



BOARD OF ALDERMEN  
SHELTON, CONNECTICUT  
FULL BOARD MEETING  
THURSDAY, FEBRUARY 10, 2011

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Call to Order / Pledge of Allegiance

Mayor Mark A. Lauretti 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 - present  
Alderman John “Jack” Finn – present  
Alderman Stanley Kudej – excused  
Alderman Noreen McGorty – present  
Alderman John P. Papa – present  
Alderman Eric McPherson - present  
Alderman Anthony Simonetti - present

Administration: Mayor Mark A. Lauretti  
Corporation Counsel Tom Welch

Presentation of Commendation

Mayor Lauretti stated, tonight we will have a presentation recognizing the acts of one of our local firemen in saving the life of an individual a week or so ago on Hiawatha Trail in the White Hills section of Shelton. I've prepared a Proclamation for Mr. Charles Ovesny and will make that presentation now.

We have a long and rich tradition in our community of volunteerism, and most of that comes from the emergency services by way of the Shelton Fire Department. Any time that someone singles themselves out by going above and beyond, the City has always taken the opportunity for many years to recognize the acts that benefit their fellow man. Tonight I want to take the opportunity, on behalf of the City, to recognize the heroic act of Charles Ovesny in saving the life of an individual just a couple of weeks ago here in our community.

I read the e-mail that one of the relatives sent to you (Mr. Ovesny) about that night and he talked about things that are important in life and the fact that they lost all of the material things that they had and it was going to be a struggle back, but more importantly what was preserved was a person's life. At the end of the day, that's really

what it's all about. On behalf of the City I offer this Proclamation in recognition to your bravery.

## P R O C L A M A T I O N

UPON THE ARRIVAL at the scene of a structure fire on Hiawatha Trail on the afternoon of January 23, 2011, Second Lieutenant Charles Ovesny of White Hills Fire Company #5 took immediate action to locate the resident of the house after quickly donning his fire equipment.

Not seeing the homeowner outside of the structure, he immediately entered the front door of the house that was full of black smoke.

WHEREAS, he called out to see if anyone was there and he heard a voice call out, "Help me!" To avoid the hotter temperatures and heavier black smoke, Lieutenant Ovesny crawled on hands and knees in the direction of the stricken homeowner; and

WHEREAS, he located Dr. Cherylyn Lee who was lying on her dining room floor overcome by smoke inhalation, unconscious and covered with ash and soot. Therefore, Lieutenant Ovesny radioed his brother firefighters to inform them that he had found Dr. Lee and then dragged her to safety at the front door of the house where he was then met and assisted by firefighters Steve Hoffman and Dan McQue.

NOW THEREFORE I, Mark A. Lauretti, Mayor of the City of Shelton, want to express, on behalf of the entire City, our gratitude and admiration for your heroic, selfless act of saving the life of Dr. Cherylyn Lee.

Your act of dedication and bravery reflects the great credit upon you, the White Hills Fire Company #5, and the Shelton Fire Department and the City of Shelton.

I therefore proclaim a job well done, Lieutenant Ovesny.

[Applause rang throughout the forum]

### **Agenda Items**

### **PUBLIC SESSION**

Mayor Lauretti asked if any member of the public wished to speak. Being none, he declared the public session closed.

**ADD ON**

Alderman Anglace MOVED to add to the agenda as Item 9.2 Relocation Expenses of a Person Displaced by Fire; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 7-0.

**MINUTES FOR APPROVAL**

Alderman Anglace MOVED to waive the reading and approve the minutes of the Regular Meeting of January 13, 2011; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

**5.1 FINANCE COMMITTEE****5.1.1 February Statutory Refunds**

Alderman Simonetti MOVED, per the recommendation of the Finance Committee, that the report of the Tax Collector relative to the refund of taxes for a total amount of \$35,499.15 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 Anglace. A voice vote was taken and the MOTION PASSED 7-0.

**5.2 PUBLIC HEALTH & SAFETY COMMITTEE**

No items.

**5.3 STREET COMMITTEE**

No items.

**REPORT OF THE MAYOR**

No report.

**REPORT OF THE PRESIDENT**

No report.

**6.0 LEGAL REPORT**

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**6.1 Corporation Counsel Billing**

Alderman Anglace MOVED to authorize a total payment of \$2,237.50 to Corporation Counsel Welch, Teodosio, Stanek and Blake, LLC, for services rendered per statement dated January 1, 2011 with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-03	\$1187.50
Foreclosure Fees	001-1900-411.50-01	\$1025.00
Miscellaneous Fees	001-1900-411.80-03	\$25.00

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

Mayor Lauretti stated, I meet with a group of Mayors from Fairfield County each month – we exchange ideas about things that usually affect us. One of the topics for this month was legal fees and how much money each city budgets for legal fees. I want you to know that it's a very interesting observation, at least for me, as I look at communities in Fairfield County and see how much they spend as opposed to how much we spend.

## 7 LEGISLATIVE - OLD

### 7.1 ITEMS FROM PUBLIC HEARING

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#### **7.1.A Signs on City Property Proposed Ordinance**

Alderman Anglace MOVED to reject, without prejudice, the Signs on City Property Proposed Ordinance; SECONDED by Alderman Papa.

Alderman Finn asked, what is the reason for the rejection?

Alderman Anglace explained, I said “without prejudice,” which means that I’m not disputing any of the content in there. But because we have a letter from the Chairman of Planning and Zoning, Ruth Parkins, who indicates to us that originally when this all came out it was a political sign ordinance and that Planning and Zoning didn’t want to incorporate it. Now that the political sign part of the ordinance has been taken out, Planning and Zoning would prefer to work and bring it under one umbrella, all the issues to do with signs in the City. Then they will come back to the Board of Aldermen with a recommendation for us to adopt as an ordinance in the future. I believe the Chairman is here this evening. That, I believe, is the essence of the letter.

Alderman Finn asked, did the Planning and Zoning members at their meeting authorize the letter to be forwarded to the Board of Aldermen? For instance, usually the Board of Aldermen would authorize John Anglace to send out a letter on our behalf. My question is, did the Planning and Zoning members at their meeting authorize the letter to be sent to the Board of Aldermen?

Mayor Lauretti stated, first of all, I don’t think it’s relevant, and secondly, the Chairman has every right to send the letter to the Board of Aldermen stating her opinion.

Alderman Finn asked, this is just her opinion and not the members of the Planning and Zoning?

Mayor Lauretti stated, you'll find out once it gets on the agenda for the Planning and Zoning meeting. I know there has been a lot of discussion about the sign regulations at Planning and Zoning over the last two years. It's not a topic that comes as a surprise to anybody. They kind of expected it.

Alderman Finn asked, how will Planning and Zoning govern City property with sign regulations?

Alderman Anglace stated, Planning and Zoning will take the regulations they believe encompass all signs in total, and then they will come back to the Board of Aldermen with a recommendation for us to adopt an ordinance based on their findings. Then we would adopt it and that would give it full force and effect.

Alderman Finn asked, Planning and Zoning would have a right to issue something about signs on City property when it's not a zoning matter?

Mayor Lauretti stated, most of it is a zoning matter. Signs come under their jurisdiction. If the Board of Aldermen's intent is to have an ordinance that either mirrors or reflects what Zoning is going to do then there's not an issue. The enforcement is going to come through City personnel. If it's via the Planning and Zoning Commission or other City personnel such as the Police Department, Public Works Director; I'm not totally sure who will be involved but I know that oftentimes, for instance, our Parks and Rec people enforce signs that go up on our parks. That's how municipalities do it. This is a joint effort. The Planning and Zoning Commission is not working in isolation or an entity unto themselves.

Alderman Anglace stated, they haven't objected to anything we've got in here, but they want to incorporate everything they've got and give it back to us as a whole package.

Alderman McPherson asked, why not pass it and then when they come to us with their completed regulations we can rescind this and adopt theirs. In the meantime you don't have anything right now that works.

Mayor Lauretti stated, wait a minute, that's not entirely true. It may not be as comprehensive as some people would like but by and large it does work. They regulate signs on businesses and new businesses since the beginning of time. So to say that it doesn't work or, if there are things that are placed on City property that for one reason or another don't belong there, then we remove them. Sometimes we use Planning and Zoning personnel to go out into the City to evaluate conditions that exist there and they report back to myself or to the Administrative Assistant. Then we take the appropriate action, if required. I wouldn't suggest that it doesn't work. Could it be better? Yes, it could be better.

Alderman McPherson stated, here you have a substantial fine for putting signs on City property. There is a variety of signs, not just political signs, it's all of these "Apartment for Rent" signs, this sign, that sign, little sticks in the ground that pop up all over the place. I would suggest that on a temporary basis we can adopt this until Planning and

Zoning finish their work. I don't know how long it will take them to do that. But at least we'll have this in place. Then when they're finished they can come back, we can get together and adopt their regulations. But at least we have, I think, a very tough provision in place.

Mayor Lauretti stated, I understand what you're saying. These things are not as cut and dry as it may seem just because some people think that things are an eyesore and they don't want to see them up there. I certainly understand that, but I'm sitting here thinking of certain conditions that exist with signs. When there is sign-up for Little League or for Biddy Basketball or the Scouts, or a Blood Drive – there is a whole variety of events that take place within the City that people put signs up for. Tag sales, yard sales, you name it. Those are some of the things that make a community work. Those are some of the activities within a community that people participate in. I think that before we start to penalize businesses that are struggling just because we don't like some type of sign that was put on a sidewalk, we should have consideration for some of the tough economy scales that they're going through. If everything were equal, then maybe we could get our State and Federal government to stop being so punitive about everything that they do that does nothing but cost people money. This gets to be a pretty vicious cycle when you want to take one thing and single out. I would suggest that we take a couple deep breaths and look at the big picture.

Alderman Anglace stated, the question was, why don't we adopt the one we have in front of us as an interim measure. The reason why I don't think that is something that I want to do is because what I think I see in front of me has a number of definitions and then has a, b, c, d, e. And a, b, c, three of the five conditions of the ordinance deal with political campaign signs. So they're not really out of the picture, they're still in the picture. I see regulating political campaign signs as being almost discriminatory. Why single out campaign signs as the thing to go after? I mean, what about real estate signs, what about the signs that say "You want the snow removed from your roof?" You know, some of these things you just can't regulate. They're going to pop up and you're going to have to enforce, once you pass something. Right now the law says you can't put any sign in the City right of way. Any sign. That's what the law currently says. We would be adopting something that talks about - three out of five issues talk about political signs.

Alderman McPherson stated, I was just saying that there is a whole slew of signs; it's not just political. There are all kinds of signs. You talk about real estate signs, most of those real estate signs are in front of the property that's for sale. I have never seen a real estate sign on City property.

Alderman Simonetti stated, they do put up a sign when they're having an open house. They'll put it on the best corner they can find. It is City property. Because it's there for four or five hours, should that be a \$250 fine? When someone is doing their business? That would be extreme.

Alderman Finn stated, we have signs around the City of Shelton right now advertising an event that was held on January 30<sup>th</sup>. They're still up. Who is responsible to take them

down, since this ordinance is not going to be passed until the Planning and Zoning finishes their work? Are we endorsing campaign signs to be put on open space or on City property?

Mayor Lauretti stated, when that has happened in the past, our Parks people have gone around and taken them down or we've called the candidate who is seeking election and asked them to take it down. And if they don't, we take it down for them.

Alderman Simonetti stated, I also get calls as the Republican Town Committee Chairman and I know that so does my counterpart on the Democrat side that, you know, you've got a sign in the wrong place and we go and take care of it. It's done because it's someone who may not be aware that the little piece of square property next to Elizabeth Shelton School is actually City property. It looks like it's not connected, but it is part of the City of Shelton property.

Alderman Finn stated, let's go back to the signs that advertise an event for January 30<sup>th</sup> that are still around the whole City.

Alderman Simonetti stated, I think you can call City Hall and ask for someone to call that organization and say, "Can you remove your signs?" And they took 30 days to do it, you might want to send them a letter and say "Look, the next time it happens you're going to have a fine." But I don't think you should be harsh on them. Normally they are fundraisers for churches, for Boy Scouts, Girl Scouts, sign up for basketball, football, all of these things that we take to heart as Americans. This is our tradition, to let people know what's going on. One way is to put a sign up.

Alderman Finn stated, yeah, but you can't fine them without an ordinance in place.

Mayor Lauretti stated, look at all the Relay for Life signs that go up. Swim Across the Sound. Save Our Schools. They put them everywhere.

Alderman Anglace stated, let me just say that the reason I favor the rejection without prejudice is because if we reject it without prejudice and we send it to Planning and Zoning, they are doing a much more comprehensive look at the total picture of signs and they can incorporate anything they see in here knowing that we're not rejecting this because we object to it but simply because we think that they can take a much more comprehensive look at the whole picture and come back with something to recommend to us to adopt as an ordinance that we would find acceptable.

Alderman Papa stated, I don't think there's a rush on this. I know the Street Committee did a lot of work on it. If Planning and Zoning is working on something and they're going to present it back to us, why do we have to approve this and then we'll have to amend the one that they're going to send us. I would say let's wait and see what Planning and Zoning is going to present to us. We can make amendments to that and then the full Board can pass it. I think that would be the most practical.

Alderman Finn interjected, why wasn't anything brought up at the Public Hearing? Nobody was opposed to it then.

Alderman Papa continued, I think we should let Planning and Zoning come to us with what they want to propose and we can amend it if we think it's not what we want, or we can pass it. Maybe the Chairman of Planning and Zoning would like to speak. She is here.

Mayor Lauretti stated, she is welcome to come to the microphone. I think her letter speaks for itself. It's pretty clear. Quite honestly I support that direction and I'd like to come to your Zoning Meeting when you're going to discuss it, because I think I've got a lot of input to weigh in on this subject. For a number of years we've had to deal with these temporary situations and how it really affects peoples' lives. At this time of the year when we're preoccupied with snow, I've got every available body handling snow removal. We're not going to worry about pulling signs out of the ground. Our Ordinances don't allow that type of flexibility because they're black and white and they're very regimented about what needs to be done and how quickly it needs to be done. It doesn't accommodate emergency situations. Remember this topic we talked about last month – about emergency situations? Ruth, do you have anything you want to add or have we covered it?

Ms. Parkins stated, we're not trying to complicate things – on the contrary, we're trying to make it not complicated. We're all looking toward the same end to have consistent regulations in place for signage, whether they be political signs, whether they be removing snow, whatever they may be. It just seems premature to be passing an ordinance when we have put much work into the regulations that we're working on that we would like to have incorporated into an ordinance, which is where, I believe, this whole thing started. I came to the Street Committee and asked that an ordinance be created to encompass our regulations that we were working on. The next thing I know, you're creating a separate ordinance for political signs. I did indicate that we will not single out political signs within our regulations, mostly because of Freedom of Speech. People have a right to put up political signs. However, they will be covered under general, temporary signage, as putting any signs on right of way is not allowed under the regulations regardless of what kind of signs it is. Again, we're not looking to complicate this matter, we're just looking to work in concert with this board to create an ordinance that can provide some beef behind our regulations.

Alderman Simonetti stated, if I remember correctly, we met in October and an attorney for the ACLU that happens to live in Shelton was very adamant about saying that they wouldn't support anything that talked about political signs because they feel it is an issue of Free Speech.

Alderman Finn stated, so you're aware of the fact the attorney said in black and white as well as in the minutes he's opposed to prohibiting signs on front lawns of private homes, but he did support prohibiting signs on open space.

Alderman Simonetti stated, we all agree with that, Jack.



Alderman Finn stated, I just want to note for the record that the attorney was just opposed to the fact that they were being placed on private property with a time limitation.

Alderman Simonetti stated, and Jack, you know, because you had to call me and say, "Anthony, we found a sign that someone put up that shouldn't be where it is, will you go and pluck it out?" Or you'd have Peter call me. We try and do it in a civil manner at all times.

Corporation Counsel Welch stated, I don't want something to get lost in the discussion, whether it's an ordinance by the City, whether it's a Planning and Zoning regulation, I just want to make it clear that no one has a right to put any sign on City property. What the ordinance would do is put a fine on it. By this discussion I don't want it understood that you are now permitting signs on City property. Putting signs on City property is prohibited. No one has a right to do it without your permission.

Ms. Parkins stated, that is clearly indicated in the regulations that are being proposed, which we'll certainly pass by Corporation Counsel Welch before any adoption. We're hoping to close the public hearing in April. Unfortunately the Zoning Subcommittee Chair will not be available in March so he asked that we extend it to April.

A voice vote was taken and the MOTION PASSED 5 Yes, 2 No (McPherson, Finn).

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**7.1.B Amendment to Ordinance #827 – Identification of Landlord**

Alderman Anglace MOVED to adopt as proposed the amendment to Ordinance #827 – Identification of Landlord as presented at the Public Hearing on Ordinances held on January 25, 2011; and further,

MOVED 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 Finn.

Alderman Papa stated, what has changed is that the current residence address must be filed with the Fire Marshal. He will be in charge of any changes in addresses, any concerns or problems. He would be responsible along with the Assistant Fire Marshal to enforce the ordinance and issue citations or violations.

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

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**7.1.C Amendment to Ordinance #370 – Fire Lanes**

Alderman Farrell MOVED to TABLE the Amendment to Ordinance #370 – Fire Lanes and refer it back to Public Health and Safety for further study; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 7-0.

**8      FINANCIAL BUSINESS OLD**

No items.

**9      FINANCIAL BUSINESS NEW**

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**9.1      *Additional Funding for Nike Site Roof Replacement – LOCIP Eligible***

Alderman Anglace MOVED to add additional roof supplies for the Nike Site Roof Replacement Project to the Capital Improvement Plan with funding in the amount of \$4,500 to come from LOCIP; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 7-0.

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**9.2      *Relocation Expenses of a Person Displaced by Fire***

Alderman Anglace MOVED to transfer \$4,100 from Contingency General Account 001-9900-900.99-00 to an account number to be determined by the Finance Director to cover the expenses from the February 2, 2011 relocation of a person displaced by fire per Connecticut's Uniform Relocation Assistance Act (Connecticut General Statutes 8-266 et. Seq.); SECONDED by Alderman Papa.

Alderman Simonetti asked, is this being done because we have somebody who we're paying for, or just to put funds in there?

Mayor Lauretti stated, we have a situation that is involved.

Alderman Anglace stated, Counsel may respond to this but I think that after we put this on, it may be possible to recover some of this money.

Corporation Counsel Welch stated, the maximum amount that we'd be required to pay by Statute is \$4,100. That's why you're authorizing it. You're not obligated at this point to pay the \$4,100. That is the maximum amount. Any amount that you pay, you may have the ability by Statute to lien the owner of the property and get reimbursed that way. If you recall, we had an incident two years ago and we just received payment in the last six weeks.

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

**10. - LEGISLATIVE - NEW**

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**10. 1 ITEMS TO PUBLIC HEARING**

No items.

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**10.2 Curbside Trash Collection Contract Extension – Waiver of Bid**

Alderman Anglace MOVED, per the request of the Public Works Director and the recommendation of the Purchasing Agent, to waive the bidding process for curbside trash collection. Further, extend the contract with Trashmaster, Inc. (Bid #25-48) to June 30, 2012 to be co-terminus with the recycling curbside collection contract. Said contract extension shall be for the period May 15, 2011 to June 30, 2012 at the same rate that the City of Shelton currently pays without any increase; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate same. SECONDED by Alderman Papa.

Alderman McPherson asked, is it at the same rate that we're paying now, or are they going to be increasing that?

Mayor Lauretti stated, yes, it's actually a reduction in rate because if you look at what fuel prices were when this contract was signed as opposed to now, there's a pretty significant difference.

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

Note: Contracts for Trashmaster, Inc. and the recycling company may be viewed in the Board of Aldermen Clerk's Office.

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**10.3 Resolution Supporting General Assembly Proposed Bill No. 90 and 5254  
Concerning the Recreational Lane Use Act**

Alderman Anglace MOVED to adopt the following Resolution:

Whereas, the City of Shelton provides lands for the recreational use of the general public, and

Whereas, proposed Bill #90, LCO 356 and proposed Bill #5254, LCO 636 have been submitted amending Sections 52-557f to 52-557i inclusive of the General Statutes to extend immunity to municipalities and metropolitan districts that make land available to the public without charge, rent, fee or other commercial service for recreational purposes, and

Whereas, the City of Shelton wishes to continue to permit the public to enjoy recreational activities on its property with immunity from certain lawsuits,

NOW THEREFORE, the Board of Aldermen, City of Shelton, CT do hereby resolve their support for these amendments in the spirit of providing the public with maximum opportunity to enjoy the available Open Space land resources available within our community and do hereby convey to the General Assembly our interest in seeing these amendments passed.

SECONDED by Alderman Simonetti.

Alderman Simonetti asked, this states, "the available Open Space land resources available," what about someone playing on a softball field that belongs to the City, or a High School field, and they get hurt.

Mayor Lauretti replied, it says "recreational land," so it's not specific to open space.

Alderman Simonetti stated, then it will encompass all those things. I think it's important to protect the City.

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

#### **11 EXECUTIVE SESSION**

No items.

#### **ADJOURNMENT**

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

The meeting adjourned at approximately 7:46 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk  
Board of Aldermen

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

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

Mark A. Lauretti  
Mayor, City of Shelton