



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
FULL BOARD MEETING MINUTES
THURSDAY, MARCH 10, 2016

Call to Order / Pledge of Allegiance

Alderman Anglace called the meeting of the Board of Aldermen to order at 7 p.m. All those present stood and pledged allegiance to the flag.

Roll Call

Alderman John F. Anglace, Jr., President – present
Alderman Lynne Farrell – not present
Alderman John “Jack” Finn – present
Alderman Stanley Kudej – present
Alderman Noreen McGorty – present
Alderman Jim Capra – present
Alderman Eric McPherson – present
Alderman Anthony Simonetti – present

Administration:

Attorney Thomas Welch, Corporation Counsel

PUBLIC PORTION

Liz Westlake, 46 North Street

I am here tonight, again, about a noise disturbance that we have been experiencing in our neighborhood for three years now. It started in 2014 with Angelo Frascchetti moving into our neighborhood. The first summer my husband and I had tolerated it. Last year after talking to Angelo, who is about twenty-something; we did not get anywhere. My husband let him know that he works two jobs and it is a disturbance in the morning. He was letting it run for 10 to 12 minutes everyday, anywhere from the hours of 6:30 A.M. to 7:00 A.M. so we started calling the police. Last summer, I called the Shelton Police Department at least twelve times. I have obtained seven records; I have three more to get this week because it started again. This person has caused a great deal of stress on my family; it has caused a lot of anxiety. We anticipate his motorcycle starting up everyday around those hours. He does not have stock pipes; they are after market pipes. We have dealt with Officer Siglinger last year, who went over to his house and heard these pipes twice with his own ears. Once we saw that the police were not doing anything, we started to start taking decibel measuring with our phones; they were over

100. We came to the Public Health & Safety meeting this past January, but we were assured by police that if the noise does start up again to call police and they would issue a ticket. When I called Ms. McGorty for clarification on Friday after that meeting about what exactly is going to happen going forward, Officer Ptak came to my house on a Monday uninvited and told me to stop calling the aldermen, and what was going to happen the next time it was going to start up, a ticket was going to be issued to call police the next time it started up again. That day came Saturday: I called the police again and no ticket was issued. Why? Apparently Mr. Frascchetti had the appropriate pipes on his motorcycle, and Officer Anderson, who I had dealt with on Saturday, wanted my ID. When I asked him why he was not issuing a ticket for breach of peace, and cited that if I know of another police officer that issued a ticket for this type of disturbance. We wanted to know the police officer's name and when I could not remember, he completely dismissed me and said, "if you cannot cite the officer's name, you cannot cite the situation, what is your ID"? I said to him, "I do not need to provide ID". Then he said to me, "then I am going to say that you were uncooperative in the report". I have been more than cooperative; we have been working with this for three years. I am coming to you all for relief.

We have sought help from police and I do not know why a ticket has not been issued to this person for after market pipes, riding on public streets. I will give the Shelton Police credit; they have gotten the noise from 10-12 minutes to 1 or 2 minutes. It took Officer Siglinger at least two visits to get this. This is a lot of Shelton time and resources that is needless. I do not understand why a ticket for breach of peace has not been issued, or it has not been put to a stop? Like I said, my husband works two jobs; he works second shift from 4:30 P.M. to 1:30 A.M. He needs every minute of sleep until he starts his second job from 8:30 A.M. and gets home around 4 P.M. It has been so loud that my son's body was shaking in bed. Knowing that these two are veterans, every time the police go to over to their house and they do not answer the door. I was not brought up that way. My daughter knowing that this twenty-something year old is a veteran, asked me last week if I was afraid that he would do something to you. I talked to other people in the neighborhood about it and they are bothered by it. Some of the older people are up every morning with him too but they are afraid of retaliation, so I am here before you speaking for more people than just myself. We just learned today, because I called the police Saturday, Sunday, Monday and today, that they are doing decibel measure on him now. We learned from Officer Ptak, who came out this morning, said, "With the decibel measuring, that actually the traffic going on our street was louder than the motorcycle- boulder dash". He was at the opposite side of the property; Officer Ptak was on one side of the property and the motorcycle went down the other side of the property. Then apparently, he was on the other side of the property and the motorcycle went on the other side of the property. He said he was going to come back tomorrow and measure again. Then he said if he does issue a ticket and goes down to motor vehicles, and motor vehicles finds that this kid is in compliance which he probably will, because he will put his pipes on his bicycle to go down to motor vehicles. Then all he has to do is change them again, like he did on Saturday. I am coming to you for relief, for help. I know that this board has been effective, I am happy to pay taxes in Shelton. It is a nice, open space in town but I want some relief from this. It is causing so much stress on our family, waking my husband up. My son's body as I said before, has

vibrated in his sleep from the sound of it going by. I do not know what to say; this kid just stays under the law with this, just under the law. So I appreciate the Shelton Police trying to help, I know you cannot issue a ticket when the pipes are within compliance but I do know when he gets on the public road with non-compliant pipes, a ticket can be issued. On Monday, I was told by Officer Mauri, badge #065, that they cannot infringe on his rights. Well, what about our rights? We have been here twenty years, and he just moved in two years ago. We do not want this anymore. What can we do? Thank you.

Alderman Anglace: Is there anyone on the board that knows any knowledge of this, which they could add?

Alderman Simonetti: I have spoken to her several times, and I have also referred her to Noreen and John Papa at the time. I have never heard the motorcycle, but she has been very stressed about it. It could be over one year ago that I spoke to her about it, and we have called the police. I talked to Joel Hurliman, Captain Sequeira about and they have assured me that they have done everything that they can at this time. However, I think under the circumstances there has to be other things that we can do to help her. This is a terrible situation.

Alderman Capra: I spoke to Liz this past week. I have also spoken to Shawn as well, and Officer Ptak has gone out there to check the sound levels. They are not above and beyond our noise ordinance. He is starting his motorcycle after 7 A.M. It is unfortunate, there is not much more. They also looked to see if there are illegal pipes there; there are no illegal pipes there. It is to a point that we vote on the ordinances, but we cannot enforce the ordinances. I think the Police Department has done a good job from what Shawn is telling me, to address it every day. Is it a nuisance? Probably. It is a motorcycle, but it is just like having construction around; you cannot take away the noise.

Alderman Simonetti: Construction has a beginning and an end. This family is not seeing that, and I feel for the family.

Alderman Capra: I do too. I have spoken to Liz many different times. I know there has been police officers going over there, watching undercover and the neighbor is starting his motorcycle and is leaving right afterwards, so he is not revving it anymore. In the past he probably was, but he is respecting the neighbor's wishes and not revving it anymore. So you are probably going to hear noise for 1 minute to start the motorcycle. Has Shawn been in contact with you at all with an update?

Liz Westlake: No.

Alderman Capra: Okay, so I would expect a call from him this week.

Alderman Anglace: I would like to suggest something else: what we have here is a situation that a family feels threatened. They feel if they are going to go any further there is going to be some retaliation. I would like to speak to the Mayor, to see if the Mayor would convene a meeting with the individual who has the motorcycle, along with

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the family to bring everyone together to try to work this out. I think that is the best approach. You can put everyone in the same room, and you do not feel threatened when you are talking to each other versus about each other. You are talking about the problem to see how it can get resolved. I will have a chat with the Mayor.

Alderman Simonetti: Mr. President, anything that can be done to relieve these people. I will sit in on the meeting and help; whatever we can do to get them together.

Alderman Anglace: I will talk to the Mayor when he gets back. That is about the best we can do.

Tom Harbinson, 15 Soundcrest Drive

It came back on my radar screen that the Plan of Conservation Development, which I served on the committee that put that together for you and the Planning & Zoning Commission, it was last done in 2006, and it is supposed to be updated every ten years. I have not heard anything about it being updated; I am sure there will maybe be discussions behind the scenes. I wanted to bring that to your attention because there have been a lot of changes in our community within the past ten years, so like any plan you want to keep it viable by being up to date. So, there may be some perceptions and thoughts that everyone had back then. I know there were some that I had that changed over the past ten years that the community has continued to grow with the track investment and trying to balance that with the open space and conservation. I just wanted to bring that to your attention so you can put that on your radar, to think about updating the open space and conservation.

Alderman Anglace: Is a function of updating the Plan of Conservation Development that starts with the Board of Aldermen? Or does that start in Planning & Zoning?

Tom Harbinson: I think it starts with the Board of Aldermen, asking Planning & Zoning to do it because it is a joint document. I know that you do have to approve it; it is a pretty involved process. At that time, we went to an outside firm and they assisted in the updated of it. I know that it is supposed to be updated every ten years.

Alderman Anglace: Since you have mentioned it, the board could ask the clerk to copy the Chairman of Planning & Zoning and we will take a look at it as well. Counsel will take a look at it, I am sure.

Alderman Anglace: Is there anyone else would like to address the board?

Liz Westlake: I have one more question: Just curious, why no talk of a ticket being issued for illegal pipes driving on public roads? I am glad to work it out and talk with the Mayor, but isn't that breaking the law? Isn't that breach of peace?

Alderman Anglace: I do not think that we could answer that question; I do not think that is in our purview and it is within the law. That is with the Police Department for the

determination. Incidentally, leave your name; address and phone number with the clerk so that we could contact you when the Mayor gets back.

Liz Westlake: I was told that Chief Sequeira was going to contact me within a day or two but I have not heard from him.

Alderman Capra: I will follow up with him tomorrow to give you a call.

Liz Westlake: Thank you.

Agenda Items

MINUTES FOR APPROVAL

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

1. Regular Meeting – February 11, 2016

SECONDED by Alderman Kudej. A voice vote was taken and the motion PASSED unanimously.

Minutes can be viewed on the city website: www.cityofshelton.org

5.1 FINANCE COMMITTEE

5.1.1 NO ITEMS

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

5.2.1 NO ITEMS

5.3 STREET COMMITTEE

5.3.1 – NO ITEMS

REPORT OF THE MAYOR – None presented.

REPORT OF THE PRESIDENT – None presented.

6.0 LEGAL REPORT

6.1 CORPORATION COUNSEL BILLING

Alderman McPherson MOVED to authorize a total payment of \$1,746.25 to Corporation Counsel Welch, Teodosio, Stanek and Blake, LLC, for services rendered per statement dated March 1, 2016, with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-03	\$1,732.50
Foreclosure Fees	001-1900-411.30-03	\$13.75

SECONDED by Alderman Kudej. A voice vote was taken and the motion PASSED unanimously.

6.2 ASSISTANT CORPORATION COUNSEL BILLING

Alderman McPherson MOVED to authorize a total payment of \$594.00 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated March 1, 2016, with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-03	\$594.00
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SECONDED by Alderman Finn. A voice vote was taken and the motion passed unanimously.

7 LEGISLATIVE - OLD

7.1 ITEMS FROM PUBLIC HEARING

**7.1 A AMENDMENT TO CODE OF ORDINANCE CHAPTER 16 ARTICLE II SEC. 16-34
WINTER PARKING RESTRICTIONS**

(Public Hearing took place on March 3, 2016)

Discussion:

Alderman Anglace: I think we need to refer this back to the Street Committee, and I think we need to do a little bit more of work on this relative to giving the appropriate public notice, because we had some very specific situations on streets.

Alderman Simonetti: So, would you like to table this item?

Alderman Anglace: Yes. I would like this to be referred back to the Street Committee, and then they will come back to us for action.

Alderman Simonetti MOVED to table Item 7.1 A: Amendment to Code of Ordinances Chapter 16 Article II Sec. 16-34 Winter Parking Restrictions.

SECONDED by Alderman McPherson. A voice vote was taken and the motion passed unanimously.

- A) No person shall park or cause to be parked any motor vehicle on the streets of the city between the hours of 12:01 a.m. and 6:00 a.m. during the months of January, February, March and December, except as follows:
 - 1) On odd numbered ~~months~~ days, parking shall be permitted during the aforementioned hours, only on the odd numbered side of any street.
 - 2) On even numbered ~~months~~ days, parking shall be permitted during the aforementioned hours only on the even numbered side of any street, provided any previously established parking regulation shall remain in effect and shall be superior to the provisions of this section.
- B) No parking shall be permitted on any street during any snowstorm where the parking interferes with snow removal or cleaning operations.
- C) This section is supplemental to any previously enacted ordinance concerning the parking of motor vehicles.
- D) Any vehicles towed shall be stored at the police authorized towing company address. The fees for towing are regulated by the State of Connecticut.
- E) A snow/winter storm emergency may be declared by the mayor of the city or the mayor's designee. The Mayor shall cause each declaration made pursuant to this chapter to be publicly announced by means of broadcast, telecasts from stations with normal operating range covering the city. Additionally, posting said declaration notice in newspapers of general circulation, and on the city's official web page. Each announcement shall describe the action taken by the mayor including the time it became or will become effective. Said notice may be issued by use of media, by the posting of signs or by any other appropriate means. The mayor or the Mayor's designee may further announce when said snow emergency will cease.
- F) When such snow emergency is in effect, there shall be no on street parking in sections of the city where access to off-street parking is available including driveways and parking lots, unless otherwise exempted by the police department.

- G) Any person violating the provisions of this ordinance may be fined \$25.00 for the first violation and \$50 for repeat violations.

7.1 B AMENDMENT TO CHAPTER 9 ARTICLE II SOLICITORS AND CANVASSERS SECTION 9-21 (ORD. #893)

Alderman McPherson MOVED to adopt the amendments to the Code of Ordinance Chapter 9 Article II Solicitors and Canvassers Section 9-21 (ORD. #893) which is included by reference.

Further, move that this ordinance be published in summary form with a full copy available for review in the office of the City Town Clerk.

SECONDED by Alderman Kudej.

Discussion:

Alderman Anglace: Section 9-21 by way of discussion; let us look at what we are amending so everyone clearly understands it. You cannot solicit prior to 9 A.M. or after one half hour before sunset of any day or on any time on a Sunday, or on a state or national holiday. This applies on Monday-Saturday, for those hours. I just want to make that it is clear to everyone because we have changed it several times.

A voice vote was taken and the motion passed unanimously.

(Public Hearing took place on March 3, 2016)

Section 9-21 Time limit on soliciting.

It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this article or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 9:00 a.m. or after 9:00 p.m. of any weekday, or at any time on a Sunday or on a State or national holiday. after one-half hour before sunset of any week-day, or at any time on a Sunday Saturday or on a State or national holiday.

**7.1 C AMENDMENT TO CODE OF ORDINANCE CHAPTER 2 ARTICLE VI PERSONNEL
RULES AND MERIT SYSTEM SECTION 2-316 (ORD. #771)**

Alderman McPherson MOVED to adopt the amendments to the Code of Ordinance Chapter 2 Article VI Personnel Rules and Merit System Section 2-316 (ORD. #771) which is included by reference.

Further, move that this ordinance be published in summary form with a full copy available for review in the office of the City Town Clerk.

SECONDED by Alderman Simonetti.

Discussion:

Alderman Anglace: I had some discussion with the Administrative Assistant on this and I would like to add some comments only to establish legislative intent. I think that it is very clear that all full time employees shall be eligible for paid vacation as follows: one to six years. I think it is clear on what that means, however I want to elaborate. If you have one year to six years of service with the city or employment with the city, you are eligible for two weeks. The same is true of the qualifications for six years to twelve years. Second point is that this only applies to newly hired employees only. If someone has been here for fifteen years, the administrative assistant cannot just change their vacation time. It is only at the time of new hire, and the purpose is only so that we do not lose a hire because someone is coming to us and leaving a job who has three or four weeks of vacation.

Alderman Simonetti: That would be going forward from today?

Alderman Anglace: That is correct.

Attorney Welch: The effective date is after it gets published.

Alderman Simonetti: If I may ask Tom, it says one (1) to six (6) years, and then six (6) years to twelve (12) years. Shouldn't it be seven (7) to twelve (12) years?

Attorney Welch: It is the first day of the sixth year, and the next day of the sixth year.

Alderman Simonetti: Thank you Tom.

A voice vote was taken and the motion passed unanimously.

(Public Hearing took place on March 3, 2016)

Amend: Vacation by adding the following additional language:

All full-time employees shall be eligible for paid vacation as follows:

One (1) year to six (6) years - two (2) weeks

Six (6) years to twelve (12) years - three (3) weeks

More than twelve (12) years - four (4) weeks

(ADD NEW) Notwithstanding the foregoing, newly hired supervisors or directors may be granted additional vacation time within a range that is commensurate with their qualifications, background and experience, including the amount of vacation the new employee may have had at their present or most immediate past employment. Such additional vacation time for newly hired supervisors and/or directors shall be recommended by the head of the department subject to approval by the Administrative Assistant and final approval of the Mayor.

8 FINANCIAL BUSINESS OLD

8.1 NO ITEMS

9 FINANCIAL BUSINESS NEW

9.1 MARCH STATUTORY REFUNDS

Alderman McPherson MOVED that the report of the Tax Collector relative to the refund of taxes for a total amount of \$7,699.99 be approved and that the Finance Director be directed to make payments in accordance with the certified list received from the Tax Collector with funds to come from the Statutory Refunds Account 001-0000-311.13.00.

SECONDED by Alderman Kudej. A voice vote was taken and the motion PASSED unanimously.

9.2 FUNDING FOR ADA AQUATIC POOL LIFT - LOCIP ELIGIBLE

Alderman McPherson MOVED to add the purchase of an ADA Aquatic Pool Lift equipped with arm rests and stability vest for the Community Center pool to the Capital Improvement Plan in the amount of \$5,194.98 with funding to come from LOCIP.

SECONDED by Alderman Finn. A voice vote was taken and the motion passed unanimously.

9.3 33-35 ELM STREET, SIDEWALK REIMBURSEMENT REQUEST

Alderman McPherson MOVED to approve the sidewalk reimbursement of \$2,976.00 to Robert Pagliaro, 392 River Road, Shelton, CT 06484 per Ordinance #877 (Section 14-9 of the Code of Ordinances) with funding to come from Sidewalk Reimbursement Account #001-3600-713.80-43.

SECONDED by Alderman Kudej.

Discussion:

Alderman McPherson: On the back of the motion is the letter from the City Engineer giving his recommendation.

Alderman Anglace: I saw that letter from the City Engineer approving this request. Has this gone to the Street Committee? Has this been recommended from the Street Committee?

Alderman McPherson: I took a look at this. We did not have a Street Committee meeting, but we feel that this could go forward.

Alderman Anglace: I would suggest that we approve it, contingent upon receiving approval from the Street Committee as well.

Attorney Welch: All of the Street Committee members are here.

Alderman Finn: There is one member missing; Lynne.

Alderman McGorty: The majority is here, though.

Alderman Anglace: So you are saying that having the majority here would suffice?

Attorney Welch: Yes.

A voice vote was taken and the motion PASSED unanimously.

9.4 FUNDING FOR TILE FLOORING AT PINE ROCK PARK FIRE DEPARTMENT – LOCIP ELIGIBLE

Alderman McPherson MOVED to add the purchase of tile flooring for the hallway at Pine Rock Fire Department to the Capital Improvement Plan in the amount of \$1,776.58 with funding to come from LOCIP.

SECONDED by Alderman Kudej. A voice vote was taken and the motion PASSED unanimously.

EXECUTIVE SESSION

At approximately 7:30 PM, Alderman McPherson MOVED to enter into Executive Session to discuss the following items:

11.1 DAVID MOORE WORKER'S COMPENSATION

11.2 BSL SHELTON DEVELOPMENT TAX APPEAL

and invited Corporation Counsel Welch to remain in the auditorium during the Executive Session; SECONDED by Alderman Simonetti. A voice vote was taken and the motion PASSED unanimously.

RETURN TO EXECUTIVE SESSION

At approximately 7:33 p.m. Alderman Simonetti MOVED to return to Regular Session; SECONDED by Alderman McPherson. A voice vote was taken and the motion PASSED unanimously.

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

11.1 DAVID MOORE WORKER'S COMPENSATION

Alderman Finn MOVED to approve the Permanent Partial Disability rating in the Worker's Compensation matter of David Moore, as presented.

SECONDED by Alderman Simonetti. A voice vote was taken and motion passed unanimously.

11.2 BSL SHELTON DEVELOPMENT TAX APPEAL

Alderman Finn MOVED to approve the stipulation for judgment in the tax appeal entitled *BSL Shelton, LLC. vs. the City of Shelton*, relative to a parcel of property known as 708 Bridgeport Avenue, Shelton, CT 06484.

SECONDED by Alderman McPherson. A voice vote was taken and motion passed unanimously.

ADJOURNMENT

Alderman Simonetti MOVED to adjourn; SECONDED by Alderman Kudej. A voice vote was taken and the motion PASSED unanimously.

The meeting adjourned at approximately 7:35 p.m.

Respectfully submitted,

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BOARD OF ALDERMEN
FULL BOARD MEETING

Brittany Gannon

Brittany Gannon, Clerk
Board of Aldermen

DATE APPROVED: _____ BY: _____

Mark A. Lauretti
Mayor, City of Shelton