because it wasn't clear where the other people were going. That's why over the years we've discussed about the budget. There should be one Fire Department budget and you break down the different departments, they could be put in a line item, but there is an issue I have with this is, where are those positions? Why are you telling the Fire Department everybody has to be on a stipend salary? I can understand the full time people because they're under the Merit System and union contracts and stuff like that, but there are also part-time people. Fire Department, we have one Fire Department and we only have one Board of Fire Commissioners, by the Charter, in charge of the Fire Department. We make the appointments there and it's not on this ordinance. Again, this ordinance came out after our meeting, I don't even know if the other Board members know if this is being presented here tonight like this. This has been taken off our budget, basically. We submitted a budget that you didn't accept. If you look at the total amount in the budget, we didn't get that.

Again, I think, and believe me I don't have anything against people getting paid, it's just that I think our processes here seem to get confused because when we want stuff to be done and we ask you to hold so we can present it differently, it doesn't happen. Matter of fact, during our budget, twice that I could recall, you said you didn't need to have these people as stipend and they should fill out time cards. Like the custodians – they were taken off. We had the custodians on the original stipend there. We were told we couldn't do that, we had to take them off and fill out time cards. Every two weeks I delivered time cards here for our custodians.

I'm a little concerned that not all positions are on here and whether or not we'll be properly funded or not to cover all these things, even though we've been trying to get a Deputy Fire Chief for five or six years that I can recall. It has not gone through

the board. This has not gone through the Board. Just so you know, the table of organization, yes, we've seen it; it hasn't been formally voted on yet. Based on, we didn't know what we were getting, based on the budget.

Alderman Anglace stated, do I understand what you're saying...

Mr. Kosowsky interjected, we didn't submit this. The Board of Fire Commissioners didn't submit this.

Alderman Anglace stated, this proposal here that the Chief got up and said he worked with you, the Board of Fire Commissioners, you're saying...

Mr. Kosowsky interjected, the budget. This is off the budget. No one came to us in May or June and said that this ordinance was coming up and it's going to be repealed. This just happened. Because it was said that people couldn't get paid. We were told during the budget process that they should be on time cards. People were taking off. That's why I believe the present one that you voted on in 2007 eliminated a lot of these positions.

The other one that has me concerned also is the one we have issues all the time with – is the storm watch. Again, big problems we have every year with that storm watch, which is another ordinance along with the outside work for firefighters it's tied up in a supernumerary police officers pay. We have percentages on the ordinance. So I think, what I'm trying to say is if you want everybody to be covered on an ordinance, stipend, the way I'm hearing it, and I think we need to know and act on everyone regarding the Fire Department and ensure that everyone is on this so they do get paid or whatever the other issues that you have now that we didn't have before. Like I said, I've been here a long time and we never had to fill out time cards for janitors, and every other Monday I'm bringing down a time card now.

Alderman Anglace stated, you're addressing the Board with an administrative issue that we are not able to respond to, Bruce. The Chief knows something about this, you're welcome to up to the podium and enlighten us.

Mr. Kosowsky stated, the bottom line here is that if you're going to pass the stipends for the Fire Department personnel, then all the Fire Department personnel that are appointed by the Board of Fire Commissioners should be on it, if they're all going to be stipend people. Or, are you going to have stipend people and hourly people? Then I think we need to know that so we can put that in here. That's the only issue I have.

Alderman Anglace stated, the Board of Aldermen did not propose this ordinance, so let the proposer come up and speak.

Fire Chief Francis Jones

I'd like to just clarify some of the statements that Fire Commissioner Kosowsky spoke about. The proposed ordinance for stipends for the Fire Department came to the Board of Aldermen as prepared by the City's administration to clarify the positions as I identified in my previous discussions. The current ordinance in effect has the Fire Chief, the Deputy Fire Chief, Assistant Fire Chief, Superintendent of Alarms, which does not fit out proposed structure for the 2009-2010 as developed within the confines of our budget.

The Commissioner speaks about Fire Department personnel and he is correct. The Board of Fire Commissioners by Charter oversees all Fire Department personnel including the Fire Marshal division in which the Assistant Fire Chief of Fire Prevention falls under. But within the budgetary process for the City of Shelton, that is a separate entity than the suppression side of the Fire Department. There are two different budgets – Fire Marshal division, Fire Department; Suppression division, operations. As Fire Chief I'm in command of the operations division and I answer to the Board of Fire Commissioners. The Fire Marshal has his own division and according to Charter answers to the Board of Fire Commissioners. Two different budgets. The proposed ordinance in front of you is specific to the operations side, as I discussed, why we need these position, why as Fire Chief I support this ordinance that was presented to the Board of Aldermen, due to the operational side that I have control over.

The Assistant Chief of Fire Prevention and the Deputy Fire Marshals get paid in a different way. Should it be by ordinance, probably. That is something the Board is going to have to look into or the City's administration is going to have to look into how they are being compensated. But as Fire Chief I can only speak on behalf of the operations side as to how this proposed ordinance will affect the operations side and help ensure the safety of our citizens and our firefighters.

It's all semantics as if it was officially approved by the Board of Fire Commissioners or not. Our budget is what it is. There are X amount of dollars for X number of positions. How we mix and match the different positions to fit within the approved budget is what is going to have to be discussed through my Chief's office and the Board of Fire Commissioners – that is an administrative detail. But without the ordinance identifying these positions come July 1st – it doesn't matter what we talk about as an administrative detail - we won't be able to fund it without this change in ordinance. If we are to succeed as a Fire Department we need to start taking the steps forward to succeed. We can't continue to be spinning our wheels in the mud.

We will work these small differences out. There are bigger issues at hand as to how the Charter affects the entire department. As Fire Chief I control the operations side and those positions which fall under my privy. We did discuss the job descriptions and they were signed off. Those job descriptions were signed off. As to the detail on how that whole structure was also presented to the Board – there is an existing

structure that we are currently in on June 23rd, and what we hope to have starting July 1st. We've already taken the first steps as a department by interviewing for the Training Coordinator's position and also have placed the Quartermaster's position. For about three months we've had a quartermaster who is currently a stipend employee but without any parameters. It was explained to me by the City's administration, my previous job as training officer the last eight years was because I was receiving a stipend. If I kept a log of my time, I could have probably billed the City for a lot of money over 8 hours, even if I was to charge the City minimum wage. That is what this ordinance will take care of - it will identify what the stipend is for these staffers. Without it, either they won't get compensated or they just fall in this nebula of - are they hourly, are they stipend - there are rules in place by the Charter, that's why the City's administration brought this to the Board, to ensure the rules are followed. I believe that is, as Director Millo stated, that's why their positions, again for the last six months they're in this nebula. How do they get compensated?

The previous Office of Emergency Management people were getting compensated out of some unknown framework and as the Director is trying to do and I'm trying to do as Fire Chief, we're trying to do the right thing by following the Charter with using the guidance of our Administrative Assistant, which the Board also spoke on. She has been of tremendous help in developing the framework to ensure that the proper processes are followed. Again, I support the proposed ordinance to the Board, and the necessity for doing it now and not later or six months from now. Thank you.

Alderman Papa stated, I know Commissioner Kosowsky was saying there are other people that should have stipends. Who is he referring to?

Chief Jones replied, those others, I believe, are the Assistant Chief of Fire Prevention, but he comes from the Fire Marshal division. It's a different budget, but under the control of the Board of Fire Commissioners.

You have the Assistant Chief of Fire Prevention; Deputy Fire Marshals.

Mr. Kosowsky interjected, the Deputy Fire Marshals are on an ordinance. Again, you go back to the 80s and 90s - there was fairness - we had to justify the hours of the Assistant Chiefs and the Deputy Fire Marshals for the difference in the pay in the cars to make the ordinance fair. That's what it was all about, it was about a method of being fair. The only thing I'm saying is I'm a little confused that if you have part time people, what difference what department they're in - it's all under one department. You can have two different divisions, you can call it what you want. Two different budgets, two different line items.

Alderman Papa asked, how many are you talking?

Mr. Kosowsky replied, there are quite a few Deputy Fire Marshals and we had Inspectors on there that were hourly, but I don't think there are any more inspectors,

I think everybody's a Deputy Fire Marshal now. Again, if you're going to have a policy, a procedure, whatever word you want to call it in an ordinance is that it should be for everybody. Do you follow me? The Fire Department ordinance should be for everyone that's considered a stipend employee.

Alderman Papa stated, but this was only presented to us with the people on here.

Mr. Kosowsky replied, that's because it didn't come from us, because if you go back to 2007 you'll find out that we had sent a letter wanting to withdraw because we had some issues there, asking questions. If we make an ordinance and we don't put certain people on there are we going to run into this problem? And that's what we were told about the [inaudible] and the ordinance for the janitors – take them off you don't need them – and now it seems like we're doing what we had before, we're re-doing again. The point I'm making is that if we're going to redo this again, let's make sure we get everybody on board this time, or define it and say which people you people believe are part-time employees, so we know that, and which people are stipend employees.

Alderman Papa stated, well we don't have enough time to do what you're talking about, but you agree we should go with this, and maybe next year we worry about what else...

Commissioner Kosowsky replied yes, that's definite, but...

Alderman Papa interjected, the next thing is, Chief, how much more dollars from the 2007 versus what we're proposing now? What is the dollar amount, do you have any idea?

Chief Jones replied, when we worked out the budget with the Board of Fire Commissioners and representatives of the Board of Apportionment and Taxation and the Aldermen, we developed a needs assessment for the Fire Department. What was funded is different from what it current today. As we restructure the Fire Department the dollar amount is the same. So the full-time budget for last year for full-time employees of the Fire Department was \$50,000. We were able to, the Board of Aldermen, you approved a \$36,000 administrative associate position. That job description is still being finalized. It was given a pay grade by the Administrative Assistant. It's moving through the process. We have \$86,000 and change now in the full-time account. Part of our part-time account besides the stipend employees under our budget comes part-time employees. Two of the part-time employees are 20 hour per week secretary for the Fire Department and a records keeper. This new full time replaces those two part-time positions. That money was taken away from the part-time account. Last year we had \$120,000 assigned to part-time employees – that included the stipend employees and the part-time. So they drew off about \$24,000 and I think it's funded at \$96,000. So technically this year I have more money appropriated for personnel than I did last year; it's in two separate accounts. As we work out the details on our new organizational chart, I've worked

the numbers - these positions, as I stated I wish I could give them more, or we could give them more. We can't do more within the confines of the \$96,000 approved. Will we have to come to the Board to do some money transfers if the full-time position doesn't get hired? Absolutely, because we've got to continue doing business. We've got to continue paying that records keeper and the part-time secretary as we move forward. It's my goal to ensure that we take this department forward. You have given me the opportunity to do that in the upcoming budget. We'll work out the details; we'll figure out how to pay these stipend employees and hopefully full time administrative associate. That is for discussion at the Board of Fire Commissioners level between the Chief and the Board of Fire Commissioners, not for the public hearing tonight. We are talking specifically about this ordinance as it's written. I agree with the Commissioner that further discussion needs to be held on how we're going to handle the Fire Marshal division and how their personnel are paid, but that could be a separate ordinance, or as we move forward, like we talked about, let's review and continue to do better. I support this ordinance as it is, so we can conduct business and move forward for the safety of the citizens and our membership. Thank you.

John Millo, Director of OEM and former Fire Chief

Just to shed a little light and refresh the memories, let's go back to the M and M Study that the City had commissioned for an outside study of the Fire Department. At that point in time it was suggested, and the Fire Department, Administration, and some, not all members of the Board of Fire Commissioners had agreed that it was time to separate the department a bit from operations to Fire Marshal. This is very simple problem that has arisen on some of these stipend positions. At the time there were stipend positions that were in a prior ordinance. I believe they were taken out and changed to hourly because it wasn't working. They could only get six appointments or inspections done on a monthly basis, and it wasn't enough. The Marshal with the load that the Chief works closely with every day is heavier, so they have increased those hours, and made him an hourly employee as opposed to stipend. Most of them work up to 30 hours a week in this position, and they're well compensated for it and they earn it.

I think we just go back to the study and let's not lose sight of this. The Chief is in charge of the Department and in charge of operations. The Fire Marshal is in charge of the Fire Marshal division. If they need to work something out, they'll do that and make that presentation to the Board.

Just to enlighten everybody about the study that the City did, it cost you \$30,000+ and they're on the right track. Thank you.

Victor Godin

Gentlemen, once again these stipends are cheap insurance to retain knowledge and ability. We've got the knowledge and ability we've had in the past to keep it in the present and make it better. The fire service we have in the City of Shelton is far above most any places in the State and here on the east coast. Pay this to keep these people in positions. These meager stipends are nothing but insurance of advancement and betterment of the department.

Alderman Anglace asked three times if any member of the public wished to speak on this matter. Being none, Alderman Olin MOVED to close the public hearing; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 7-0.

Thanks to all for coming and giving your points of view, opinions and helping us along on these important decisions that we have to make.

5. ADJOURNMENT

At 7:36 p.m., Alderman Kudej MOVED to close the Public Hearing; SECONDED by Alderman Simonetti.

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

This public hearing was immediately followed by a Special Meeting of the full Board of Aldermen.

Respectfully submitted,

Patricia M. Bruder
Clerk, Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____

BY: _____

Mark A. Lauretti
Mayor, City of Shelton