



Board of Aldermen Shelton, Connecticut

Regular Meeting of Thursday, October 14, 2004

Call to Order / Pledge of Allegiance

Mayor Mark A. Lauretti called the meeting to order at 7:10 p.m. All those present rose and pledged allegiance to the flag.

Roll Call

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

Administration:

Mayor Mark A. Lauretti
Corporation Counsel Thomas Welch

There was a quorum of 8 present, 0 absent.

Public Session

Mayor Lauretti asked if any member of the public wished to address the Board.

Ron Herrick, Director of Parks & Recreation

I'm here tonight to give a little bit of background on the proposal for the indoor tennis courts that is on your agenda tonight.

A few months ago, I was given a request that had gone to the Mayor's Office concerning this facility. I was asked to investigate its feasibility and present it to Parks & Recreation Commission. The contact person for TIS, which is Tennis In Shelton, is Susan McShanach. I met Susan at East Village Park and subsequently met an individual from ICA Building Systems. They inspected the area, took measurements and photos. Ms. McShanach submitted her proposal to the Parks & Recreation Commission and attended the monthly meeting to answer any questions.

I, then, spoke to the Fairfield Parks & Recreation Department. They've had a somewhat similar arrangement for 11 years and it has worked very well, according to Fairfield. Myself and a Commission member then visited the Mystic indoor tennis facility, which has the same type of setup.

After some give and take Ms. McShanach submitted her latest proposal, of which you have a copy. At their latest meeting, the Parks and Recreation Commission approved the concept of this proposal and sent it to yourselves, Planning and Zoning, Inland Wetlands and Corporation Counsel.

At the present time, the four courts at the park are in need of repair. There is no doubt about that. They have no lighting for evening play. If this plan

does happen to come about, residents would have a year round, top notch facility that they could use, although at times, there could possibly be a cost factor involved. I would also like to point out that we do have presently eight courts at Shelton High School and four courts at the Nike Site.

In the past two weeks I have had several calls on this subject, and three questions repeatedly have come up. One of them was concerns about increased traffic. These concerns, I don't feel, are really true because there is activity at the park now. As we track the use of the tennis courts, there are two to three courts used each night. If by chance the fourth court is used, that's the only traffic that would increase – the one extra court. Typically, mid November until April the park is closed. If this facility did go in, again, at most you would have 16 vehicles – that is 100 percent capacity – everybody driving their own vehicle.

The second concern came about the ball field and playground area that is up there adjacent to the courts. They have assured us that they would not be touched. Nothing would happen to the field or the playground area. Again, if there is a septic problem, unforeseen, that playground area could be moved to a different section of the park.

The third item that has come up was about setting a precedent on leasing City property. But this is already done at several areas in the City.

Again, I just want to point out that the Parks and Recreation Commission has taken just the first of many steps in their approval of the concept of this proposal. They feel – the Commission and the Department feel it would be a plus for the park and for the residents that partake in tennis.

Thank you.

Steve Kutash, 275 Beardsley Road

For the record, I'd like to say that I agree with the concept of the court, but I have reservations. In one respect I feel that it's going to be a great benefit to our town, but I don't believe that we should allow private business to build this facility on public land. Ron has already stated that we lease other properties; those I was not aware of until he said that. But I can say that I do have great concerns of this type of venture. Otherwise we could have offered the skating rinks or perhaps a lacrosse field to be built on one of our other fields, in the same aspect.

I also question the four years of rent free with a 20-year lease. I feel that it would be overly generous. I know none of these things are set in stone right now and these are things that you're looking into. I feel that is a very long time, 20 years. By the time this has passed by, if we felt that we wanted to get out of it, I think it's too far gone.

I also look at other ventures. You mentioned that there are similar ventures in Fairfield. I also look at Fairchild-Wheeler Golf Course and Wonderland of Ice in Bridgeport as programs that have tried to work with the City where they've had private individuals running these. I also see a lot of monies that are, where the cash is quietly put under the table. I'm not saying that this would happen here, but it does happen in some of these joint ventures. This is one of the types of programs where you do have a lot of cash for rentals – late nights these things do happen. I have seen it first hand.

In most cases when a town owns a sporting facility, the citizen chooses to use that facility. The individual gets a substantial price break. The proposal that I've seen right now is that the average citizen might get a 10 percent break on the price. Court fees might range as much as \$550 a year annually I don't see this as a great incentive to the citizens.

I also question the extra lighting that would be required up there. Would the City be paying for this, because right now we are seeing big price hikes on the electric bills. Are we going to be responsible or will the facility be responsible?

I just question that once we allow this type of facility up in White Hills it will have a retail shop that is proposed to be in there. Are we changing the zoning laws that will allow other retail type businesses to move into the area?

I know that it's a sporting complex, but once we've allowed it for one, can we stop the flow of other retail from stretching down throughout White Hills?

Thank you.

Alderman John Finn, 17 Princess Wenonah Drive

First I want to touch on what Ron just spoke about. Yes, we do have other leases in the City. I was Vice Chairman of the Shelton Building Committee and the voters at that time approved the concept of a community center in Shelton and also a day care. We lease the day care at the community center. We also lease the post office at the community center. It takes away no recreational facilities whatsoever from the public. We also lease, at the Nike Site, a day care facility. It also does not take away any recreation facilities from the public.

Now I'm going to go into my comments.

Who ever thought that we would be here tonight looking at the

Mayor Lauretti interjected, excuse me, Alderman Finn. This is the Public Portion. Historically we have always allowed the public to speak first. Members of the Board of Aldermen can speak after the Public Portion is closed. We have never stopped anybody from doing that.

Alderman Finn stated, well, I wish to speak during the Public Portion.

Mayor Lauretti stated, but what is the point? What is the point of having a Public Portion when you have a voice any time that you need it at this meeting? You know what the rules are here.

Alderman Finn stated, yes, I know what the rules are. I would like to speak during the Public Portion.

Mayor Lauretti stated, well, if you feel that compelled to do that, then you can go right down there and address the public like everybody else. But I think that there is a room full of people here that should come first.

[Applause]. Mayor Lauretti continued, nobody is stopping him from speaking, but we have a protocol that we follow.

Alderman Finn read aloud his statement:

Who ever thought we would be here tonight looking at a proposal to privatize the tennis courts at East Village Park? They are even talking about our neighborhood park in Marlboro, Massachusetts, a community in the western suburbs of Boston. A nice little park tucked away in the hills of Shelton where they want to build a tennis complex. Marlboro, from researching it online, seems to be a very nice community with their own indoor ice facility at the New England Sports Center, similar to Shelton's. They also have the Marlboro Country Club, as we also have two clubs in Shelton.

From what I understand this all started with a letter to Mayor Lauretti who referred it to Ron Herrick. Given limited background information, I inquired as to who the potential investors are and was informed that they really don't have the go ahead to provide me with names and addresses as they have not formalized the vehicle, primarily because they have no Shelton approval.

I inquired as to other sites in Shelton that were looked at as possible locations. I was informed they were aware of the Nike Site and know that there were political problems as well as physical problems when this was mentioned to Ron. Hm. Political problems. I wonder what Ron meant.

This issue was recently discussed at the first Ward monthly meeting with the residents. There was a lengthy discussion and I would like to summarize the concerns of the residents that evening.

1. They are requesting this to go to public hearing.
2. If the City was really serious about looking into the costs of risky privatization and working to create a commercial complex in a City park, they should go out to bid. This way no one concern would have control over public land.
3. They thought that a 10 percent reduced membership for Shelton residents was out of the question. Some felt it should be free to all Shelton residents as the complex would be located on public land in the park.
4. Four years lease free due to the investment of \$1.5 million. Sweetheart deal. The residents said there should not be a four year lease free deal. They felt his was similar to a tax abatement and it should not be a 20 year lease.
5. The complex should be open to all residents.
6. The stairs need to be repaired and they are a liability to the City in their present state.
7. The parking lot would have to be expanded in order to accommodate additional parking and additional traffic. Just to touch on that tonight, we have soccer teams up there and the cars are parked on both sides of the entranceway down East Village Road.
8. With the City removing snow and ice from the parking area, the City will be opening itself up to possible liability issue if someone should fall on the snow or ice.
9. By all means they don't want it to be fast tracked in any manner as requested.
10. The residents also felt that the investors should look at private land in the City rather than public.
11. If a commercial venture is introduced into White Hills, residents fear that other ventures will follow suit in the residential area of town.

My own feeling is that the tennis courts would be something good for the City, but not on public land in a City park. Our parks are meant to be used by the public at their convenience, not on a time schedule as proposed.

A question was raised by one of the commissioners as to what the public reaction would be to the tennis court presentation. The people want parks in Shelton, not privatization. What will be next, soccer fields? This is not a political issue, but this is a common sense issue. Thank you for your time.

Elaine Phillips, Thoreau Drive

I pretty much agree with everything that you said, Mr. Finn, with what you said. We don't live up there to have commercial property built, to give away our parks, the traffic on East Village is a problem already today – I don't see how it's going to get better.

I really haven't heard why this would be a good thing for Shelton. If we have facilities up there that need to be repaired, let's go through the proper process to use the City money to repair them just like we do other things. We shouldn't do anything that is that drastic without having some sort of voter input.

I heard about this two nights ago. I went around and I made copies of the article that I read and I distributed at least 100 in one night. I don't know if anybody is here because I put something in their mailbox, or what ever, but this is not a good idea. People in White Hills aren't going to want this, and I don't think you should shove it down our throats.

Gene Hope, 74 North Street

I will provide the clerk with the document that I'm going to read to save her some time.

The subject, of course, is Eminent Domain. Eminent domain has suddenly erupted as a hot scene in Shelton, and I have to ask myself why. Part of the answer is because this fuzzy state law establishes the right of the City of Shelton to take private property for public use based on just compensation being awarded to the property owner.

Private property for the most part consists of undeveloped land for which in most instances no consideration is given to the real value if a home was allowed to be constructed thereon and subsequently sold, or, we have land with an existing structure which is frequently valued based on tax assessments that bear no direct relationship to real replacement costs.

Public use is defined by the City not by the State. It changes regularly to justify the arbitrary taking of private property for any purpose that the Board of Aldermen and the Mayor deem appropriate. It may or may not be in the best interest of the majority of the general public. The Mayor and his Aldermen decide this issue unilaterally. Just compensation despite the possibility of some negotiation is determined solely by the taker, in this case, the City of Shelton, the taker of the private property. Rarely is the City's offer close to the real replacement cost of the property. When this occurs, the property owner is faced with two options – he can hire an attorney and sue the City or he can bite the bullet and swallow his loss.

The arbitrary taking of land such as in this instance in Shelton is occurring in Bridgeport, New London and other cities right now. Fortunately there may be some light at the end of the tunnel for besieged property owners next year. The United States Supreme Court has agreed to hear an eminent domain dispute between a group of property owners in New London and the City of New London. If the court sides in favor of the homeowners, the arbitrary taking of land for public use as we know it today could become just a bad memory from the past. What the property owners continue with the court will be heard in the taking of land for a luxury hotel which obviously is not for the benefit or the use of the majority of the general public. All property owners should follow this case very closely.

We are witnessing the same type of disregard for private property owners here in Shelton vis a vis the Wiacek farm property – just to name one for discussion purposes. Mayor Lauretti and the members of the Board of Aldermen who follow his dictates have mentioned a just compensation figure of about \$2.5 million. Yet other professional sources have already determined that just compensation for 24 large lots on which luxury homes are planned in that particular neighborhood is much closer to \$8.2 million.

The question is, who is going to pay for this? The obvious answer is, all of the property owners and taxpayers of the City of Shelton will have to foot the bill to bail out the Aldermen and the Mayor if the matter ultimately is adjudicated in favor of the property owner. By the time this matter is adjudicated, it may be too late to reverse the arbitrary taking of the Wiacek Farm property, however it won't be too late to replace the Board of Aldermen and the Mayor with a group of morally responsible men and women who are responsive to the rights of property owners as opposed to the current group that routinely tramples upon these ownership rights with indifference.

A dedicated group of citizens named CARE, of which I am proud to be a member, is currently reviewing the Charter of the City to recommend changes that will be in the best interests of the people and not the politicians. With your support, we will fight to have the definition of private property, public use, and just compensation redefined to protect the rights of property owners.

I have a second, very short one, on a different subject.

A proposal is in the works to permit privately operated domed tennis courts on East Village Road. This City owned property will be developed by an investment group which is described as Upper White Hills and nearby Monroe residents. The plan is to invest, as I read it, between \$1.2 million and \$1.7 million in a shell covering for the courts, plus some new courts, plus various maintenance expenses, plus free use of tennis courts by Sheltonites at specified times, plus an escalating scale of rent payments to the City after four years of operation.

Somehow, in my mind, this proposal simply does not pass the smell test ladies and gentlemen. It is difficult to rationalize how the investors in this private venture will ever see a profit unless usage fees paid by the residents of the City are exorbitant, or possibly some of the critical financial considerations are not disclosed or available for our comment at this time.

How about the precedent setting action of allowing a private business to operate on City-owned property? Yes, I've read the defense of this that we have a day care center in the community center, that we have a post

office, etc. But things like the post office, things like the library, are for the general usage of the people of the City of Shelton. They are not for a relatively small group. I would have to believe, without having done a survey that, in terms of the total population of approximately 40,000 people in this town, that those who would use those tennis courts and do currently use them is a relatively small percentage.

The Mayor constantly reminds us that City development provides ever increasing tax revenues. Does any rational citizen seriously believe that we need the support of private investors to improve our City owned and operated recreational facilities? Why not just go out and float another bond issue? We do it all the time. This would allow us to build the shell covering ourselves if it's important, and it would cut out the private middleman. Then the City would reap the benefits that the private investors are obviously anticipating. Or better yet, we could utilize the profits from this facility to reduce the usage fees charged to our residents. How's that for an example of serving the public interest, not the interest of a small group of investors.

This proposal has been ballyhooed in the local news media by a long time associate of my family, John Papa, who like so many other public servants in Shelton wears two hats. The praise for this proposal was made to the media while John was wearing the Chairman of Parks & Rec hat. Tonight we will be discussing the proposal, and he will be wearing his Alderman's hat. This situation manifests itself as a conflict of interest. He should not merely recuse himself [applause], John should not merely recuse himself when it is time to vote at the meeting tonight; he should in good conscience refrain from making any statement, written or oral, while the proposal is being discussed, prior to a vote by the members of the Board of Aldermen.

In closing I ask, will somebody kindly second my motion to authorize the City to construct the shell covering of the tennis courts if it is deemed in the best interest of the municipality, thereby, 1) maintaining City control of the operation of the facility; 2) accruing the profits that the private investors must be anticipating; and 3) using these profits to reduce the usage fees charged to City residents. I don't think this thing has been thought out one single little bit, and that's why I'm here to publicly oppose it. Thank you.

Alderman Papa stated, Mr. Mayor, I'd like to make a statement if I can.

Mayor Lauretti replied, excuse me Alderman Papa, as I said to Alderman Finn, this is the Public Portion and you know, we've got a protocol that we're going to follow.

Theresa Burden, 118 Dickinson Drive

I just wanted to say, because I don't have much time to, but I can present a letter as well, that I am strongly opposed to dissecting any part of a recreational facility to be built on which any tennis courts or any use over at East Village Park. If I could I'll just give you the letter.

Mayor Lauretti replied, sure, give it to the Clerk.

Dear Members of the Board of Aldermen City of Shelton:

Let it be known I am strongly opposed of the proposal to allow a private group Tennis in Shelton to build a bubble and steel frame building with four new open surface courts in East Village Park.

It is quite disturbing to know that members of the Board of Aldermen would consider taking a recreational area of which tax dollars were once encumbered and used for building, away from the domain of the City and its people. East Village Park should remain as is.

Would it not be relevant to ask, "what parcel of a City park or playground will we lose next?"

Perhaps the best approach would be an investigation by the State Attorney General's Office to see if the laws, rights, and tax dollars of the citizens of this City, of this State have been carefully considered throughout this proposal.

There is much open space available for private companies and investors to build a tennis clinic, without having to use the City's recreational facilities already in place.

Thank you.

*Alderman John Papa, 29 Philip Drive
Chairman, Parks & Recreation*

Just to get the record straight, we were given a proposal to look at. Somebody addressed the Mayor, an investor's group from Shelton and the local area, to come forward and come up with an idea of putting a tennis court that you'd have here. So as the chairman of Parks & Recreation, what we've done, we accepted that and we researched it. We didn't vote on anything – we voted on the concept of the possibility of having a tennis court on East Village.

The courts that we have now need work. There are no more lights. We thought, and we're bringing this to the Board of Aldermen, the Planning and Zoning, and Inland-Wetlands, we thought it would be a good idea for the City of Shelton to have an indoor tennis court. We have four other courts at the High School, we have four other courts at the Nike Site.

We studied this for the last couple of months, and we visited other areas that do have indoor tennis courts, and it's not as if it's the first time happening, it is an area that would be leased. They would lease the area from us, and we're looking at \$25,000 to \$30,000 a year after the first four years. The first four years would be no fees, but the fifth, sixth and seventh would be \$25,000 to \$30,000 a year as revenue. This investing group would pay for the maintenance, the electricity, they would build the new courts, they would have lights, and we thought as members of Parks and Recreation that it was a good idea for the City of Shelton. We're not trying to slam this down anybody's throat. We're just proposing this to the Aldermen.

What I'm going to propose is, we have a public hearing – we should have a public hearing when we have public ordinances on 28th of this month. We should have the people who are the investors come and propose their case, and we should have the people from the White Hills area, such as yourselves propose your situation. We're not trying to slam dunk anything. Listen to both sides. We'll come up with a solution. If everybody wants it, we'll have it; if there is a lot of opposition, we'll drop it.

This isn't something that we have to have, this is something that was brought up to the commission, and we investigated it, and we thought it was a good idea. That doesn't mean it's going to be built. So I hope the people realize that this is in the public interest. We'll have a public hearing and the motion that I made for this meeting, I'd like to table it and have a public hearing on the 28th of October. Thank you.

Joan Ripke, 138 Dickinson Drive

I would just like to say, about there are no lights at the tennis court. I was there the day they took the lights down at the tennis court. There were at least six giant big lights, just like they go around the baseball court. I was very concerned and I said, "why are you taking these lights down?" And they told me they were broken. And I said, "all of them are broken, every single one, and none of the basketball lights, not one baseball light is broken?" In light of what has happened, that is very hard for me to believe, that conveniently every single light on that tennis court was broken. [applause].

Mayor Lauretti stated, Ron, would you please come to the podium and respond to that?

Ron Herrick, Director of Parks & Recreation, replied, a couple of things. The softball field – the lights were replaced. We had a donation from Pitney Bowes years ago, as you recall. Those were the original tennis lights from 24 years ago. There were, I believe five lights that still worked. But we had a problem with an entire structure – it fell. A structural engineer went up and recommended to the City to take the others down immediately after looking at them. That is why that was done.

Mayor Lauretti stated, and if anyone would like to see the paperwork from the structural engineer, it will be made available to you at the community center via Ron Herrick.

Joan Flannery, 8 Partridge Lane

I'm here tonight because I want to know why is this town in the habit of giving away things for free. First it was Well Springs Hollow – the 16 acres was zoned for 16 houses. But Shelton officials said, let's give them the okay for them to put cluster housing on this property, even though it's going to cost the taxpayers more money for the extra services provided for the extra people living there, and let's do it for free.

Next it was Scinto's 17 story apartment building. Yes, the zoning only allows 10 stories. But let's not fine him, let's not negotiate with him, let's give him the extra seven stories for free.

Now it's the tennis courts. Gee, we already have tennis courts there for the public to use any time they choose to use them for free. But now, let's give it away to this private enterprise so the people can't use it any more for free. And, let's not charge these people rent for four years. Let's just give them rent for free for four more years.

Do you see a pattern here? The Shelton taxpayers keep getting abused with the short end of the stick.

[applause]

Gabe Sierdy, 14 Brownson Drive

I'm here as a longtime tennis player – over 60 years, enjoyed the sport and I wish more people played it. Every place I go, courts are not being utilized. This includes indoor courts, like Milford. There are people playing, but limited amounts compared to what used to be. What I'm saying is that tennis is at such a low state that charging a fee for tennis courts would be a crime. I am for tennis, I'm not standing here, I just wish more people played it and made more facilities that they would play on. But people are just not that interested. I think that there should be some kind of a survey to see how many people would be interested in the pay for play tennis court, and go from there.

[applause]

*Chris Panek, 19 Meghan Lane
Chairman, Citizens United Party*

I have a couple issues I want to speak with, first being the hot topic, tennis courts at the park. I know Alderman Papa tabled the item. I think maybe it would have been a better idea for us to have read an article in yesterday's paper that said, "come next month for a public informational meeting" instead of people seeing it's going to come to a vote tonight. I think it's quite apparent that someone, myself, who attends a lot of these Aldermen meetings as all of you know, usually there is a percentage of the amount of people here tonight. It's obvious that it's a public concern. Whether people are for it or against it, I think it would have been beneficial to have that informational meeting prior to tonight.

There are several reasons I think the proposal must be denied by the Board of Aldermen. First of all, this type of building belongs on Bridgeport Avenue or somewhere centrally located. [applause]. This is a commercial building; it does not belong in a City park. There was a quote in the paper that this is a win-win situation for the City. If there is such a demand for this type of building, why don't the investors go completely private on a private site with members only? They could maximize their profits, they don't have to allow City residents to play for free. The answer is simple. They could not afford to buy the property and build a building for \$1.5 million. The City is being used to lower the up-front costs of these investors.

Why would a group of White Hills investors be so interested in this project? Investors are usually looking for a return, and it seems odd that a group with \$1.5 million to invest would be so concerned with providing Shelton residents with a building for tennis. Susan McShanach claims that the TIS is providing the City with something the City could never obtain. As stated by former Mayor Hope, the City could easily obtain the \$1.5 million for this type of a building with the approval of all of the residents. Why not move this to a referendum and ask that the building be built at the High School for the High School team to use and for residents to use.

Just this past Tuesday night the Planning and Zoning Commission denied a zoning request from Aquarion for a small bubble type roofed building behind their building at the Trap Falls Reservoir. The reason being, it may be visible from the street. I do not understand how the claim can be made that this tennis building will not be visible from the street. If you park in the street now the black fencing that is around the current fence that is only about 12 feet high is visible from the street, and the leaves are still on the trees right now.

Lastly, I just want to address the parking, and I don't know if anybody on this Board has children, grandchildren, or relatives who play soccer at East Village on Saturdays, but I can vouch, because I coach my daughter's soccer teams and I also go up to practices there every week. From 7:45 a.m. to 1 p.m. every Saturday, except during the winter, there are three games going on. That is six teams playing with 12 kids per team. 72 players an hour, 360 players every Saturday with probably over 1,000 parents, grandparents and spectators. The Shelton Youth Soccer League urges and begs coaches and parents to carpool because of the drastic shortage of parking at the field. Every Saturday, as Alderman Finn stated, there are cars lined up on both sides of the driveway, and on the grass, leaving one lane down the middle to enter and exit. If you don't have a game at 8 or 9 o'clock and you have a 10, 11 or 12 o'clock game, usually you have drive up and wait until the other games end just to get a parking spot.

Lastly, I would like to address a letter that I got down at the Clerk's office today, that was along with the Parks and Rec minutes, from Susan McShanach, dated September 22. She was requesting that you approve this concept assuming a fast track from the City it would be possible to be up and operating before Christmas. She states we need a firm commitment from the City and an outline of what steps need to be taken to fast track this project. How would the City and residents benefit from fast tracking this proposal? They will not. This is too big of a decision to be made tonight. I would urge all Board members and the Mayor to deny this proposal until a much more lengthy and detailed investigation can be done.

Lastly, all Board members should vote for the best interest of all residents. This is what your constituents counted on when they voted for you last November.

The second issue I want to touch on briefly is an article I read in The Connecticut Post today, and I had to read the quote twice because I couldn't believe what I had read, and it was a quote from Board of Alderman President John Anglace. Here is the quote: "The people have asked us to save the slab and that is what we are doing." I have to ask this question, just who asked this Board last year to save the slab? I seem to remember Shelton's third political party, Citizens United, calling for saving of the slab.

Our former Chairman Bill Bures made this his personal goal. Only to be chastised and besieged by an angry tirade from Board President Anglace. Allow me to refer to the minutes of the June 12, 2003 Board of Aldermen meeting. These are quotes from the President's Correspondence:

[Note – the following is the entire excerpt from the June 12, 2003 Minutes of the Board of Aldermen. Mr. Panek quotes those parts that are *italicized*]

Members of the new political party want to preserve the "slab" and have it high on their wish list. They say that "City officials" (that's you and me) are missing its potential. They have resorted to slogans such as "Save Our Slab," had their picture in the paper and next, they are going to start a petition drive to "Save Our Slab."

My reaction is, wow! Their actions beg the question; just whom are they going to save it from? So I thought I'd look into it.

I thought it important enough to alert you this evening and through you to alert the taxpayers and the voters to be on guard against such ill-thought-out political whims during an election year. In this report I hope to provide you with an analysis of just why you won't be receiving a "slab" preservation resolution from me.

Shelton voters thought they had already saved the slab. Surely, most of these political hopefuls were around when the use of this property was determined. Don't they remember anything about its origin? Don't they do any research before they speak?

Wasn't the "slab" proposed for development by a combination of community-based organizations including the Shelton Planning and Zoning Commission, the Shelton Economic Development Commission, the Shelton Economic Development Corporation, the Downtown Citizens Advisory Committee, the Conservation Commission, the Open Space Committee and other such community groups? And one I thought of after I wrote this was a group called FOCUS. And, wasn't the "slab" voted on in referendum and approved by over 70% of the voters of Shelton as a site for combined use of Open Space and for economic development purposes? And, didn't we recapture the riverfront by taking this action?

Is this new political party suggesting that the voters of Shelton made a mistake when they approved this project? Are they saying that the Veterans Memorial, the Farmers Market and the River Walk were also voter mistakes?

Doesn't this new political party understand that they are asking the taxpayers of Shelton to give back close to \$2.7 million dollars in State and \$1 million in Federal Economic Development Administration assistance (which took 7 years to get) and when you add the farmer's market and other costs to obtain this site, the payback figure comes closer to \$5 million tied directly to our Economic Development strategy?

Don't they realize that such an action will destroy Shelton's future grant application credibility at the state and federal levels? Don't they realize that we need all the state and federal help we can get to continue on with the long-term downtown redevelopment? Hasn't anyone told them how much it costs to clean up environmentally disturbed sites? And, speaking of cleaning up, are they not aware that the methodology to prepare the slab site was to utilize a capping process which, while it is acceptable for economic development purposes, it is not acceptable for long-term open space and recreation use. To keep the site in its present form for the uses suggested by the third political party, we would have to re-engineer the project, amend the project plan and spend additional amounts of taxpayer money. Consequently, the finances of such suggested folly, would mean spending \$5 million plus of taxpayer money to preserve five (5) acres of land. It should be noted that we have developed an Economic Development Plan for downtown, received maximum state and federal financial

support and still have included Open Space at a minimal cost to Shelton. I think we have done well for our downtown constituents.

It is no mistake that the Shelton Conservation Commission and the Shelton Open Space Committee both have endorsed the plans for the "slab." Their support for the economic development portion of Phase I and Phase II was essential to creating state and federal interest and support for future downtown redevelopment and even more downtown open space as a result.

The new political party says, "City officials are missing its potential." Well, keep in mind that it was City officials led by Mayor Mark A. Lauretti who seized the initiative and put many citizens to work planning for use of the "slab." It was City officials who were among those who endorsed this citizen led plan of development and it was City officials who brought it to the voters who also overwhelmingly endorsed it. And, it was City officials who petitioned and received much needed state and federal funds to bring us to where we are today. Before City officials intervened; the "slab" was a downtown eyesore, an environmental nightmare, in limbo since 1975 with no one doing anything about it. *Now that we have made some downtown progress, the new self-appointed "saviors of downtown" (who have contributed nothing to the process thus far) tell us that we need to reverse the progress made to date. Such advice is difficult to comprehend but then so is the need for a third political party.*

Mr. Panek continued, well, what a difference a year makes. It makes our party proud that we led the effort. We, our party members, met with State officials. We made it a top priority to keep the slab as open space. Mr. Anglace questioned the need for a third political party, however, the voters of Shelton did not. Our party received more than enough votes from the citizens of Shelton to become an officially-recognized third party, and we are automatically qualified for a position on the ballot in the 2006 election. We look forward to the voters' approval to save the slab and encourage all Shelton residents to vote in favor of the referendum question in November to save the slab. Thanks for your time.

Walter Sofian, 7 Andrew Drive

My comments are on eminent domain. The Mayor and the Board of Aldermen call the acquisition of the Wiacek property eminent domain, however, in reality, the City of Shelton is probably attempting to steal this property for a fraction of what it is worth. The Mayor and the Board of Aldermen haven't adequately demonstrated to the taxpayers the greater good for the City other than stating the obvious, gee whiz, wouldn't it be nice to have this property? Sometime down the road, we'll figure out some use for it.

Eminent domain should only be used as a last resort and for the greater good of the community. These two factors seem to have gotten lost in the shuffle. Eminent domain in this instance appears to be an end around morality.

The City sat back while the property owners jumped through all the wickets required for the subdivision and subsequent sale of this parcel, and only jumped in when it was clear that this was a valuable piece of real estate that happened to be adjacent to the High School. A case of too little, too late – not eminent domain.

My neighborhood is in proximity to Old Stratford Road at Exit 12 on Route 8 - a very convenient and valuable location. I know that sooner or later, if left unchecked, you'll be coming to take our property by eminent domain.

[applause]

Tony Preneta, Jr., 99 Leavenworth Road

I am very opposed to these tennis courts. The White Hills Rec was property donated by Curtis's in 1980, and for a group of investors to come in and probably not even Shelton residents, I'd find out. Let them go and buy a piece of property like anybody else and build what they have to do. They should not have to take Shelton's land to do this, to line their pockets with money is the bottom line.

Everybody talks about the traffic on East Village Road. I went up to the Civic Club where Jack Finn had the meeting, about the Toll Brothers, and they talked about the increased traffic on East Village Road. Again, on East Village Road. Well, I live on 110, and 110 reminds me of that movie Field of Dreams – "if you build it they will come" because there is a solid line of cars. Everybody talks about East Village Road; what about 110? Do they just disappear, the cars, when they come to the intersection? No. I have to put up with these people speeding by.

I would just like to say that, everybody talks about this Susan McShanach. Is she a White Hills resident? No, probably now. Everybody who is not a Shelton resident or a White Hills resident seems to have the best interest for us. Well, they don't. I have lived there all my life. I have a home in Shelton in White Hills – I don't have a house. I don't care about property value. I will live there all my life and I would rather keep it a rural community. I just ask all the officials in this town to take a step back and look at the legacy you're going to leave behind. All the buildings and everything. All you're going to do is create a big mess like a big city like Bridgeport. Our crime keeps going up, robberies – every day I read in the thing of armed robberies. Keep it a rural community and simple, and you'll be better off.

Thank you.

Nancy Steiner, 23 Partridge Lane

Trying to be well informed and be a responsible and responsive citizen of the City of Shelton can be a full time job.

Citizens like myself

TAPE ONE, SIDE TWO

who are interested in knowing what is happening in Shelton find themselves attending two to three meetings a week. Board of Aldermen, Planning and Zoning, Charter Revision Commission, Ten Year Update, CARE, Conservation Committee, Water Pollution Control, etc., etc., This can be a full time job.

Citizens like me also either form or join watchdog groups. We start petitions, we put up signs, and we have meetings of our own. Citizens like me read the newspapers every day, and keep a file of all relevant Shelton stories from three different newspapers in order to be well informed, and citizens like me are very concerned.

Why am I telling you all this? I want you to realize the depth of my concern for the City. And of all the subjects I could select to speak about, and as you know, there are many, I choose to speak about the Mayor's purchase of the riverfront property. I am sure most well informed citizens have read the newspapers for the facts, so I won't expound on all the different aspects of this situation except for one, and this is it - the Mayor was privy to the fact that the land he was buying actually had no contamination on it, and that adjoining land broken away in this land deal that did, in fact, have contamination was going to be cleaned up by the present owners and then offered as an additional sale.

The Conservation Committee, and it's their responsibility, who checked on this property for purchasing possibilities saw a red flag on the file for this property, and red flag means this property is contaminated. So they did not pursue this tract of land.

The Mayor had the responsibility as Mayor to inform the Conservation Committee what he knew – that this land was not only free from contamination, but a wonderful opportunity for Shelton to own riverfront land. This Mayor, who uses every opportunity to tout his record on increasing Shelton's open land, and in fact recently received an award for this, this Mayor failed because he put his own concerns before that of the City.

I believe in giving praise where praise is due, so thank you Mayor Lauretti for all of the land purchases made on your watch. I admire that. But your purchase of the riverfront land is a resounding slap in Shelton's face. You know, of the 11 miles of Shelton that runs along the Housatonic, I believe Shelton itself only owns ¼ of a mile. For a riverfront town to make the best use of this wonderful river resource, any opportunity to purchase riverfront land for the use of the citizens is paramount, and especially at the price of \$325,000.

So again, Mayor Lauretti, I ask you why didn't you inform the Conservation Committee that this land was free of contaminants. And my last comments: Mayor, why don't you sell this land to the City for the \$325,000 that you paid for it. I won't even complain if you want to make a little profit as well. Or perhaps the Board of Aldermen could vote to take the Mayor's land via eminent domain, [applause] to insure this riverfront property for our City.

Thank you very much.

Mayor Lauretti stated, well at least you were nice to acknowledge some good that happened. Thank you.

Irving N. Steiner, 23 Partridge Lane

My wife just spoke, it's a hard act to follow. Aldermen, Secretary, I agree with former Mayor Eugene Hope's speech. I thought it was right to the point and honest. And following further information about the tennis court proposal from previous speakers, I think we're dealing with a bunch of smoke and mirrors.

A lot of this information did not come out. We were left unaware of a lot of this. In fact, the agenda leads us to believe that it was going to be voted on or close to it. A bunch of information has come out from these various speakers. I felt that I was not adequately informed and therefore I haven't included anything in my present speech except this impromptu part of it.

What I wish to speak about is Well Spring Estates, which initiated the creation of We R-1 of which I am co-founder of. I am dissatisfied with the developer and what has happened between the approval from the Planning and Zoning Commission and what exists now. I have researched the Planning and Zoning package that was approved, drawing L5 of the developers package and except from the approved application documentation from Welkin Corporation, the developer, shows original trees to remain. The excerpt that I took from the approved write up, the natural setting along Old Stratford Road will be preserved and enhanced.

I brought this discrepancy up with the Planning and Zoning Commission at their last meeting. Chairman Cribbins closed the public portion of the meeting and then stated that the property in question would be replanted. There is no way you're going to replant a 50 year old oak. Such damage is not reparable. I'm going on record here with the statement that Welkin should be held to the letter of their agreement through their performance bond.

Split Rock. I have, and our group has made every effort in fighting this added congestion to Old Stratford Road and Bridgeport Avenue. On the basis of the increased congestion, we were against the 200 residential units which disappeared. We also were against the added facilities that are being duplicated by Split Rock – and that is a convenience store and a gasoline station, which is within 400 to 500 feet of the one on Old Stratford Road. Not necessary in a highly congested area.

The traffic study even indicates that many sections of that intersection are rated "F" which means they are the worst, and would require a minute and 20 seconds wait on the part of every driver.

We have been unsuccessful in stopping the approval, but I made the last minute attempt and sent a letter to the editor of The Bridgeport Post, and in that letter, I voiced my frustration. The letter to the editor never made it to press because I was too late, myself, and it was my fault. But I would like to read you excerpts of it.

It becomes highly frustrating when you know what the outcome of a Planning and Zoning application will be before it happens, and can't say anything to the P and Z because the application is closed. Mayor Mark Lauretti once responded to me when I stated that once closed, the public is not allowed to talk to the P and Z about an application. His response was, 'that rule is a bunch of baloney.' The Commissioners read the newspapers, don't they? I'll have to agree with the Mayor on that.

Having studied the P and Z in our City for a considerable period of time, the signs or signals that a guaranteed approval is imminent becomes evident by reading the minutes just prior to the approval meeting. The gas station at Split Rock fits my criteria and is headed for approval this Tuesday evening the 12th of October. My estimation, it will be a slam dunk, as I intimated in a speech to the Board of Aldermen's safety meeting last week when I pleaded to them to please stop this lunacy. To even consider such an application when they just last year rejected a two man pizza catering and

delivery service, and previous to that a coffee shop, catty corner from Split Rock behind Blockbusters. The reason? Because it was a traffic generator. Now where is their perspective when evaluating Split Rock? I take excerpts from the minutes. Chairman Cribbins stated, "We have a consensus for the elimination of the residential element." "The only item that was at issue was the problem with the gas station with one or two commissioners." "I would like to take one or two minutes to explore that to see where we are going with this, so that we can tell Tony, that's Mr. Panico their advisor, what to write so that we can approve this at our next meeting." My opinion it is a somewhat pretentious and optimistic statement. The bone that is usually thrown to the public is to go for a ridiculous goal of 200 residential units, which a developer really didn't want anyway, and then to accept its removal thereby providing the public with a false sense of victory, which is pyrrhic of nature. Getting what you really want is more successful with placated critics. It also is rather optimistic to use the word approve rather than to vote on.

I would like to see the gas station to go away, but that is my own personal opinion, stated Commissioner Tomko McGovern. Commissioner Perillo questioned Commissioner Tomko McGovern that he doesn't agree with her on that, and he would like to know why she would like to see the gas station go away. My opinion, considering the fact that the gas station with convenient store already exists across the street at most congested intersection in Shelton, where 17,000 cars pass per day and average driver waiting time is 80 seconds, that comes from their own traffic study, the question is not worthy of an answer. Minutes. How many pumps asked Commissioner Lapero, I can only guess by the number of islands, so it looks like 6 to 9 stated Anthony Panico – now he's the consultant and he is being asked a question which would determine the vote. It's inaccurate. Commissioner Pogoda states, I would like to see no diesel and I would like to limit the convenient store. No diesel. I can see a sign up on Route 8 southbound – diesel – exit here. Anthony Panico's response is what Tony, Commissioner Pogoda, is talking about is the problem with the gas station across the street. First it had Dunkin Donuts, then it had a drive up window, then ice cream. So where do you draw the line and how do you do it, stated Anthony Panico. My opinion, again, the public is being thrown a bone by shooting down diesel at the station, and Mr. Panico minimizes the gas station pump count, which is actually 12 from the traffic study. I can just see the sign. And I already said that. So much for Anthony Panico's philosophy that a planned development district provides better control over what can be done by a developer. But I have the answer. Do not duplicate services at a highly congested intersection. Period.

Going back to my speech, Wiacek property – I agree with Mr. Hope's remarks and comment that the grounds given by the City to use eminent domain constantly change and none of the reason given show sufficient justification for the action. Drainage problems from Wiacek – not true. That land causing the drainage problem has already been deeded to the City. Athletic fields – I doubt if parents would find athletic fields appealing with high voltage lines overhead. New school? A sufficient buildable footprint does not exist without involving the existing wetlands on the property.

Without a clearly defined statement of use before acquisition, an appeal by the Wiaceks would be in my estimation, highly successful in a court of appeals. The Wiacek acquisition has been handled in a poor manner by this administration. It is a cause of embarrassment and shame to the community. The very late action on the part of the Mayor could prove to be very costly to the taxpayers.

The Conservation Commission gave advance notice to the Mayor that the property was under consideration for acquisition. Nothing happened. The Wiaceks have met at least a dozen times with the Mayor. Nothing happened. The Wiaceks alerted the Mayor that they would proceed with an application for a subdivision. The Mayor took no action. The Planning and Zoning Commission proceeded with the application while aware of the Conservation Commission and the Mayor's position on the matter.

Now it is an approved subdivision which will make eminent domain at least four times more expensive to the public. Small lots evaluated in the Wiacek area are selling for \$330,000 or more. Wiacek lots, as subdivided, are generally much larger than surrounding area lots so the total package could now amount to as much as \$8 million, but definitely not the \$2.3 million as offered. Citizens, reach for your wallets. To help avoid a repeat of the scenario of poor timing, the Tall Farm project is under consideration for eminent domain and as I understand from the Chairman of the Planning and Zoning board, the Board of Aldermen is being notified that an application for subdivision of the Tall Farm property has been submitted to the P and Z as new business. As a citizen, I would like to suggest that the Board of Aldermen give some thought to asking the P and Z to deny the application without prejudice to allow the Board of Aldermen and the Mayor sufficient time to acquire the property before the Tall Farm subdivision becomes a reality and the citizens are again subjected to another poorly timed and costly venture.

It is quite clear that the administrative system and the coordination between departments has been and is dysfunctional in matters of land sale and acquisition. As I stated in a previous speech to this Board, I brought up the fiasco of the initial rejection of the Hurd property due to misinformation, and then reconsidered for purchase at twice the price that it was originally offered to the City for.

I thank you for your attention. [applause].

Martha Bova, 118 East Village Road

I live two houses down from the Rec area. I am totally against this tennis thing. I have enough problems from the Rec area now; I don't need any more. I'm concerned about the septic system that they're going to put in. Where's it going to drain, into my back yard like all the silt? I'm totally against it. We don't need it up there.

Mike Alterio, 11 Rugby Road

I don't know what we're looking at, saying there wouldn't be a traffic problem. Whoever did that survey, they must be wearing blacked-out sunglasses or counting cows instead of cars. Just tonight, on the way up here, they've got people double parking down the park entrance coming down to East Village Road.

I'm totally opposed to this, just as many other friends of mine that live in the area. It's wrong – they should put it in a place, like the gentleman said before, possibly down on Bridgeport Avenue - not in a neighborhood like that. We have enough traffic problems up in that area.

It's not right for – there are many people - middle class people that have children. We can't afford to buy into a tennis membership. These people who are investing in this, they're wealthy people. Let them go purchase private land. I ask you people to do the right thing and support the people who do not want this. [applause].

Irving Steiner

Excuse me for asking permission for one added comment I did not make on the tennis courts. It is my understanding that from other sources there may be deed restrictions on the property affecting the proposal.

John Recce, 52 Stendahl Drive

I've been a lifelong resident of the White Hills section; I live in the house that I was raised in – I bought it from my parents. I've seen a lot of changes in White Hills, and I'd just like to say that I am totally opposed to this. That park is for the people and not the outside people. They can come up there and play – they can do anything they want. We don't need a commercialized environment in our park. I also have a letter here that I'd like to read from one of the prominent White Hills residents:

Dear Sirs:

I has been brought to my attention that an outside investment firm has approached the City of Shelton for permission to build and operate a sports facility at the Recreation Park on East Village Road. That they want to have a 20 year lease, and the first four years free from rent. They intend to charge admission to a park that has been open to Sheltonites free of charge.

Where are our priorities? I thought that we were looking out for our residents, that we were intent upon obtaining open space for us and our families to use free of charge. Where can we find a nicer country location, 30 acres, which was purchased by our City 35 years ago at a reasonable price. Are we willing to give this up to an outside firm to use as they wish?

The City of Shelton will be expected to plow and keep the park open. If residents wish to use the park, there will be an admission and a limited time schedule for our use, and if members of the park wish to use the facilities, residents may be required to leave. This seems so wrong.

We will be giving up a precious piece of property to outsiders when we really need a place like this in White Hills. Why do we have to consider allowing others the opportunity to spoil it for our community?

It is time to consider this while there is still an opportunity to prevent such a thing from happening.

A steel and bubble structure is going to be unsightly. Have you seen these? They are ugly. You can see what they look like. There is one on Route 22 in Brewster, New York, and one on Route 44 in Salisbury, Connecticut. I believe there is also one in Greenwich, Connecticut.

This is not what we need in White Hills. We have a lovely looking park in a country setting. White Hills does not want a commercial facility on East Village Road nor do we need outsiders telling us how to use our Recreation Park. It seems as though we will be losing more than gaining. The outside investors only have their own interests at heart and envisioning money in their own pockets. It's a win-win situation for them and a losing proposition for Sheltonites.

The baseball fields at the Park were supposed to be for our community's use. However, outside company sponsored teams keep the availability filled for their use, so there is little chance for local players to use the ball fields. There have been complaints about this situation. It sounds like this could be happening to the tennis courts. How does that serve Shelton? We need the recreational area kept available for our community, not for the benefit of some outside investors. This is not going to be an improvement. The new courts are not going to be for our use. They are going to be for paying members. TIS wants privileges for themselves – not for our community.

*Janice Curtiss
31 School Street
Shelton Connecticut*

Mr. Recce continued, the original family that sold that property to the City. I had a lot of other things that I wanted to talk about also – a lot of other people stole my thunder. Some of it I'm going to save for that hearing, since Mr. Papa so graciously advised us that we're not going to be voting on this tonight. The reason that you have so many people here is because this was going to be fast tracked and there was going to be a vote tonight, so people did show up to make sure things are set right. Thank you.

Cynthia Kovacs, 134 Thoreau Drive

I'm originally from Bridgeport, my business is still in Bridgeport. Eminent domain – I don't know how many of you in civics class were taught what eminent domain was, and it certainly wasn't to steal property for high priced housing, it was for nobler causes. To see what Shelton is doing – to see what corruption and eminent domain has done to Bridgeport, I don't want to see that happen here in Shelton. I didn't move here to have it become another Bridgeport. I am just newly getting involved in this. I'm going to get in touch with the Steiners, I'm going to get in touch with Mr. Soccer Coach there and you're going to see my face and hear my voice a lot more. I'm not going to sit idly by any more. It's time.

The tennis courts – this gentleman said, maximum of 16 cars, I don't know if he has ever been to these places. Because now we're going to have tennis pizza parties where they're going to encourage people to bring 20 kids and every mother is going to bring their child up there, and the parking is horrific – they are parking on East Village Road when there are games there now. I can't imagine what it's going to be like with the tennis courts, and to privatize public land for the profit of some private venture is obscene. I don't want to see it. I didn't move here to have this happen. This is a beautiful, beautiful town and we're very happy.

We're very happy with our neighborhood and the house, and I guess that's what I have to say, that I think everybody should look back on what they were taught in civics class what eminent domain really means. And no tennis courts, privatization, in the White Hills.

Thank you.

Rich Ovesny, 65 Beardsley Road

I'm opposed to the tennis courts. Number one, we do not need an enclosure for tennis. There are not any people that brought up, 'we need an enclosure for tennis.' It's a joke. We don't need it. And most importantly, we don't want it. So I'm totally against it. I don't think it's right. Fix our tennis courts with our tax money. That is what we pay them for.

Recording Secretary Trish Bruder

I'm reading a letter from Steven and Arlene Grey of 48 Pine Tree Hill Road:

My wife and I attended your monthly Aldermen meeting last night and participated in the discussion of the proposed privatization of tennis courts in the White Hills of Shelton. For many reasons we're opposed to the plan and want you to share our feelings and concerns with the other Aldermen and also with members of the Planning and Zoning Board.

As relative newcomers to Shelton, we've made a serious effort to learn more about local government and issues that impact on the town. After listening to other participants at last evening's meeting, and based upon our own experiences both here in Shelton and elsewhere, some serious issues concerning the so-called privatization of this presently town-owned and town-controlled sports facility need to be addressed.

First, is this change what the donor of the property had in mind? Is it legal to effect such a change? Who are the principals behind the proposed change? Why is their real estate representative located in California? Are there legal ramifications for Shelton if the corporation is based out of state? And, if the plan should be approved, how will the inevitable lawsuits, accidents, slips and falls in the shower locker rooms be handled? Will out-of-state lawyers be addressing local issues?

Inasmuch, Parks and Recreation sees it fit to maintain most facilities during, in general, daylight hours. In this proposed private tennis facility would be made available at night. Would Shelton have to maintain rules and regulations for parking, safety, i.e. Police presence, and also plow the snow? Will Shelton have to enlarge the existing parking area and collect garbage there – including the parking lot? Will outsiders, i.e. other users from neighboring towns, ultimately have priority over local residents because of potentially high membership fees? What will happen to residents who are engaged in a tennis match who are told to move off the courts by club members who claim priority treatment? What will the fee for joining be? And why on earth is Shelton even considering what I understand to be four free years of rental and committing to a 20-year lease? What happens, and who is responsible, if the operation is

not sufficiently profitable and becomes abandoned within the 20-year lease? How about expensive repairs? Why is a building of such a design being proposed? It should, at the very least, blend into the overall design of Shelton's park/recreation style of structures – not an incongruous modernistic design. Why has there been no public meeting concerning this? Is it possible that some local parties are more interested in the potential tax revenues if \$1 million facility is added to the tax rolls than they are to possible long term negative effects to the local neighborhood and local people who enjoy the courts as they now are?

Granted, a new, fully-enclosed private tennis club would benefit many, and particularly so if it is open in inclement weather and during the winter when the local courts are unusable. But such a proposed facility should be undertaken on privately owned property purchased by the Tennis in Shelton Group and not by taking away a town-owned and town-built facility.

Aldermen Finn and Minotti, please share our concerns with the other Aldermen and town leaders. We, my wife and I, would like to know if the Tennis in Shelton Group approached Shelton's leaders, or the leaders contacted Tennis in Shelton. If there is community-wide interest in this possible joint venture, perhaps a Request for Proposal could be undertaken to determine possible alternative means for obtaining a year-round sports facility. Then, a Request for Quote could be used to insure that Shelton gets the best financial deal possible.

We are firm in our belief that this would be best served by using private property purchased by Tennis in Shelton. This would eliminate handing over control of presently owned by Shelton sports facilities, and not involve zoning changes that could start precedents.

White Hills might not be the only area of Shelton that is of interest. This structure and facility might be a better fit elsewhere where increased traffic would be a less intrusive concern.

*Sincerely,
Steven and Arlene Grey*

Diane Alterio, Summerfield Gardens

I probably can't speak as eloquently as some of my previous friends here have, but I do know this – I am totally opposed to the facility for the tennis courts at East Village Road.

I have friends and relatives here and in that area, I have grandchildren there that truly enjoy that park. I think it should be left for the residents use. I think you should fix the courts that are there and perhaps replace the lights that were obviously taken down because they were in disrepair.

My concern is, would you then if somebody approached you and wanted to put in a fitness and health center, are you going to take that into consideration next and take a little bit more away? I think it's wrong. I think it should go elsewhere. That is all I have to say. Thank you.

Michael Alterio

Excuse me. One other thing here. I feel bad where I don't want people to think that this is just about White Hills. It's not just about White Hills, we care about all of Shelton. We're not snobs, it's not that we don't want it in White Hills. This is about all of Shelton. I feel bad that I didn't mention that. I just want to say that I wouldn't want it in anybody else's district either.

*Judson W. Crawford, 8 Jordan Avenue
Member, Board of Apportionment & Taxation*

Good evening Mr. Mayor and members of the Board of Aldermen. Recently, in an article printed in The New Haven Register on October 6, 2004, by Attorney General Blumenthal, and I quote, "Marshals, Constables apparently have been overcharging for the collection of overdue taxes by 10 to 15 percent because of a law that took effect in June of 2003. He has called upon all state and local officials to check their tax records and if there is a mistake, make refunds.

I ask a question. Does the City of Shelton fall under this? The City of Shelton keeps very accurate tax records, and so I am sure it would not be very hard to trace. Now, as the financial authority of the City of Shelton, I request the Finance Board of the Board of Aldermen to investigate this report and make a full report back to the Board of Aldermen.

Number two. The tax refunds were correct this month, Alderman Kudej. They were correct.

And Number three. Yes. Even though I am not from the White Hills section of the City of Shelton – I am from the second Ward, I am against this issue of putting in the tennis courts. Spending taxpayers' money to fix our existing courts now. I am just wondering if you decide to go ahead and pass this, would the Boards be coming before you, Mr. Mayor? The Board of A & T, the Board of Aldermen, for more funds?

Thank you.

Janice [inaudible], East Village Road

I am totally opposed to the tennis courts at the Rec. I was wondering, had they ever thought, the TIS, to contact the people where the golf driving range is and the skating rink? I think that would be a perfect place to add a tennis facility. I would just like to say I'm opposed.

Jim Baklik, 152 East Village Road

I wonder why it's such a hush-hush thing about who the investors are. You know, my first question is, who can they be and why aren't they saying who they are? I mean, is there a conflict of interest? Is somebody related to them? I don't get it.

The other thing is that for 15 – you know - to make an investment you're looking for a big dollar amount back obviously. That's the only reason they're looking at the White Hills Rec for it. It's not our fault the tennis courts fell apart. There was no maintenance done to them. Everything needs maintenance now and then. You just sugar coat this thing making it look like

such a great deal for the residents, when basically it's just 15 people making a ton of money off of us.

And not to pick on your land purchase Mr. Mayor, but maybe you could be the 16th investor and have it built on your property down there. It's closer to the other sports facilities. Thank you.

John Recce

I guess nobody else is coming up to stand, so at the end I'll take the final word here and say, I didn't hear too many people that were for it. I'm waiting to see what they have to say and why it would be a good thing. No one came forward yet, so let's just hope you heard the same things we heard tonight.

Unidentified Speaker

I love the White Hills Rec. I go there every day, I walk my dog there. And I know sometimes I go up there and it's scary because I'm the only person there. But it is a wonderful facility.

Mayor Lauretti asked if any other member of the public wished to address the Board. Being none, he declared the Public Session closed.

Agenda Items

Minutes for Approval

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

1. Special meeting of August 26, 2004
2. Special joint meeting of September 1, 2004
3. Regular meeting of September 9, 2004
4. Special meeting of September 30, 2004

SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

5.1 FINANCE COMMITTEE

5.1.1 Meeting Minutes of August, 2004

Alderman Kudej MOVED, per the recommendation of the Finance Committee to waive the reading and approve the minutes of the Finance Committee meeting of August 2004; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

5.1.2 September Statutory Refunds

Alderman Kudej 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 \$42,188.27 be approved, and that the Finance Director be directed to make payments in accordance with the certified list received from the Tax Collector. 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 8-0.

SEPTEMBER 2004 STATUTORY REFUNDS

ACCOUNT #	NAME	AMOUNT	REASON
03-03-32	ABAR DEVELOPMENT	\$ 1,129.68	PAID TWICE
03-01-603	ALVES, MANUAL	\$ 67.37	SOLD
03-01-778	ANDREJCZYK	\$ 30.03	SOLD
03-01-1595	BANC OF AMERICA	\$ 80.58	SOLD
03-01-1811	BARRY, RICHARD	\$ 345.95	SOLD
03-01-2684	BIRCH, JOSEPH	\$ 10.82	SOLD
03-01-2706	BISHOP, DAVID	\$ 5.68	MOVED
03-01-22972	BLAKEMAN, MONTY	\$ 281.42	PAID TWICE
03-01-3522	BRANDER, HEATHER	\$ 49.76	MOVED
03-01-3610	BRENNAN, JOHN	\$ 21.71	SOLD
02-01-4127	BTRAC LEASING	\$ 88.78	SOLD
03-01-4478	CALHOUN, DAVID	\$ 250.96	SOLD
02-01-4990	CARUTHERS, MARK	\$ 7.27	AMOUNT PAID WRONG
03-01-5241	CAZASSA, MANUAL	\$ 8.39	SOLD
02-01-5757	CHASE MANHATTEN	\$ 1,445.94	SOLD
03-01-5954	CHRYSLER FINANCIAL	\$ 357.25	SOLD
03-01-6224	CLERICUZIO, ANTHONY	\$ 11.96	SOLD
03-01-7659	DASILVA, CELIO	\$ 11.43	SOLD
03-03-3420	DENIGRAS, HARRY	\$ 1,497.91	PAID TWICE
03-01-8640	DIBIASI, JOHN	\$ 38.61	MOVED
02-03-3974	ELMS, RONALD	\$ 2,612.15	PAID TWICE
01-01-9703	ELRAC INC	\$ 137.14	SOLD
03-03-4085	ENOS, JOANNE	\$ 1,067.63	PAID TWICE
02-01-10317	FALANGO, LISA	\$ 245.67	SOLD
03-01-10755	FERNANDO, FLORES	\$ 45.01	MOVED
02-01-11384	FORD MOTOR COMPANY	\$ 385.85	SOLD
02-03-4521	FORLENZO, JOHN	\$ 1,229.90	PAID TWICE
03-01-11672	FRAY, MICHAEL	\$ 30.35	SOLD
03-01-11986	GALLO, JUDITH	\$ 46.43	SOLD
03-01-12344	GELCO, CORPORATION	\$ 405.71	SOLD
02-01-12361	GENERAL ELECTRIC	\$ 232.98	MOVED
02-01-12801	GMAC	\$ 535.07	SOLD
03-01-13242	GORDAN, JOHN	\$ 41.46	SOLD
03-01-14104	HANN FINANCIAL	\$ 11.89	SOLD
03-01-14185	HANSON, DEBORAH	\$ 9.11	SOLD
03-01-14546	HELLRIGEL, JOHN	\$ 10.52	SOLD
03-01-15014	HOMKOVICS, ROBERT	\$ 9.64	SOLD
03-01-15041	HONDA LEASE TRUST	\$ 601.56	SOLD
03-01-15579	HURTARTE, JORGE	\$ 57.27	MOVED
03-01-17012	KELLY, MICHAEL	\$ 7.81	AMOUNT PAID WRONG
03-03-6289	LARKIN, ROSEMARY	\$ 548.93	PAID TWICE
03-03-7702	LEWANDOWSKI	\$ 2,595.88	PAID TWICE
03-01-19453	LINLEY, JAMES	\$ 20.92	SOLD
03-01-19488	LIPOVSKY	\$ 255.03	DMV ERROR
03-01-3644	LUCAS, JOEL	\$ 201.84	PAID TWICE
02-01-20425	MARGIOLIES, ROBERT	\$ 34.64	SOLD
03-01-20883	MARTIN, CAROLYN	\$ 26.50	SOLD
03-03-8464	MCDONALD, TREVOR	\$ 1,906.94	PAID TWICE
03-01-21714	MCGUIRE, CHRISTINE	\$ 6.54	AMOUNT PAID WRONG
03-01-2116	MERCHANTS RENT A CAR	\$ 212.04	SOLD
03-01-22691	MITCHELL, RAY	\$ 69.80	SOLD
02-01-22739	MORAN, NANCY	\$ 17.95	AMOUNT PAID WRONG
03-03-9263	MOUCHANTANT, ROBERT	\$ 2,937.97	PAID TWICE
03-03-9544	NICHOLSON, CHARLES	\$ 479.04	PAID TWICE
02-01-23715	NISSAN INFINITI	\$ 2,327.49	SOLD
03-03-9667	O'BRIEN, BARBARA	\$ 1,400.17	PAID TWICE
01-01-23795	ODICE, MATTHEW	\$ 28.84	AMOUNT PAID WRONG
03-01-25516	PAULES, PATRICIA	\$ 31.71	DESTROYED
03-01-25626	PEARSON, LEAH	\$ 8.07	SOLD

03-03-1126	QUINN, BRIAN	\$ 1,214.82	PAID TWICE
02-03-13699	RATZAN, JOHN	\$ 935.14	PAID TWICE
03-01-27685	REDFORD, AUBREY	\$ 10.80	DESTROYED
02-02-5157	REILLY, EDWARD	\$ 47.00	ASSESSED TWICE
03-01-27850	REMZ, MARY	\$ 37.50	AMOUNT PAID WRONG
03-01-27870	RESPETO, DEBBIE	\$ 21.81	AMOUNT PAID WRONG
03-03-11198	RIVERA, ARNELL	\$ 1,652.36	PAID TWICE
03-01-28566	ROMANO, CONSUELO	\$ 28.30	SOLD
03-03-11444	ROSZKOWSKI	\$ 1,729.53	PAID TWICE
00-02-5345	RUGGIO, SCOTT	\$ 18.55	DESTROYED
03-03-11775	SAAD	\$ 1,441.54	PAID TWICE
03-03-11657	SALISCH, DAVID	\$ 2,005.58	PAID TWICE
03-01-30918	SHUBY, DAWN	\$ 11.09	SOLD
03-03-12470	SIPOS, STEPHEN	\$ 2,512.46	PAID TWICE
03-03-12566	SMITH, GAIL	\$ 905.36	PAID TWICE
03-03-12661	SOMOGIE, GLEN	\$ 179.63	PAID TWICE
02-02-5947	SPILLANE, EMMETT	\$ 35.83	PAID TWICE
02-01-32005	SUBARU AUTO	\$ 109.51	SOLD
03-01-32871	SZONDY, VALERIE	\$ 150.15	SOLD
03-03-13570	TSO, AMY	\$ 1,758.17	PAID TWICE
02-02-6435	ULATOSKI, STANLEY	\$ 7.95	AMOUNT PAID WRONG
03-01-35115	VERESPIE	\$ 5.21	AMOUNT PAID WRONG
03-01-35188	VIDEO, PRODUCTION	\$ 42.23	DESTROYED
02-03-14194	WHEWAY, EARL	\$ 654.38	PAID TWICE
03-01-1037	YEVICH, OLGA	\$ 88.96	PAID TWICE
03-01-37226	YOUNG, BRIAN	\$ 9.46	SOLD
		\$ 42,188.27	

5.1.3 Additional Funding – Charter Revision

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to transfer \$3,000 from Contingency General, account #001-9900-900.99-00 to Charter Revision account #001-0300-412.80-93 to cover expenses through the end of the current fiscal year; SECONDED by Alderman Minotti. A voice vote was taken and the MOTION PASSED 8-0.

5.1.4 Real Estate Appraisal – Tall Farm

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to authorize Mayor Mark A. Lauretti to get an appraisal done of the Tall Farm Property; SECONDED by Alderman Olin. A voice vote was taken and the MOTION PASSED 8-0.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

5.2.1 Regular Minutes of August 2004

Alderman Papa MOVED, per the recommendation of the Public Health & Safety Committee, to waive the reading and approve the minutes of the Public Health & Safety Committee's August 2004 meeting; SECONDED by Alderman Lanzi. A voice vote was taken and the MOTION PASSED 8-0.

5.2.2 186 Soundview Avenue – Guide Rail

Alderman Papa MOVED, per the recommendation of the Chief of Police and the City Engineer, to approve the installation of a guide rail for the area in front of 186 Soundview Avenue due to the drop off which is located on the curve. An 8-24 referral is not required. SECONDED by Alderman Lanzi. A voice vote was taken and the MOTION PASSED 8-0.

5.2.3 83 Wooster Street – No Parking Sign

Mayor Lauretti stated, this is a motion that does not need to be before the Board of Aldermen. It is a traffic decision. It is totally in the purview of the Chief of Police.

TAPE TWO, SIDE ONE

5.2.4 Old Coram Road – Stop Sign Request

Alderman Anglace stated that it is not in the best interest that the Board of Aldermen starts a practice of voting on issues that are under the purview of the Traffic Authority – the Chief of Police.

5.3 STREET COMMITTEE

5.3.1 Regular Meeting Minutes of August 2004

Alderman Olin MOVED, per the recommendation of the Street Committee, to waive the reading and approve the August 2004 Street Committee meeting minutes; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

5.3.2 Pawtucket Avenue - Paper Street

Alderman Olin MOVED, per the recommendation of the Street Committee, the City Engineer, and the Planning & Zoning Commission, to report unfavorably for the proposed extension of Pawtucket Avenue; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

MAYOR'S CORRESPONDENCE

None presented.

PRESIDENT'S CORRESPONDENCE

No items presented.

6.0 LEGAL REPORT

6.1 Corporation Legal Counsel

Alderman Anglace MOVE to authorize a total payment of \$2,093.98 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated MAY 1, 2004 with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-03	\$1,822.80
Court Costs	001-1900-411.80-84	\$271.18

SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

7 LEGISLATIVE - OLD

7.1 Ordinances from Public Hearing

7.1.A AMENDMENT

ORDINANCE #775- ALCOHOL POSSESSION BY MINORS

Public hearing was held on September 23, 2004

Alderman Anglace MOVED to accept the amendment to Ordinance #775 as presented at the public hearing on September 23, 2004; SECONDED by Alderman Minotti. A voice vote was taken and the MOTION PASSED 8-0.

Proposed Amendment

Section 1: Findings:

1. The possession and consumption of alcoholic liquor by minors is a matter of a growing local, regional, and national concern.
2. Consumption of alcoholic liquor by minors unsupervised by parental authority creates a health and safety risk not only to our children but also to the general public.
3. The City of Shelton seeks to protect, preserve, and promote the health, safety, welfare and quality of life of its residents by regulating the possession of alcohol by minors.

Section 2: Purpose:

To regulate the possession of alcoholic beverages by minors on both public and private property.

Section 3: Definitions:

ALCOHOLIC LIQUOR shall have the same meaning as the same term defined in Title 30, Section 30-1 of the Connecticut General Statutes, as amended from time to time.

HOST to organize a gathering of two or more persons, or to allow the premises under one's control to be used with one's knowledge, for a gathering of two or more persons for personal, social, or business interaction.

MINOR any person under the age of twenty-one (21) years old.

PERSON any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind.

POSSESS means to have physical possession or otherwise to exercise dominion or control over tangible property (sec. 53a-3 Penal Code of the General Statutes of Connecticut)

Section 4: Possession:

No person under the age of twenty-one (21) shall be in possession of containers of alcoholic liquors, whether open or closed, within the City of Shelton, except when accompanied by or in the presence of his or her parent, legal guardian, or spouse, who has attained the age of twenty-one (21) years. This restriction shall apply to both public and private property.

Section 5: Hosting Events:

No person shall host an event or gathering at which alcohol will be consumed by or dispensed to any minor unless said minor is accompanied by or in the presence of his or her parent, guardian, or spouse who has attained the age of twenty-one (21) years. This restriction shall apply to any event or gathering within the City of Shelton, whether conducted on public or private property.

Section 6: Exceptions:

The provisions of sections 4 and 5 of this ordinance shall not apply to the following:

1. A minor who possesses alcoholic liquor on the order of a practicing physician or any person who sells, ships, delivers or gives any alcoholic liquors to a minor on the order of a practicing physician
2. A person over the age of eighteen (18) who is an employee or permit holder under Section 30-90a of the Connecticut General Statutes and who possesses alcoholic liquor in the course of such person's employment or business or in the course of a sale, shipment, or delivery of alcoholic liquor made to a person over age eighteen (18) who is an employee or permit holder under section 30-90a of the Connecticut General Statutes and where such sale, shipment, or delivery is made in the course of such person's employment or business.
3. Possession, consumption, or use of alcoholic liquor at legally protected religious observances supervised by or in the presence of his or her parent, legal guardian, or spouse, who has attained the age of twenty-one (21) years.

Section 7: Penalties:

Any person violating any provision of this article shall be subject to a fine of \$100.

7.1.B CITY TECHNOLOGY COMMITTEE

Presented at public hearing on September 23, 2004.

Alderman Anglace MOVED to reject this ordinance without prejudice;
SECONDED by Alderman Papa.

Alderman Anglace stated, we will redo the ordinance.

A voice vote was taken and the MOTION PASSED 8-0.

7.2 Water Main Extension – 73 – 97 Nichols Avenue

Public hearing was held on September 23, 2004.

Alderman Anglace MOVED to appropriate \$140,483.20 as a temporary borrowing from the Undesignated General Fund fiscal year 2004-2005 balance to the Capital Project Fund for #73-97 Nichols Avenue water main extension. This appropriation is to cover the cost of installing nine water service connections and the Aquarion Water Company service connections charges. It is to be repaid to the General Fund through subsequent issuance of bonds or notes of the City in accordance with the City Charter 7.6; and

FURTHER MOVED to apply the following budgetary line item increases per section 7.9 (b) of the City Charter:

1. Additional appropriation from the General Fund balance, account #001-0000-301.20-00 - \$140,483.20
2. Capital Project Funds expenditure budget increase, account #001-6900-991.60-17 - \$140,483.20

SECONDED by Alderman Papa.

Alderman Anglace explained that this should go forward because eight of the nine households voted in favor of the project.

A voice vote was taken and the MOTION PASSED 8-0.

7.3 Water Main Extension – John Dominic Drive

Alderman Anglace MOVED to forward item 7.1.D - Water Main Extension John Dominic Drive, back to the Finance Committee for further discussion; SECONDED by Alderman Papa.

Alderman Anglace explained the reason for it is because there is a difficulty of low water pressure in that area. It is just adding added expenses. The homeowners want us to look further on that.

Mayor Lauretti stated, even beyond that we need to understand why there is low water pressure for a water main that is going in there servicing thousands of other people that don't have that problem.

Alderman Anglace stated, it's the first time we've ever run into that.

A voice vote was taken and the MOTION PASSED 8-0.

7.4 Ballot Question Correction

Pursuant to Connecticut General Statutes Section 9-369, each question on the ballot is required to start with the word "Shall".

Therefore, Alderman Anglace MOVED to forward to the Secretary of State a correction to the ballot question deleting the word "should" and replacing the same with the word "shall"; SECONDED by Alderman Minotti.

Alderman Anglace explained that a 'Yes' vote on this question is the first step in the process seeking to save the slab. I also want to point out that it was the honorable Bill Bures that first came up with that idea. At the time, the statement that was quoted earlier in the meeting was made, it was a different set of circumstances. We proposed a different situation. He proposed that we save the slab, and to save the slab under that condition would have cost the City \$5 million. However, later the Mayor came up with the idea to request the State to allow us to put the same commitment that we made in Phase 1 into Phase 2 – a completely different set of circumstances. That I could support.

Mayor Lauretti stated, to further that point along, one only needs to understand the complexity of the transaction that the initial approval was made under for the Shelton Enterprise and Commerce Park, and the constraints that we had under our bonding resolution. Not so much with the City of Shelton but that with the State of Connecticut and the federal government, who were contributors to this project.

Also, in addition to that, what really drove the issue to get us to this point was that it took at least the better part of last year to get us further down the road with the adjacent 5.5 acres that sits in the form of five different property owners that have extensive type of contamination on the site, that was being analyzed by the Shelton Economic Development Corporation, just from a feasible standpoint to see if this made sense.

Also, it required at least some temporary concurrence from the Department of Environmental Protection who have ultimate authority over whether we could even move forward with any type of development. So there are many factors that drove the change in the referendum question. I don't think that anyone disagreed, once that project was completed, the issue of save the slab – we have saved it - look at the state it is in now. The question is, do we want to preserve it? I think the answer to that is unequivocally yes, we do want to preserve it. This is the first step in trying to accomplish that goal. I don't think that anybody ever disagreed that it would be a nice gem to have in the downtown area as green space or some time in the future as the City green or park.

These things are very difficult at best. Look around the state and the northeast. How many people are doing projects of this magnitude - converting brown fields into green fields. We have accomplished that here in Shelton. On that note I would encourage everyone to come out and support this very first step. They should understand that is what it is – a first step toward saving that thing as open space.

A voice vote was taken and the MOTION PASSED 8-0.

7.5 Sewer Pump Station – Bridgeport Avenue

Alderman Anglace MOVED to authorize the Agreement between Crown Point Associates LLC and the City of Shelton with the amendment that the buyer shall be required to provide sufficient security acceptable to the Corporation Counsel, City Engineer and Purchasing Agent to guarantee completion of the improvements; and further

MOVED to release the current sewer easement encumbering the property and to authorize acceptance of the new sewer easement and the granting of a sewer easement on the remaining property of the City, all as described

in a map entitled "Property Survey – Crown Point Center located on Bridgeport Avenue, prepared by Lewis and Associates"; and further,

MOVED to authorize Mayor Mark A. Lauretti to execute any and all documents necessary to effectuate same.

SECONDED by Alderman Lanzi.

Alderman Finn stated, just to point out, the residents probably don't know it. It has to deal with Crown Point Development on Bridgeport Avenue and the developer has asked for certain conditions that the City would approve in lieu of he would make necessary repairs to the substation that we currently have on Bridgeport Avenue that would include installing a new brick vinyl, a new block vinyl chain fence, landscaping, electrical work, resurfacing the existing pump station coating with the brick stucco to match the Crown Point itself. He is spending an estimated \$61,000 of his own money for us to grant this.

A voice vote was taken and the MOTION PASSED 8-0.

8. - FINANCIAL BUSINESS – OLD

8.1 Cattermill Resolution

Alderman Papa MOVED to adopt the following Resolution:

RESOLUTION APPROPRIATING \$233,325 FOR THE PURCHASE OF A MUNICIPAL WASTE RECYCLING MACHINE FOR THE CITY OF SHELTON AND AUTHORIZING THE ISSUANCE OF \$233,325 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

RESOLUTION APPROPRIATING \$233,325 FOR THE PURCHASE OF A MUNICIPAL WASTE RECYCLING MACHINE FOR THE CITY OF SHELTON AND AUTHORIZING THE ISSUANCE OF \$233,325 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$233,325 is appropriated for the purchase of a municipal waste recycling machine, and for administrative, printing, financing and legal costs related thereto (the "Project").

Section 2. To meet said appropriation \$233,325 bonds of the City may be issued, maturing in substantially equal annual installments of principal not later than the fifth year after their date. Said bonds may be issued in one or more series as determined by the Treasurer and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Treasurer and the Director of Finance, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing, financing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be

issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Treasurer and the Director of Finance, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Treasurer and Director of Finance in accordance with the General Statutes of Connecticut, Revision of 1958, as amended (the "Connecticut General Statutes").

Section 3. Said bonds shall be sold by the Treasurer in a competitive offering or by negotiation, in the Treasurer's discretion. If sold in a competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Mayor, Treasurer and Director of Finance.

Section 4. The Treasurer and Director of Finance are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the Treasurer and the Director of Finance, have the seal of the City affixed, be payable at a bank or trust company designated by the Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the Treasurer pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this Resolution in the maximum amount of and for the Project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to

reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of Bonds, and to amend this declaration.

Section 6. The Mayor, the Treasurer and the Director of Finance, or any two of them, are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 7. This Resolution is adopted pursuant to the provisions of Section 7.16 of the City Charter and is within the limitations set forth therein for the fiscal year ended June 30, 2005.

Enacted by the Board of Aldermen: _____

Approved by the Mayor: _____ Date _____

Attest:

City Clerk

Date _____

And also MOVED to waive bids; SECONDED by Alderman Minotti.

Alderman Finn asked, is this a new cutter?

Alderman Anglace replied, this is a new cutter. It is an improvement over what we had before. It will take stumps, huge tree stumps, and put them into pulp. When if we move on this tonight, what is the projected arrival time, when will it go into service, where will it be located? A lot of people have tree branches. As soon as this comes in we'll be back in business.

Alderman Finn noted that it might be located at the Highways and Bridges Department or the Transfer Station on River Road.

Mayor Lauretti stated, this is the machine that we went out to bid for – it is a new machine – with the full service and warranty. They said it's about a 30 day turnaround time but I'm not sure that you can take that to the bank. I would be very skeptical to commit to that. As far as where it is going to eventually wind up could be a couple of different places that I'm not really willing to commit to right now, but for the short term it will go to the City Yard to take care of the issue that we have down there, and to allow residents to continue to bring their brush there. Its location will probably be moved in the spring or early summer next year.

Alderman Anglace stated, I think when we approve this people will want to know, when can they start using it, where can they bring their trees and things like that. I'm sure you'll make those announcements as we proceed with this.

Mayor Lauretti stated, as soon as the machine comes in it will go right into service.

A voice vote was taken and the MOTION PASSED 8-0.

8.2 Constitution Park Overrun

Alderman Anglace MOVED to add an overrun for the purchase of benches and a trash can for the Constitution Park project to the Capital Improvement Plan with funding in the amount of \$1,704 to come from LOCIP; SECONDED by Alderman Kudej.

Alderman Anglace noted that four of five benches have been paid for by donations from the public. Actually, by the time the benches come in, which will be in November, all five will have been fully paid for. The number of \$1,704 is accurate, but the data underneath it on the backup distributed to the Aldermen is not accurate. I will have this information redone and send it to the Aldermen.

A voice vote was taken and the MOTION PASSED 8-0.

8.3 Wiacek Farm

Alderman Anglace MOVED to rescind the motion of the Special Meeting on September 30, 2004 for the City of Shelton to acquire by eminent domain proceedings property containing 39.7 acres, more particularly described as follows; and further

MOVED for the City of Shelton to acquire by eminent domain proceedings property containing 35.99 acres more particularly described as follows.

SECONDED by Alderman Papa.

Alderman Anglace stated, this is the Wiacek property it's describing.

Mayor Lauretti added, it's just a correction on the total of acres.

A voice vote was taken and the MOTION PASSED 8-0.

9.0 FINANCIAL BUSINESS - NEW

9.1 City Hall Renovations

Alderman Anglace stated, I'd like to refer this to the Finance Committee unless there are some pressing issues here, for clarification on some of these – it's just not clear to me what these expenses are for.

Mayor Lauretti asked, what isn't clear?

Alderman Anglace replied, \$4,360.37 electrical work in the Administrative area of City Hall. The entire City Hall is administrative.

Mayor Lauretti stated, more particularly, the old Mayor's office that we had just gutted.

Alderman Anglace asked, and the rug, \$1,700 in Administrative area – is that the old Mayor's office?

Mayor Lauretti replied, this is all the same area.

Alderman Anglace asked, the lift for the painter, is that the outside?

Mayor Lauretti replied, for the windows on the outside of the building.

Alderman Anglace MOVED to add the following City Hall renovations to the Capital Improvement Plan with funding not to exceed \$16,500 to come from LOCIP.

Also includes the installation of a new, handicapped bathroom to be installed on the second floor in the Administrative Office.

City Hall Improvements

- | | |
|------------------------|---------------------|
| • Lift for painter | City Hall building |
| • Electrical | Administrative area |
| • Rug | Administrative area |
| • Handicapped bathroom | Administrative area |

SECONDED by Alderman Lanzi. A voice vote was taken and the MOTION PASSED 8-0.

9.2 *Air Conditioning Units - Echo Hose Firehouse*

Alderman Anglace MOVED to add the purchase of two new air conditioning units for the Echo Hose Firehouse to the Capital Improvement Plan with funding in the amount not to exceed \$9,000 to come from LOCIP; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

9.3 *Wabuda Place*

Alderman Anglace MOVED to approve the payment of \$2,000 to Lewis Associates for Wabuda Place property survey for Toll Brothers project with funding to come from the Mayor's budget Professional Services Account 001-0100-411.30-01; SECONDED by Alderman Papa.

Mayor Lauretti explained that this was done in conjunction with the Planning and Zoning approval of the Wabuda property in the White Hills section, and we asked for a realignment of Wabuda Place as the connector, as opposed to going out to East Village, up by the Recreation area. We had to, by way of professional services, ask for a map so that the Planning and Zoning Commission could approve it with the proper legal description of all the boundaries of what will be conveyed to the City for the road. Source of funding could come from the professional services line item in my budget, or out of Contingency.

A voice vote was taken and the MOTION PASSED 8-0.

9.4 Building 22 Renovations

Alderman Anglace MOVED to approve the following improvements to Building 22 to the Capital Improvements account per memo from Joe Sewack with funding of \$13,500 to come from LOCIP; SECONDED by Alderman Lanzi. A voice vote was taken and the MOTION PASSED 8-0.

10. - LEGISLATIVE - NEW

10.1 Ordinances to Public Hearing

10.1.a AMENDMENT - ORDINANCE #682 NOISE ORDINANCE

Public hearing scheduled for October 28, 2004

PROPOSED AMENDMENT:

BE IT HEREBY RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON THAT:

A CERTAIN ORDINANCE DEALING WITH NOISE ABATEMENT WHICH ORDINANCE WAS ORIGINALLY STYLED ORDINANCE NO. 311 AND AMENDED BY ORDINANCE NO. 679 AND NO. 682 IS HEREBY AMENDED AS FOLLOWS:

SO MUCH OF THE ORDINANCE AS READS: " The City employee designated by the Mayor as enforcement officer for this ordinance", is AMENDED TO READ: The city employee(s) designated by the Mayor as enforcement officer(s) shall be those persons who have received training in the operation of the noise metering equipment and whose job duties as assigned by their supervisor require monitoring ordinance violations. The Department Heads shall certify to the Mayor and the Board of Aldermen, those persons so trained. A roster of persons appointed by the Mayor shall be kept on file with the Administrative Assistant and shall be updates at least annually.

ORDINANCE #311
NOISE POLLUTION ORDINANCE

NOISE POLLUTION-STANDARDS, MEASUREMENTS, CONTROL, VIOLATIONS, AND PENALTIES

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON:

SECTION 1. GENERAL PROHIBITION

The making, creation or maintenance of unreasonably loud, unnecessary or disturbing noises, as prescribed in this ordinance, affect and are a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the City of Shelton: and, as such, shall constitute unlawful acts.

Therefore, no person shall create, cause to be created or allow the emission of sound beyond the boundaries of their property so as to cause noise pollution in the City of Shelton, or so as to violate any provisions of the ordinance.

SECTION 2. DEFINITIONS

When used in this ordinance, the terms below shall have the following meanings:

"DAY" shall be from 7:00 a.m. to 10:00 p.m., local time.

"NIGHT" shall be from 10:00 p.m. until midnight, and from midnight until 7:00 a.m., local time.

"DECIBEL" shall mean a unit measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the root mean square of the pressure of the sound measured to a reference pressure of 20 micropascals.

"SOUND LEVEL" shall mean the A-weighted sound pressure level, expressed in decibels (dBA), measured on a sound level meter using the A-weighting network and set to the slow response.

"OVERALL SOUND LEVEL" shall mean the overall sound pressure level, expressed in decibels (dB), measured on a sound level meter using the C-weighting network and set to the slow response.

"SOUND LEVEL METER" shall mean an instrument which includes a microphone, amplifier, RMS detector, integrator or averager, output meter and weighing networks all conforming to the requirements set forth in the American National Standards Institutes "American National Standard for Sound Level Meters" (ANSI S1.4-1974) for a Precision

NOISE POLLUTION SECTION 2 (Cont)

(type 1) Sound Level Meter.

"L-10" shall mean the "A" weighted sound level exceeded 10% of the time period during which measurement was made.

"L-50" shall mean the "A" weighted sound level exceeded 50% of the time period during which measurement was made.

"PERSON" shall be any individual, firm, partnership, company, corporation, association trust, syndicate, agency, or other legal entity of any kind.

"EMITTER" shall be the person who creates, causes to be created or allows the noise.

"RECEPTOR" shall be the person who receives the noise impact.

SECTION 3. CLASSIFICATION OF NOISE ZONES

Noise zones within the City of Shelton shall be classified as to zoning applicable for that parcel or tract of land and the surrounding parcels or tracts, as detailed by the "Standard Land Use Classification Manual of Connecticut", hereafter referred to as "SLUCONN". Noise zone specified herein shall correspond to the following zoning descriptions in the zoning regulations and zoning map of the City of Shelton:

<u>ZONE</u>	<u>ACTUAL OR INTENDED USE</u>	<u>CURRENT ZONING**</u>
A	Residential	R1A, R, R2, R3, R4, R5
B	Commercial	CA1, CA2, CA3, CB1, CB2
C	Industrial	IA1, IA2, IA3, IB1, LB2, LIP

* Based on Zoning Regulations & Zoning Map of the City of Shelton

Lands designated as "Class A Noise Zone" shall generally be residential areas where human beings sleep, or areas where serenity and tranquility are essential to the intended use of the land. The specific SLUCONN categories in Class A shall include:

- 1. Residential
 - 11 Household Units*
 - 12 Group Quarters
 - 13 Mobile Home Parks and Courts
 - 19 Other Residential

NOISE POLLUTION SECTION 3 (Cont)

- 5. Trade
 - 583 Residential Hotels
 - 584 Hotels, Tourist Courts and Motels
 - 585 Transient Lodgings
- 6. Services
 - 651 Medical & Other Health Services; Hospitals
 - 674 Correctional Institutes
 - 691 Religious Activities
- 7. Cultural
 - 711 Cultural Activities
 - 712 Nature Exhibits
 - 713 Historic and Monument Sites
- 9. Undeveloped, Unused and Reserved lands and Water Areas
 - 92 Reserved Lands
 - 941 Vacant Floor Area-Residential

(*) Mobile Homes are included of on foundations.

Lands designated as "Class B Noise Zone" shall generally be commercial in nature, areas where human beings converse and such conversation is essential to the intended use of the land.

The specific SLUCONN categories in Class B shall include:

- 4. Transportation, Communication and Utilities
 - 46 Automobile Parking
 - 47 Communication
 - 49 Other Transportation, Communication and Utilities

5. Trade
 - 51 Wholesale Trade
 - 52 Retail-Building Materials
 - 53 Retail-General Merchandise
 - 54 Retail-Food
 - 55 Retail-Automotive Dealers & Gasoline Service Stations
 - 56 Retail-Apparel & Accessories
 - 57 Retail-Furniture, Home Furnishings and Equipment
 - 58 Retail-Eating, Drinking & Lodging, except 583, 584, 585
 - 59 Retail- Not Elsewhere Classified

NOISE POLLUTION SECTION 3 (Cont)

6. Services
 - 61 Finance, Insurance & Real Estate Services
 - 62 Personal Services
 - 63 Business Services, except 637
 - 64 Repair Services
 - 65 Professional Services, except 651
 - 67 Government Services, except 672, 674, 675
 - 68 Educational Services
 - 69 Miscellaneous Services, except 691
7. Cultural, Entertainment & Recreational
 - 71 Cultural Activities & Nature Exhibits, except 711, 712, 713
 - 72 Public Assembly
 - 73 Amusements
 - 74 Recreational Activities
 - 75 Resorts & Group Camps
 - 76 Parks
 - 79 Other, Not Elsewhere Classified
8. Agricultural
 - 81 Agriculture
 - 82 Agricultural Related Activities
9. Undeveloped, Unused and Reserved Lands & Water Areas
 - 91 Undeveloped & Unused Land Area
 - 93 Water Areas
 - 94 Vacant Floor Areas, except 941
 - 99 Other Undeveloped Land & Water Areas, Not Elsewhere Classified

Lands designated as "Class C Noise Zone" shall generally be industrial where protection against damage to hearing is essential and the necessity for conversation is limited.

The specific SLUCONN categories in Class C shall include:

2. Manufacturing- Secondary Raw Materials
3. Manufacturing-Primary Raw Materials
4. Transportation, Communications & Utilities, except 46, 47, 49
6. Services
 - 637 Warehousing & Storage Services
 - 66 Contract Construction Services
 - 672 Protective Functions & Related Activities
 - 675 Military Bases & Reservations
8. Agriculture
 - 83 Forestry Activities & Related Services

NOISE POLLUTION SECTION 3 (Cont)

- 84 Commercial Fishing Activities & Related Services
- 85 Mining Activities & Related Services
- 89 Other Resource Production & Extraction, Not Elsewhere Classified

SECTION 4. NOISE ZONE STANDARDS

No person shall emit or cause to be emitted sound exceeding the sound levels stated herein when measured at any point on a tract or parcel of land not under their ownership or control. The determination of allowable sound shall be in accordance with the following objective numerical standards for the respective Noise Zone Classes:

	C	B	A-Day	A-Night
Class C Emitter to	70 dB A	66 dB A	61 dB A	51 dB A
Class B Emitter to	62 dB A	62 dB A	55 dB A	45 dB A
Class A Emitter to	62 dB A	55 dB A	55 dB A	45 dB A

Sound levels determined by the Director of Inspection & Compliance to be in excess of these values shall constitute proof of violation of this ordinance. Further, it shall be a violation for any person to:

- a. Use or operate any construction equipment singly or in combination with other equipment on any construction or demolition site if such use or operation results in the emission of noise, measured at any boundary of the nearest receptor in any noise zone in excess of the values listed below:

Zone	L-50	L-10	**Maximum Level of Sound
A	70 dB A	80 dB A	
B	75 dB A	85 dB A	
C	80 dB A	90 d B A	

(**) The minimum level shall not be exceeded for longer than six (6) minutes in any one hour period.

- b. Conduct a utility street work installation or repair, paving work or sewer cleaning which produces a sound level exceeding the following limits at a distance of fifty (50) feet from the operation:

After January 1, 1977	85 dB A
After January 1, 1980	80 dB A

NOISE POLLUTION SECTION 4 (Cont)

The provisions of this ordinance directly preceding this paragraph (a and b above) shall not apply to those construction devises commonly referred to as "impact tools", including but not limited to grinders, pile drivers, paving breakers, jack hammers, rock drills or well drilling rigs, provided that such impact tools shall have intake and exhaust mufflers recommended by the manufacturer thereof, installed and working.

In addition to the above objective standards, no person shall emit noise exceeding an overall sound level of 70 dB.

The Director of Inspections & compliance shall be responsible for developing the measurement methodology to determine compliance with this ordinance.

SECTION 5. EXCLUSIONS

This ordinance shall not apply to:

- a. Sound generated by natural phenomena including, but not limited to wind, storms, insects, birds, amphibious creatures and water flowing in its natural course.
- b. The unamplified sound of the human voice.
- c. The unamplified sound made by wild or domestic animals.
- d. Sound created by bells, carillons or chimes associated with specific religious observances
- e. Sound created by a public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency, or located within or attached to a building, pole or other structure for the purpose of sounding an alarm relating to fire or civil preparedness.
- f. Sound created by safety and protective devices provided that such device is sounded as a warning of imminent danger or from the release of pressure buildup.
- g. Sound created by intrusion alarm provided that the emission of noise from such devices does not exceed 10 minutes when attached to any vehicle or thirty minutes when attached to any building or structure.
- h. Backup alarms required by OSHA or other Municipal, State or Federal safety regulations,
- i. Farming equipment or farming activity.

NOISE POLLUTION (Cont)

SECTION 6. EXEMPTIONS

The following noise shall be exempted from the provisions of this ordinance:

- a. Noise created by signal testing, principally siren-testing by city fire departments and civil preparedness units.
- b. Noise created by the regularly scheduled signaling of a specific time of day.
- c. Noise generated by engine-powered or motor driven lawn care or maintenance equipment on Class "A" property between the hours of 8:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud noises there from.

**ORDINANCE
CITY OF SHELTON
ORDINANCE #682**

AMENDMENT TO

NOISE ORDINANCE #679

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON THAT:

A certain ordinance dealing with noise abatement, which ordinance was originally styled Ordinance No. 311 and amended by Ordinance No. 679, is hereby amended as follows:

So much of the ordinance reads: "The City employee designated by the Board of Aldermen as enforcement officer for this ordinance.." **IS CHANGED TO READ:** "The City employee designated by the Mayor as enforcement officer for this ordinance...."

**AMENDMENT TO NOISE ORDINANCE
ORDINANCE 679**

BE IT RESOLVED, BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON THAT:

A certain ordinance dealing with noise abatement, which ordinance was originally styled Ordinance No. 311, is hereby amended as follows:

(a) Any reference to the "Director of Inspections and Compliance" is deleted and the following is substituted: "The City employee designated by the Board of Aldermen as enforcement officer for this ordinance..."

(b) So much of Section 7.47 (c) as reads "Failure to comply....." through "violation of this Article" is deleted and the following Section (c) is substituted therefore: person violating this Ordinance shall be subject to a fine of \$100.00 for each offense. Each separate instance shall be considered a separate violation."

10.2 Disposal of Two Municipal Buildings

Alderman Anglace asked, does anybody on this Board recall what happened when we disposed of City buildings in the past – what the procedure was that was followed? If you don't, somebody better do some research on it because we will be holding a public hearing on this on October 28th, and when we do that, we can also provide that information so everybody knows.

Alderman Finn stated, there should be some kind of public record of it when Mayor Hope was in office.

Mayor Lauretti stated, maybe Mr. Steiner can insure that the two former Mayors will be at this meeting so we can have an open discussion about things that have gone on in their past, seeing how they're so critical about things that are happening here today with many inaccuracies that seem to flow very freely from their tongues.

Alderman Finn stated, I don't know if Mayor Pacowta would have any input on it because we didn't dispose of any buildings when he was in office.

Mayor Lauretti stated, Mayor Pacowta did less than Mayor Hope, so that's understandable.

Public hearing scheduled for October 28, 2004.

Municipal buildings:

40 White Street
470 Howe Avenue

10.3 RESOLUTION – CONSTITUTION PARK

Alderman Anglace MOVED to adopt the following Resolution:

Be it Resolved that the recently completed park at the intersection of Long Hill Avenue, Constitution Boulevard South, and Kneen Street Extension be officially named "Constitution Park"; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

10.4 Proposal for East Village Tennis Courts

Alderman Papa MOVED to TABLE Item 10.4 – Proposal for East Village Tennis Courts; SECONDED by Alderman Minotti. A voice vote was taken and the MOTION PASSED 8-0.

Alderman Papa requested that this item be put on the Public Hearing for October 28, 2004 and invite the investors as well.

10.5 Reappointment to Board of Ethics

Alderman Anglace MOVED, per the recommendation of Mayor Mark A. Lauretti, to reappoint Maria Davis to the Board of Ethics for an additional three years with an expiration date of September 4, 2007; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

10.6 Medical Insurance – Housing Authority

Alderman Anglace MOVED to approve allowing the Shelton Housing Authority employee to be added to the City roster of covered employees with the full expense of coverage to be provided by the Housing Authority; SECONDED by Alderman Lanzi. A voice vote was taken and the MOTION PASSED 8-0.

10.7 Acceptance of Aquarion Land / Huntington Street Easement

Corporation Counsel Welch stated, we have prepared a quick memorandum and motion. You have in your possession tonight a proposed easement that is given to the City that is requested by Planning and Zoning and granting the approval of this project. The City Engineer has reviewed this with our office. He is satisfied with the form of the document. The reason is before the Board is that the form of easement requires the Mayor's signature. The agreement affirmatively asserts that the nature conservation group and the DEP have given approval to this. Copies of that agreement will be attached to the easement and have been provided to you in your packets this evening.

Alderman Anglace MOVED that the City accept the drainage easement between the Aquarion Water Company of Connecticut and the City of Shelton; and further,

MOVED that Mayor Mark A. Lauretti is authorized to sign the original final copy of the easement with the map identified on Page 2.

SECONDED by Alderman Lanzi. A voice vote was taken and the MOTION PASSED 8-0.

10.8 Proposal To Realign Federal Navigation Project, Housatonic River

Brian Luby of Beacon Point Marine and Chris Drake of Drake Associates, an engineering firm that represents Beacon Point and has been helping them develop their waterfront development program, addressed the Board.

Their proposal involves the property at 722 River Road, which is Murphy's Boat Yard. They are in the process of trying to realign the channel. The location of the channel presently intersects with the current slip configuration. Beacon Point would like to move the channel out approximately 150 feet to help realign the channel – to make it straighter and easier to navigate through the naturally deep water. After that is accomplished, Beacon Point would like to expand on their slip program. At some point in the future, if approval can be gained from federal authorities, they would like to add upward to 280-290 slips providing more water access for Shelton residents. This would be advantageous as the River Road corridor becomes developed.

Mr. Luby and Mr. Drake are seeking the support of the Board of Aldermen and the local authorities. Both applications are pending before the Connecticut Department of Environmental Protection and the Army Corps of Engineers. No dredging is involved. It will have no effect on the gas line that goes across at the boat yard.

At the present time, the structures at Beacon Point are intruding into the channel. They are looking at realignment in order to be able to take advantage of the deep water and be able to fare into the channel as it is. The channel is clear and will not require any maintenance dredging. If that changes, the responsibility will be borne by Beacon Point Marine. As the waterfront is developed, they will look to improve the upland as well. In one of their other yards they have spring, summer and fall programs that attract upward of 300 kids for rowing camps, etc. The Sacred Heart University and Fairfield University Rowing Teams are based there as well.

In response to questions, Mr. Luby explained that there is great demand for boat slips in the area.

Mayor Lauretti stated, you're talking about shifting the lines on a map.

Mr. Luby replied, that is correct. It is straightening out the channel in front of our marina and cleaning up the upland.

Mayor Lauretti asked, what was Zoning's reaction last night?

Mr. Luby replied, they viewed it very positively and they'll be writing a letter endorsing this.

Alderman Anglace stated, your letter in paragraph two says to us, 'your support however will be instrumental in assuring these agencies that the project is in the best interest of the City of Shelton.' Why is this project in the best interest of the City of Shelton?

Mr. Luby replied, I believe it will give Shelton residents more access to the water. Our slips lease out very early and a lot of folks come to us looking to buy a boat and have access to the water, and we can't provide slips locally. As we expand our program we'll be able to provide more access.

Alderman Finn asked if Beacon Point Marine would be willing to make an agreement with the Shelton Fire Service and Emergency Services for use of a dock for our rescue boats.

Mr. Luby replied, absolutely. We would encourage that.

Alderman Anglace continued, this proposal is an expansion of the current use of this property. You are proposing to go from 50 slips to 290 slips. It has to impact what is happening on land. I don't have a problem with moving the channel, in fact, I talked to Senator Gunther who is almost an authority on the river, and he doesn't have a problem with it either. What concerns me is what is going to happen on the land, which is already totally congested. Where are these boats going? Where are these people going to park?

Mayor Lauretti replied, that is an issue for the Planning and Zoning Commission and where they have jurisdiction. Right now, we have no jurisdiction on the river, it's the federal government – it's the Army Corps – it's DEP. That issue, if that's a concern, really should go to the Planning and Zoning Commission.

Mr. Luby stated, when this issue comes up for public notice and comment by the DEP, the City of Shelton will have the opportunity to comment. DEP will take those comments into consideration.

Alderman Anglace stated, I think your proposal to move the channel will improve navigation on the river as opposed to doing anything derogatory. In fact Monday of next week, we are going to come from Stratford all the way up. We'll look at that in particular. Like the Mayor said, maybe it is a Planning and Zoning issue, but my concern is what is going to happen. My other concern is that the City has a right of way from Murphy's Lane down to the water. My understanding is that's not to be used up or built on or anything else. You don't propose to use that, do you? Are you aware of it?

Mayor Lauretti stated, there is a paper road extension that goes from, and I'm not sure of the exact location, from River Road right down to the water. But here again, that is an issue to be dealt with at the Planning and Zoning Commission. Any abandonment would have to come before the Board of Aldermen with an 8-24 referral from the Planning and Zoning Commission.

Alderman Anglace stated, I think we ought to give you a heads up – don't plan on us abandoning it. You're in the planning stages now; just so you've got a heads up and know what to expect.

Mayor Lauretti stated, or maybe a more open mind to an alternative proposal that would allow public access or public use to the river might suffice as opposed to saying that we're not going to do anything, period. I

think that everybody should keep an open mind and wait until the proposal comes before a decision is cast in stone.

Alderman Anglace stated, we're not going to decide this question tonight, but what you're looking to us for is a sign of interest or a letter to the Army Corps of Engineers and the Department of Environmental Protection that supports the movement of the channel. I don't have a problem with that because I think that improves navigation. I think we should do that. I think you also should be aware of some of the other concerns up front.

Mayor Lauretti stated, I also want to say, with respect to the City easement that's there, I think the reason for my suggestion is that the terrain is very steep and tough to negotiate. There may be something better in the offing for the City in terms of access as opposed to what is there now. I could be wrong about that, but if my memory is correct I think it's a steep slope.

Alderman Anglace stated, we will be glad to listen.

Alderman Anglace suggested sending a letter to the Army Corps of Engineers and the State Department of Environmental Protection supporting the navigation channel movement as proposed.

Mayor Lauretti stated, the Planning and Zoning Commission, as the gentleman said, has voted favorably to do the same. Why don't we just endorse, if that is what the Board's desire is, to endorse their letter of support.

Alderman Anglace stated, we don't know what their letter of support says. Does it refer to the channel?

Mayor Lauretti stated, yes, it's the same thing that he told us here tonight. Specific to the channel. And if it's not, then we won't do it.

Alderman Anglace MOVED that the Board of Aldermen in concept and principle supports the movement of the navigation channel opposite the Beacon Point Marina in the Housatonic River, subject that Planning and Zoning sends a letter. We will endorse their letter; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

10.9 Valley Transit Authority – Appointment

Alderman Anglace MOVED to approve Mayor Lauretti's appointment of Fred Ruggio (R) to the Valley Transit Authority, filling the vacancy caused by the resignation of Walter Petz with an expiration of June 1, 2005; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

11.0 Executive Session

At approximately 9:30 p.m., Alderman Anglace MOVED to enter Executive Session to discuss the following items:

- 11.1 Anthem Blue Cross Demutualization
- 11.2 Shelton Intermediate School Litigation
- 11.3 Workers Compensation - Casertano

and to invite Mayor Mark A. Lauretti and Corporation Counsel Tom Welch to remain in the auditorium; SECONDED by Alderman Papa.

TAPE TWO SIDE TWO

Return to Regular Session

At approximately 9:40 p.m., Alderman Anglace MOVED to return to regular session; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

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

11.1 Anthem Blue Cross Demutualization

No action

11.2 Shelton Intermediate School Litigation

No action

11.3 Workers Compensation - Casertano

Alderman Anglace MOVED to approve the finding and award in the Workers Compensation case of John Casertano as presented; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

ADJOURNMENT

Alderman Minotti MOVED to adjourn; SECONDED by Alderman Olin. A voice vote was taken and the MOTION PASSED 8-0.

The meeting adjourned at approximately 9:42 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____

BY: _____

Mark A. Lauretti
Mayor, City of Shelton