



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
FULL BOARD MEETING MOTIONS
THURSDAY, APRIL 9, 2009

Call to Order / Pledge of Allegiance

Alderman Anglace called the meeting of the Board of Aldermen to order at 7 p.m. All those present rose and pledged allegiance to the flag. Boy Scout 2nd Class Liam Davis and Bear Cub Scout Lucas Davis from Troop 255 led the Board of Aldermen in the Pledge of Allegiance to the Flag.

Roll Call

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

Administration:

Corporation Counsel Thomas Welch (7:10 p.m.)
Assistant Corporation Counsel Rays Sous (7:20 p.m.)
Mayor Mark Lauretti (7:30 p.m.)

There was a quorum present.

Agenda Items
PUBLIC SESSION

Pat Fazio, 235 Summerfield Gardens

At the March meeting I proposed trails and an educational park for the open space at Wiacek Farm. A school bus parking lot in this area would be harmful to the students, teachers, support staff and residents of the immediate area. Diesel emissions are harmful to the environment and our health. They are known carcinogens and carcinogens cause cancer. This is a quote from the Connecticut Department of Environmental Protection: “Diesel exhaust is a significant contributor to air pollution and has been classified as a probable human carcinogen.” This area should be kept green, and stay green if only for this reason.

The population of the two schools is 868 at the Intermediate and 1,643 at the High School, a total of 2,511. These numbers were obtained from the Shelton Public Schools webmaster, Rosanne Rich, at the Assistant Superintendent’s Office as of March 26, 2009. I don’t have the numbers for the Elizabeth Shelton Elementary School, but as the crow flies it’s close by. The Intermediate and High School students are in the immediate area for six years. During those six years they grow intellectually and physically. Exposing them to concentrated diesel emissions and carcinogens they form is unnecessary.

We all know that cancer is a dreaded disease, and I have first-hand experience with it. Approximately three years ago, my middle son was diagnosed with Leukemia. When he was first admitted to the hospital, the family met with oncologists and a cancer therapy and treatment team. They explained the disease, the treatment, the prognosis and then asked us if we had any questions. The first question from everyone was, where did he get this and how could it have been prevented. Unfortunately this type of cancer doesn’t have a reason, it’s just there. They explained to us that this type of cancer is not like the cancers that you get from smoking, too much sun exposure, or exposure to environmental carcinogens. These type of cancers are preventable.

For the first two years after my son's diagnosis our lives were turned inside out and our hearts were heavy. Please take the responsibility of your governmental office and vote down any proposal for the school bus lot so close to so many young people. Please don't vote along party lines or with your close association with the powers in local government. Vote your conscience. No family should have to endure the heartache of their child being ill with cancer, especially a cancer that could be prevented by eliminating the source.

When the students enter the Intermediate School, they'll look in anticipation and hope for the future. Let that future be your responsibility so that when they don their cap and gown at the end of the senior year, they can claim the rewards of their anticipation and hope for the future and continue on their path to good health. As mother-to-mother, I challenge the mothers of the students of the High School and Intermediate School to wake up and speak out. So you can see, this is more than real estate values and traffic. It's a health and welfare issue that you have been charged with.

Go green and stay green at the Wiacek Farm open space property. My son has reached the two-year mark since he's had a bone marrow stem cell transplant and continues to have good reports and test results. We look forward to that five-year mark when we hear the word "remission." Thank you for this opportunity to present the risks of concentrated diesel emissions and one of the many reasons the school bus lot should not be on the Wiacek Farm open space property or in close proximity to the school's campus.

Go green and stay green in all of Shelton's open space property. Thank you.

Diane Alterio, 211 Summerfield Gardens

We met here with you in February and March on the same subject. The Mayor's intention to relocate the school bus fleet to the Wiacek Farm property. Although the Mayor has not put this move to you in writing, you, like everyone else in this room have read many articles in the newspaper in which the Mayor clearly states his intentions, so you cannot say you do not know what we are talking about. The Mayor has not been at the last two Alderman meetings and I'm sure that some time since February some of you must have had the opportunity to discuss this subject with the Mayor.

Last month I passed photos out to you showing where the current bus parking lot is on Riverdale Avenue. I asked you to take a ride to that current parking lot and then to drive up Constitution Boulevard North around Independence, Wellington Court and through Summerfield Gardens condominium, which again, only a year ago, were selling in the range of \$800,000 for the houses and \$450,000 and up for the condos. Then I asked you to stop at the site a short distance from our entrance and see the marked-off area for the proposed driveway entrance to the Wiacek Farm property for this proposed parking lot. Take a walk on that property and look at it where the Wiacek and Splan families were about to develop houses on 24 lots – high end homes – before the City of Shelton took it by eminent domain for the purpose of open space and recreation. I am sure, and I'm hoping some of you did that. I'm sure that all of you sitting there right now have nice homes in nice neighborhoods and if this was happening to any one of you in your neighborhoods you would be here standing in my place and all your neighbors would be right behind you.

This past month, this issue has been played out in the newspapers numerous times, the latest article printed about "Shelton to Pay More for the Wiacek Property," in which the Mayor is quoted as saying, and I quote, "The City has not done anything with the property yet, but if needed, the land could be used as a school bus lot in the future." You read it; we all read it. More importantly you, the Aldermen, the Board of Aldermen voted in late 2004 to acquire this property by eminent domain for the purpose of open space and recreation at a cost of \$2.5 million. A Superior Court judge ruled last month that you have to pay an additional \$856,000 plus interest of \$208,000, making that property value \$3.5 million. Are you willing to pay that for a parking lot that really was acquired for open space and recreation?

I asked you too, last month, to look at those photos once again and ask yourself how difficult it would be to sell the private homes in that area, the condos at Summerfield Gardens, when a potential buyer drives through the neighborhood and sees 60 or more buses, outhouses, fuel tanks, fuel hoses, cars, trucks, diesel smells, traffic – especially when the buses are entering and exiting that lot. It's unsightly, it's an unhealthy scenario for the residents in that residential neighborhood. You are our public elected officials and we ask that you do the right thing. Once again, I appeal to you to use this beautiful open space for the purpose it was intended.

The Conservation Commission Trails Committee in January boasted major goals for open space plans to construct trails to include this property. As taxpayers who take tremendous pride in our City and in our community in this residential neighborhood, we want to preserve its beauty. Do not forget the benefits of open space. Besides economics, it includes recreation, quality of life and environmental.

This month, however, I am going to ask a favor of you. I'm going to ask that after you discuss this tonight, you could, and I as president of this Association, am asking you to write us a letter stating that you would not, if and when the Mayor sends this proposal to you for approval, that you would not approve such a thing. I can pass it on to the rest of the community. Do you want to see us all here every month at every meeting until you assure us that this will not convert, you will not convert that open space into a parking lot? It is the wrong thing to do.

Use this open space for the purpose it was intended. It's a beautiful, flat piece of property. Consider walking trails because a lot of the seniors can't use some of the trails that we have currently. It's flat and would be a wonderful walking area for seniors; a park with benches or even a community garden. I thank you for your time.

Chris Macri, 23 Summerfield Gardens

I was here a couple of months ago and I talked about the safety issue regarding moving the bus lot to the Wiacek Farm property. I can't tell you enough how strongly I feel about this issue. It not only involves the residents of the area in terms of the recreation, walking, walking your dog, jogging, but I'm also talking about the students.

If you look at the current situation we have right now, we have approximately 100 Summerfield Gardens residents that work full-time. They go in there and go out in the morning and come in at night. That's when the buses will be going back and forth. In addition to that, you've got the High School there. I also said the last time I was here, all you have to do is spend time on Constitution Boulevard North when the High School kids go in in the morning and come out at night. I can tell you, they speed, they pull out in front of you, I've had them illegally pass me, in fact, up until a couple of months ago, I used to see an officer parked at the very end of the driveway where they come out to Constitution Boulevard North. I'm sure that the policemen in this town are aware of the fact that these kids do not drive in a very safe manner. Throw in 58 to 60 school buses going back and forth. What do you think that's going to do to that situation? These kids don't even have the patience to drive in back of me; can you imagine them in back of three or four school buses? Just think about that. In addition to that you have traffic, people coming down Independence Drive going back and forth, almost like a thru-street from the White Hills section. Go there first thing in the morning, 7:30, 8 o'clock in the morning and see the traffic backed up. This is not a healthy situation. There are no sidewalks. If I want to walk a dog or if I want to jog, where am I going to be? Out between 58 to 60 school buses.

All I ask, if indeed this proposal is ever presented to you, that you do not rubber stamp it. Think of it in terms of the residents of Shelton. Think of it in terms of the safety of the students of Shelton. Thank you very much.

Chris Jones, 24 Mustang Drive

Looking on the agenda tonight, I see under Financial Business – New, 9.6, there are five items on the agenda – Sale of City Property. I strongly feel that the City should not be selling any properties while there is an ongoing federal investigation into corruption in

the City. I urged the body of this City, the Board of Aldermen, to reconsider the sale of any property.

Richard Widomski, 49 Christine Drive

I'd like to address the issue of the referendum, and also touch a little bit onto Summerfield's issue. I'll start with the Election Day, November 4th.

- Election Day, we thought the referendum passed on Canal Street.
- November 13th, the Board of Aldermen funds almost \$600,000 for Canal Street.
- Somewhere around after the 14th of November, we find out that the possibility that the referendum has failed.
- November 17th The Huntington Herald predicts the win by 267 votes that it did not, that the referendum did, in fact, pass.
- November 18th there was the indication that it may in fact have passed.
- November 19th, election audit starts.
- The 25th The Post and Huntington Herald articles say Canal Street referendum failed by 1,800 votes.
- December 3rd, the Board of Aldermen voted to fund money for the defeated referendum, rescinded it, rescinded the vote. That same night they voted to fund \$55,000 from the Lafayette School Roof Account to fund a railroad on Canal Street.
- March 26th they voted to approve the funding for the bond, \$500,000, have to come from a new bond from the City of Shelton.

Now, one of the items on the agenda tonight is the sale of the City property at 279 Soundview Avenue. Why is it that this property bought to be used for open space, recreation or passed partially for the extension of Constitution Boulevard be placed on the market? Why is it that the Wiacek Farm property also bought to be used for open space and recreation is being considered for use as a bus transportation center. Why is it that Lafayette School willingly agreed to transfer funding that was thought to be used for educational purposes? One must wonder that after the defeat of the bonding referendum, whether the City is actively exploring other means of funding Canal Street. That might be well and good, only if it does not come at the expense of the general populous. The sale and use of City property and the use of education funds used for items other than what they were intended is wrong. To fund other projects with these funds gives the perception of arrogance and smoke-filled room meetings to the public. It is hoped that these are things of the past.

Tonight we again heard from the residents in a residential area. There's no answer from our elected officials. I have a thought. We, the taxpayers, are spending by some estimates upwards of \$8 million for Canal Street. The City is building a new Canal Street. Site plans I viewed at the P and Z some 10 days ago indicated that the taxpayers are paying for and providing some 60 parking spaces on Canal Street. We are paying for the work, therefore we should place the buses on Canal Street, not in a residential zone. Additional buses can be parked on City-owned property on Bridgeport Avenue. That property located on the corner of Bridgeport Avenue and Nells Rock Road. It's a high-traffic area already. There's a plan of a garbage and recycling plant where many trucks are going to pass through at an intersection. A used car and new car sales was there, so why not use that area for any remaining buses that cannot fit on Canal Street in the parking area that we are paying for? Whereas transparency and openness have become fashionable, are INAUDIBLE at these meetings. Perhaps it is time that these fashionable words become fashionable actions. It is time to explain to the populous where the funds are going to be spent. It is time to say that just maybe the referendum question never needed to be on the ballot and the funding is readily available.

The voters have spoken. In these difficult economic times the voters are saying no more funding. The voters are not looking for agreements with boards or commissions. The voters are not looking for referendum campaigns, self-serving pacts, rose-colored plans or behind-the-scenes agreements with boards or commissions. The public is seeking truth, transparency, openness and above all the entire picture. Thank you.

Paul McCabe, 21 Wellington Court

I don't want to belabor the point about the bus parking lot on Constitution Boulevard North; I know that many people have spoken about the consequences of putting the parking lot on that plot which the taxpayers forked over \$3.5 million for and which was promised to be used for open space and green space. I think it's again, the root cause or the root problem, I feel, is that we're looking at a misuse of power and we're also looking at a misuse of taxpayer funds and a betrayal of the public trust. This land was originally slotted for open space. The \$2.5 million that was used to acquire this land was taxpayer-funded. The extra \$1 million that we'll have to pay is also taxpayer-funded and I think the taxpayers would be very interested in knowing that they may have or possibly laid out \$3.5 million for what will be a bus parking depot.

I think that, basically I want to appeal to your common sense, your sense of decency and also the fact that you are here to serve the taxpayer and the best interest of the taxpayer, and I think that in using your common sense and that sense of decency you will realize that this is an inappropriate use of this land, and if it does go as far as coming up for a vote in front of the board you will defeat this proposal by Mayor Lauretti because I feel it's just an injustice to the taxpayer. For example, there is a plot of land right now on Bridgeport Avenue that I saw that was 5.5 acres for sale for about \$850,000. Not that I think that is an appropriate space, but that is something that's commercially zoned, industrial zoned, it's something that's more appropriate for the use of parking the buses and I think putting it off of Constitution Boulevard North is just an injustice to the taxpayers, an injustice especially to the residents around that area.

I really feel that this may prompt people like myself and others to look for more transparency within the town and how the town operates and how government operates and the expenditures that were funded by the taxpayer, and how that money is used. It's something that piques my interest, certainly, when I see \$2.2 million spent on a plot on Soundview Avenue, when I see \$3.5 million being spent on a plot that might be proposed by the Mayor to be a bus depot. It certainly piques my interest and makes me want to get more involved possibly, if time permits. I think for other taxpayers within the town of Shelton it may also pique their interest and they may want to get more involved themselves.

I appeal to your decency and your sense of common sense to defeat this proposal should it come to a vote. I think there are better ways to deal with this, and there are certainly more appropriate locations that we could put a bus depot within the town of Shelton. I know that the Board of Education had, in an article, said that they were working with the town to work out some kind of solution because they're paying \$100,000 to lease the property where the buses are currently. Well, \$3.5 million for open space, I think that's a very, very dear price to pay and that's besides the fact that to be used for anything other than open space would be a betrayal to the taxpayer. Thank you for this opportunity to speak.

Jim Linden, 281 Summerfield Gardens

I wish to place on the official record my strongest objection to any plans to place a school bus parking lot at Constitution Boulevard North. As a resident of this neighborhood I'm relying upon you, my elected representatives, to protect and maintain a desirable living standard. The placement of a school bus parking lot will have a significant negative impact on the residents of Summerfield Gardens and Independence Drive. I'd like to begin by asking you personally, how would you feel if you learned that a school bus parking lot was to be built in your neighborhood, in close proximity to your home? I'm sure that you would object and do all in your power to prevent construction of a venue that would degrade your neighborhood, decrease your property value and present physical and environmental hazards. I would urge you therefore to prevent placing such a venue in another residential area.

The bus parking lot will diminish the bucolic setting of a neighborhood which includes a combination of untouched naturally-wooded areas and professionally-landscaped properties designed to present an attractive and environmentally-pleasing appearance. The image of a large paved structure with significant numbers of yellow school buses

parked there undermines much of the work that has been done in our City to preserve natural areas and to emphasize green alternatives. School bus parking lots do not belong in residential areas. They should be in commercial areas that are designed to accommodate such structures. Placement of a school bus parking lot will significantly diminish the natural setting for the Constitution Boulevard North, Summerfield Gardens, Independence Drive neighborhood, and negatively impact property values. They're already declining due to national economic difficulties.

The traffic generated by the school buses will worsen an already overloaded traffic pattern caused by students, teachers, families and fans entering the High School, the Intermediate School and the athletic fields. Constitution Boulevard North cannot sustain a large daily increase of additional oversized vehicles. More traffic in an already-congested residential area increases the risk of accidents and pedestrian injuries. School bus parking lots are not meant to be placed in residential neighborhoods.

The additional exhaust emissions and the large concentration of diesel buses warming up in the morning and returning in the afternoon represents a potential environmental hazard to the residents of the Gardens at Summerfield who are beyond retirement age, and to the students of the adjacent schools. The United States Environmental Protection Agency states, and I quote, "Local government should carefully consider whether the location of a bus parking lot will contribute to air pollution in the vicinity of schools, athletic fields, playgrounds and residential areas." The residents of Gardens at Summerfield purchased their condominiums with the expectation that they would be living in a quiet environmentally-safe location. The proposal to construct a school bus parking lot violates those expectations and places those residents, the concentrated population of students, teachers and athletes at risk. It is simply irresponsible to consider placing a school bus parking lot in a residential area.

As my elected officials who I rely upon to represent me, I expect that you will reject any and all plans to use the property on Constitution Boulevard North for a school parking lot. I am confident that there are commercial areas that could be used for the school buses without negatively impacting homeowners. I reiterate the school bus parking lots do not belong in residential areas and even the consideration to do so represents to me the most irresponsible of municipal administration. If Shelton is to maintain a reputation as a desirable City in which to live, the concerns of its citizens and the safeguarding of its residential neighborhoods must be your foremost priority. The choice is clear. Find another location for the parking lot.

Alderman Anglace reminded the audience to limit their comments to five minutes.

Robert Ritucci, 265 Summerfield Gardens

I am opposed to the Mayor's intentions of relocating the school buses to the Wiacek Farm property on Constitution Boulevard North. The bus fleet would cause tremendous traffic problems in the entire area. More importantly it would be a health hazard to the students of both neighboring schools, the residents of Summerfield Gardens and the Independence Drive community due to diesel emissions. Thank you very much.

Pete Delollio, 351 Summerfield Gardens

I'm going to be kind of short and sweet. You guys know we're not going to go away. This is the third month we're here and if it takes another three months we'll be here. Mrs. Alterio gave you guys a good suggestion. All it's going to take to put something in writing to assure this community and the people that live on Independence Drive that this, for lack of a better term, fiasco that the Mayor is putting on could go away. You won't have to see our faces here any more and you can go about doing the more important work that's required by the people of the City of Shelton. Just a little something in writing and it will all go away. Thank you.

Gene Sabados, 193 Summerfield Gardens

During this Holy Week, I would like to remind you of the way we are commanded to live. Do unto others as you would have them do unto you. Thank you.

Judy Mettler, 31 Summerfield Gardens

I am violently opposed to the Mayor's intentions of relocating the school buses to the Wiacek Farm property at Constitution Boulevard North. A bus fleet would cause tremendous traffic problems to the entire area, and more importantly it would be a health hazard to the students of both neighboring schools, the residents of Summerfield Gardens, and the Independence Drive community due to the diesel emissions. Please stay green in this area. Protect the students, the residents and the environment.

Greg Miklus, 24 Wellington Court

I'm going to be very brief, we've beat this thing to death here tonight. I just want to call your attention to something. When Toll Brothers developed that property, there was about four acres of open space on Independence Drive. A few years ago the City sold that open space to a developer and divided it into two building lots, I believe, that are currently for sale. I felt cheated. And if this property is used for a bus depot I'm going to feel cheated again, and I think many people in town are going to feel that way. It wasn't purchased for that purpose; it shouldn't be used for that purpose. Seems to me it would be a violation of the public trust to use it for that purpose. Thank you.

Diane Toscano, 264 Summerfield Gardens

My husband and I have been residents of Shelton since 1985 and we love it here. We especially love Summerfield Gardens where we moved in 2001. This whole idea of a bus parking lot is just atrocious. It's a fiasco, one of the best words that were used for it.

Again, there are many reasons that there should not be a bus parking lot on Constitution Boulevard North. The first one is traffic, as one of our other residents said. There are over 2,400 students in this area. I can attest to the fact that in the morning when I'm going to work, the teachers I'm sure are not speeding, but many, many of the High School students are speeding up and down the area. Also, the field is used for many sporting events and there have been days when I've been coming home from work, about 5 or 5:30 and I have counted the number of cars lining both sides of the road. My all-time high was 50 cars on Constitution Boulevard North for a sporting event. Why should we add buses to that situation?

One thing that has not been brought up tonight is vandalism. I think having buses this close to the schools is just inviting vandalism. I think that says enough right there. Property taxes – my husband and I pay about \$6,500 a year in property taxes. For this we're going to get a bus parking lot right outside our front door? I noticed when we came in here tonight that Shelton is dedicated to having a balanced community. Well, a balanced community includes residential, commercial and industrial sites. A bus parking lot does not belong on a residential site.

Open space. This has been a big one also. We need to lower our carbon footprint and especially in this area where there are so many young people every day. Let's lower our carbon footprint by banning the diesel pollution that would come alongside with a bus parking lot. The last thing I just wanted to say is, people are probably saying, well, you know, everyone here has said, well, not in my back yard. But you know what? I'm not saying not in my back yard, I'm saying not in anybody's back yard because this is not the place for a bus parking lot. It should be outside of residential areas. Mr. Mayor, can we put it in your back yard?

Aldermanic President John Anglace

Alderman Anglace asked if any other member of the public wished to speak.

I want to make a comment before I close the public portion. This is directed to the Summerfield Gardens residents. I've sat here for three months and I've listened to your comments, and I've read your comments, and I've re-read your comments. I'm speaking only for myself and not the entire board. It dawned on me, and I said, in all those minutes and all those conversations that people said, I've said, what is the proposal that

is before this board that you expect us to vote on? There is no proposal before this board. It's a hypothetical situation. This board never votes on hypothetical situations.

Now, there are many issues that go on in this City that we have to think about, talk about and get a lot of input from a lot of different sources, and certainly your thoughts and ideas on this particular issue that surfaced are valued. We certainly appreciate having you here. You are most welcome to come as long as you want, and as many times as you want. As long as you don't exceed five minutes per person, you're welcome. But we cannot vote on a hypothetical issue. We are not going to vote on a hypothetical issue. If that doesn't satisfy you, then I personally will be willing to come and meet with your association and explain it further.

But if there is ever going to be a vote or a discussion publicly about this issue of parking buses on the 36 acres of former Wiacek property, we will inform you. We will let you know so you can be part of that discussion.

Remember this also, Wiacek property is 36 acres. The bus parking currently takes up maybe one acre. So, you know, as I said, it's very hypothetical, and I just don't want you to be misled. There is nothing that's going to come from this board saying anything about a hypothetical situation. We just won't vote on it.

With that, I'll close the public portion and turn the meeting over to the Mayor.

An unidentified woman from the audience stated, can we respond to that?

Mr. Steiner, from the audience, stated, you did not close the public portion.

Alderman Anglace stated, Mr. Steiner, I closed the public portion and turned the meeting over to the Mayor.

Mayor Lauretti recognized an unidentified woman from the audience.

She stated, we were admonished for our persistence, so to speak, and I realize that there is no proposal, we all realize that. But Mr. Mayor, you have been quoted in The Connecticut Post and in the local papers many times with an "outline," as to your intentions of putting a bus depot or bus parking lot on that property. Since this is our only forum, that is the reason we are appearing here and asking for your future or potential vote when it does come before you. And if the Mayor, sir, if you would give us a proposal or put something in writing or ease our mind or level with us, then perhaps we wouldn't have to come full steam ahead like we've been doing.

Mayor Lauretti asked, may I respond?

The woman replied, absolutely.

Mayor Lauretti stated, and I won't be lengthy, because it doesn't require a lengthy response. If you're going to believe everything that is quoted in the newspaper, then there is nothing I can say that will change your mind about anything. I can't begin to tell you the number of times that I have been misquoted or taken out of context via any form of the media. And that's just the way it is; that's not my creation – that's the way the media operates. So what you read in the newspaper, you didn't get it straight from me.

I had some discussions with some people at Summerfield and I told them that it was a request that came to me from the Board of Education and we had discussions about possibly relocating the school bus parking lot to that portion of the Wiacek property that borders Shelton High School. That's really as far as it got. So beyond that, I don't know what else to tell you, other than what Mr. Anglace said. That's where it is. We spent a fair amount of money, and the Board of Education has spent a fair amount of money down at Riverdale Avenue. It's not likely that those buses are going to leave that location any time soon.

The woman stated, sir, you can just tell us it's not going to happen. It would make us happy and we'd leave.

Mayor Lauretti stated, yeah, but see I can't do that, because I can't say never, forever. Because it doesn't work that way.

Alderman Anglace stated, we can't commit future boards.

Mayor Lauretti stated, and I don't want to get into a back and forth on this. Obviously some of you have had your mind made up and that's okay. But I've told you what I've told you, and that's where I'm at. I have other more important things to worry about than relocating the bus parking lot up to the Wiacek property.

The woman stated, I just want to say, Pete Dilollio, he and I, we're the two people that you spoke with at Summerfield and you called me at my home on Sunday morning, and I'm not misquoting, I don't think, and I'm not excluding paper quotes on you. You did tell me, in fact, that it was the intention to move the school bus parking lot from its present location to the Wiacek property because where it was marked off and the potential driveway into that property, that was what it was for. So...

Mayor Lauretti interjected, I'm going to respectfully disagree with you on that. What I told you is that the reason that there were markings on the road was because the Highways and Bridges department had called Call Before You Dig because they were up there dumping wood chips from the City Yard to the open space portion of Wiacek. And before we could enter the property because of the high pressure transmission gas pipeline that exists up there, we needed to do a Call Before You Dig.

The woman stated, that's not the area.

An unidentified gentleman from the audience stated, Mr. Mayor, Mark, whatever, the chips, I don't know if you've been up there. The chips are not on the Wiacek property to the best of my knowledge. The chips are under the high tension wires. There was previously a roadway in that area that you had City access to, and as far back as four years ago we complained about that when I was on the Board saying that the teenagers in the City were going in that back parking area there and doing their nasty little deeds, which I probably did when I was a teenager. But anyhow, the point is, that's where the chips are going. Now if you go up there and physically look at what's written on the roadway, the driveway is a good 50 to 100 feet down beyond that. The property, where you want to put the driveway is going directly into the Wiacek property. The chips are 50 feet up the road and there's already...

Mayor Lauretti interjected, look, I can't tell you why those markings are on the road then. Simple as that. That's the response that I got from the Superintendent of Highways and Bridges. I've conveyed that to everyone here tonight.

The gentleman stated, you're the Mayor, if you can't give us an explanation, someone in this City, Planning and Zoning, or whomever, the State Highway Department or the City Highway Department, could they come up there and satisfy our curiosity?

Mayor Lauretti stated, I'm sure we can get an explanation as to what the writing on the road means.

The gentleman stated, I've been told what it means. Now I have...

Mayor Lauretti stated, but on any number of roads in this City there are Call Before You Dig markings, and that's because of the activity that takes place within the City.

The gentleman stated, we have to live by that standard at Summerfield Gardens too.

The woman stated, we were told it was a driveway.

Special Presentation – Matthew and Joseph Legen

Mayor Lauretti stated, in any event, on a brighter note, we have a special presentation that we need to make tonight. We have a couple of gentlemen who have performed a

heroic act within our City a couple of months back, and the City wants to take this opportunity to recognize them. So I'm going to come down there, and if they would please join me, I'd like to do that at this time.

For those of you that don't know, a couple of months back, a dog was on the ice on the Housatonic River, and there was a man on the side that recognized the dog out there was in trouble, and the man went out on the ice to save the dog. Lo and behold they were both in a very, very dangerous body of water. If you know anything about the Housatonic River, you know that the currents are very swift, and very strong and that portion of the river is fairly deep. Over there years, there has been loss of life on a number of occasions. So tonight we are going to recognize these two gentlemen, and I believe this is the gentleman that they rescued.

Ladies and gentlemen, this is Joseph and Matthew Legen. The proclamation reads as follows:

- WHEREAS, a peaceful walk on a Spring-like day in February, 2009 took a sudden turn for the worse when a man fell through the ice in a vain attempt to rescue his and a friend's dogs that had ventured too far out on the still-frozen Housatonic River; and
- WHEREAS, through a strange chance of fate, two men happened to witness this event and be close enough and brave enough to react swiftly; and
- WHEREAS, these men, without thought of the danger to themselves, boldly entered the still-frigid waters of the river and pulled the victim to safety.

NOW THEREFORE I, Mark A. Lauretti, Mayor of the City of Shelton, do hereby recognize the courage and heroism of brothers **Joseph and Matthew Legen**, both residents of the City of Shelton, and honor their commitment to helping their fellow man, a stranger, while putting their own lives at risk. How fortunate for George Ciaccio that his "guardian angels," as he called them, were on the scene and willing and able to rescue him from an untimely death. On behalf of all of the citizens of Shelton, I extend congratulations to **Joseph and Matthew Legen** and commend their selfless acts of valor.

[Applause rang throughout the forum]

Mayor Lauretti turned the floor over to Mr. George Ciaccio, who stated, you mentioned guardian angels. My wife told me I have an overworked guardian angel. Just a little bit of a story, someone said, why would you want to do something like that? You know, you see your dog out there nearly drowning, and I had no choice. You don't even think about your own safety. And I went out. These gentlemen were the only ones in the park at that time. If they were not there at that hour, I would not be here this evening. So I really thank them for saving my life. My parish priest said to me, he put his arm on my shoulder and he said, "George, there's only one person I know that can walk on water, and it's not you."

[Applause]

MINUTES FOR APPROVAL

1. MINUTES FOR APPROVAL

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

Regular Meeting of March 12, 2009
Special Meeting of March 26, 2009

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

5.1 FINANCE COMMITTEE

No items.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

No items.

5.3 STREET COMMITTEE

No items.

REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

Alderman Anglace stated, last month we spoke about the open burning ordinance and we deferred action on that depending the outcome of a bill pending before the State Legislature. So far, there's been no action taken on it at the State, so I just thought I'd let you know that.

Expect a meeting, I set our budget hearings for 7:30, I expect a couple of Special Meetings prior to the start of the budget meetings that you should be aware of. One of them is going to be finalizing the Paugusset Trail, and there will be others, thank you.

6.0 LEGAL REPORT

6.1 CORPORATION COUNSEL BILLING

Alderman Anglace MOVED to authorize a total payment of \$3,509.58 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated April 2, 2009 with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-03	\$1,967.20
Foreclosure Fees	001-1900-411.50-01	\$1,457.90
Miscellaneous Fees	001-1900-411.80-03	\$84.48

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

6.2 ASSISTANT CORPORATION COUNSEL BILLING

Alderman Anglace MOVED to authorize a total payment of \$2,548 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated April 1, 2009 with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-03	\$2,513.00
Miscellaneous Services	001-1900-411.80-03	\$35.00

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

6.3 COLES, BALDWIN & KAISER, LLC INVOICE #13743 & #13744

Alderman Anglace MOVED to approve Coles, Baldwin & Kaiser, LLC Invoices #13743 and #13744 dated March 26, 2009 in the amount of \$3,232.65 with funding to come from Legal Services-Corporation Counsel Professional Services Account # 001-1900-411.30-01. Seconded by Alderman Simonetti. A voice vote was taken and MOTION PASSED 8-0.

7 LEGISLATIVE - OLD

7.1 ITEMS FROM PUBLIC HEARING

7.1 A No items.

7.2 CONTINUATION OF COMCAST LEASE

Alderman Anglace MOVED to approve the lease extension between the City of Shelton and Comcast for the building at 216 Huntington Street for the first of four additional five-year terms, from July 1, 2010 through June 30, 2015 pursuant to the terms of the lease. Seconded by Alderman McPherson.

Alderman Anglace stated, I’m not sure that we’re getting enough money for this place. It’s \$386 a month and with the increase it will come to around \$400 a month. I think we should put this in the hands of the Mayor to try and negotiate a better rate if he can.

Corporation Counsel Welch stated, if you look at paragraph 2 of the lease, they have the option of extending the term, they have to provide you the 18 months notice and it says at the bottom, “Landlord will respond in writing no later than 12 months before the end of the current term expires of its acceptance or rejection of the request for a renewed term.” So you have the right to reject the renewed term. What you’re indicating is that you’re starting a process. You have to let them know before June 30th of your intention, so you’re within your right to ask to renegotiate.

Alderman Anglace stated, I think we should reject it and let the Mayor negotiate. I think we should be getting a little bit more for this. I can’t say how much. We have to do some comparisons and take into consideration the economic times. Let’s give him the opportunity to do it.

Mayor Lauretti stated, my recommendation is to take no action, not reject it. We’re not at that point yet.

Corporation Counsel Welch stated, you do have until the end of June.

Alderman Anglace WITHDREW the MOTION. Alderman McPherson WITHDREW the SECOND.

No action.

8 FINANCIAL BUSINESS OLD

8.1 NO ITEMS

9 FINANCIAL BUSINESS NEW

9.1 ADOPTION OF TAX COLLECTOR’S SUSPENSE LIST

Alderman Anglace MOVED that the Tax Collector’s suspense list in the amount of \$77,268.98 be adopted and transferred from the Grand Lists into Suspense per State Statute Sec. 12-165:

<u>GRAND LIST</u>	<u>TAX</u>
2003	1,549.95
2004	10,480.54
2005	40,217.25
2006	25,021.24

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

9.2 APRIL STATUTORY REFUNDS

Alderman Anglace MOVED to approve the report of the Tax Collector relative to the refund of taxes for a total amount of \$45,081.32 and that the Finance Director be directed to make payments in accordance with the certified list received from the Tax Collector with funds to come from the Statutory Refunds Account 001-0000-311.13.00; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

9.3 WAIVER OF BIDS – OWNERS & CONTRACTOR’S PROTECTIVE LIABILITY COVERAGE – PERRY HILL SCHOOL

Alderman Anglace MOVED to waive the bids for the Owner’s and Contractor’s Protective Liability Coverage for Perry Hill School as recommended by the Purchasing Agent; and further, authorize obtaining the OCP Coverage insurance from KBE’s insurance carrier at a cost of \$4,500 with funds to come from the Perry Hill School Referendum Bond and authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

9.4 AGREEMENT BETWEEN CITY OF SHELTON AND CITY CARTING INC. FOR RECYCLING SERVICES

Alderman Anglace MOVED to approve the contract between the City of Shelton and City Carting, Inc. for recycling for a period commencing July 1, 2009 through June 30, 2012 with two, one year options all as set forth in the general specifications pursuant to Bid 29-74. Further authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement; SECONDED by Alderman Finn.

Alderman Anglace stated, I just want to confirm with Counsel that there is a non-collusion affidavit with this.

Corporation Counsel Welch stated, there is.

A voice vote was taken and the motion passed 8-0.

9.5 GREEN MOUNTAIN PIPELINE SERVICES CONTRACT - BID # 29-11

Alderman Anglace MOVED to approve the Change Order #1 of contract between the City of Shelton and Green Mountain Pipeline Services dated September 29, 2008. Further authorize Mayor Mark. A. Lauretti to sign any and all necessary documents. SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

9.6 SALE OF CITY PROPERTY

Alderman Anglace stated, we should take these one at a time.

A. PORTION OF 279 SOUNDVIEW AVENUE

Alderman Anglace stated, I believe we should examine this sale and tonight we are not agreeing to sell it, we are agreeing to examine its sale and proceed with the procedure as it is written.

Mayor Lauretti asked, is there a proposed motion for these items?

Alderman Anglace stated, each one will be different.

Alderman Anglace MOVED to proceed with the Procedure to Sell City Property Ordinance for 9.6A – Portion of 279 Soundview Avenue; SECONDED by Alderman Finn.

Alderman Finn stated, the Ordinance to Sell City Property has been violated on two occasions. First the 8-24 referral came from the Mayor's Office to Planning and Zoning and that vote from Planning and Zoning should be null and void. Shortly thereafter, a letter was sent to the Conservation Commission and Parks and Recreation Commission on behalf of the Board of Aldermen requesting their input on the sale of the property. But we never voted on this issue. Tonight we are finally, as a Board, to take the correct action as outlined by the Ordinance. We have in front of us tonight, it looks like we have placed a for sale sign that the City of Shelton is for sale. First of all, the property on Soundview Avenue, we authorized the final payment in January of 2009 through bonding. In August of 2008 I was concerned about the property being overgrown with the grass, etc. and Assistant Corporation Counsel responded to my concerns, he said the City was under contract to purchase 279 Soundview Avenue but is not scheduled until January 2009. The appraisal indicates that the old farmhouse, garage and outbuildings which appraisal speaks about, demolishing. We have received no requests to sell this property, a portion of the property at 279 Soundview Avenue, as of tonight.

Mayor Lauretti stated, first of all, according to the Charter, the Mayor can ask for an 8-24 referral on anything. On anything. And I have done that on numerous occasions. So I don't know how you want to call that a violation.

Alderman Finn stated, the Ordinance specifies that...

Mayor Lauretti interjected, listen, I have nothing to do with the Ordinance. I asked the Planning and Zoning for an opinion, for an 8-24 referral. It is my right to do that; that is what I have done.

Alderman Finn stated, if you read the Ordinance, it specifically states that the 8-24 referral will come from the Board of Aldermen.

Mayor Lauretti stated, you don't get it; somebody is giving you bad advice again. You just don't understand that I have the right to ask for an 8-24 referral, which I did, totally outside of the Ordinance. What else is there to talk about?

Alderman Anglace stated, an Ordinance does not supersede the Charter.

Alderman Finn stated, I am aware of that Alderman Anglace, thank you.

Alderman Anglace stated, that is your answer. You're saying that the Ordinance takes precedence over the Charter. It doesn't.

Alderman Finn asked, then why do we have it in the Ordinance that we have to follow the procedure for an 8-24 referral. The Ordinance specifically states, "An 8-24 referral will come from the full Board of Aldermen only after we receive a request..."

Alderman Anglace stated, it doesn't say that.

Alderman Finn stated, we have procedures we have to follow. We have steps we have to follow. One said if we wish to sell the property, we vote on it. From there it goes to Conservation and Parks & Recreation. If it comes back to us, if we wish to pursue it, then we request an 8-24 referral from Planning and Zoning. After that, then it comes back to the Board of Aldermen.

Alderman Anglace stated, let me quote to you from the Ordinance. In Section B, "Initial Determination by the Board. If a request is received, the Board of Aldermen, asking the City to sell City-owned real property, and the Board of Aldermen determines that the Board has an interest in selling said property, or if the Board of Aldermen decides to sell City-owned property, the Board shall following the following procedure." We are at the point of doing just that now to determine whether or not we want to sell City-owned property. It is, in my view, prudent for us to go out and put this out and see what it will bring, because we may want to use this money to help pay off some of that cost of

purchasing the rest of the land. And if we hold onto that house we're either going to become landlords again or we have to go through the expense of knocking it down. We can put it back on the tax rolls and use the money to pay off some of the cost of that property. I think that will put us far ahead of the game.

A voice vote was taken and MOTION PASSED 7 Yes, 1 No (Finn).

B. 470 HOWE AVENUE

Alderman Anglace stated, I'm not sure we're ready to move on this yet. I think we'd much rather take a tour of the building and see what it's like. We did get a proposal from the Fire Chief today signifying an interest that they have. I think rather than make a decision tonight to proceed with this, perhaps we should go ahead and decide, but keep our minds open because it's not the final decision. We should take a tour and we should look at the building. We haven't been in there in a long time.

Alderman Finn stated, on 470 Howe Avenue, we all know this has been on the agenda in the past. I can remember the SEDC came in front of the board and urged us to retain the property at that time. I'm not sure what their concerns are at this time. I was not aware until I got here tonight that the Fire Chief also sent a request in for that building. When I sat down this afternoon and wrote down my thoughts, I put down here with the lack of space at City Hall, 470 Howe Avenue would make an excellent location for the Fire Marshal's Office and the Board of Fire Commissioners Office, freeing up space here in City Hall. Like I said, I was unaware that the Fire Chief was writing a letter and his thoughts were similar, but I did not speak to him about it.

Mayor Lauretti stated, I don't understand the rationale of why you can't start the process. This has been on the City discussion table for years on end. If someone is interested in it, all these people can weigh in as this process is moving forward. This isn't going to happen in a couple weeks, this is going to be months, maybe a year before this stuff moves. I don't know why you feel we should hold up on it.

Alderman Anglace stated, we can start the process but I want everybody to know that we should go take a look at it. There's a lot to be discussed.

Alderman Papa stated, we could start the process and we still can look at it. We're not going to hold anything up.

Alderman Anglace stated, and we can still consider the request of the Fire Chief also.

Alderman Anglace MOVED to start the process of Procedure to Sell City Property for 470 Howe Avenue in accordance with Ordinance #839; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 7 Yes, 1 No (Finn).

C. 58 PERRY HILL ROAD

Alderman Anglace MOVED to start the process to sell in accordance with the Sale of City Property Ordinance #839; SECONDED by Alderman Papa.

Alderman Finn stated, as the Board of Aldermen knows, this property had been recently purchased several years ago for the price of around \$500,000 for the home and the acreage that's surrounding it. With the new 5/6 Middle School, with the sale of this property, we'll be land locking the school with no additional land available for any future expansion for educational purposes. You've got the golf course on one side.

Mayor Lauretti stated, land locking the school, that's not physically possible. You've got road frontage on Perry Hill Road that we own, and you've got some rear access to the Mas property. I think there's a portion of the Mas property that abuts it.

Alderman Finn stated, also between the school property and the Mas property is the Highland Golf Course property.

Alderman Anglace stated, the Perry Hill School Building Committee appointed by the Board of Aldermen were the ones, along with the architect and the engineer on the project to determine what land they wanted to go with the school. They could have included this house and this property, but they excluded it specifically. They didn't tell me what they did and why they did it, but they had the opportunity to include it and they excluded it. That and the old classrooms on the other side, they excluded that also. Here is another case where if we were able to sell this thing at a reasonable price that we think is something we want to accept, this could go to cover the cost of some of the other properties that we're buying. We have to try to pay for some of these things and use some of the assets we've got that are underutilized. We've rented this place out; it's nothing but a nightmare. You know that.

Alderman Finn stated, I noticed in the budget this year where you had no source of income coming in for the lease for 58 Perry Hill Road. It was zero, the Mayor's recommendation.

Alderman Anglace stated, it's a nightmare, Jack, because, I don't know if I can tell but we have Counsel working on that. It just didn't work out. The City is not a landlord.

A voice vote was taken and the MOTION PASSED 7 Yes, 1 No (Finn).

D. ACCESS ROAD

Mayor Lauretti asked, do we have a map reference for Access Road? Any motion you make should reference a lot number or a map number.

Alderman Anglace stated, it's not that precise. We're not making a motion to sell, we're making a motion to proceed with the sale of the property in accordance with the Sale of City Property Ordinance.

Mayor Lauretti stated, there at least should be an address number to it; some type of formal identification.

Alderman Anglace stated, it runs from Nells Rock Road to the property line which is of the Crabtree property, which is right here.

Mayor Lauretti asked Assistant Corporation Counsel Sous, do we know what a map number is or an address?

Assistant Corporation Counsel Sous stated, we don't have a map number, I just have a map. Here's a State Highway map when the town acquired the property, and this is the shaded area we're talking about.

Mayor Lauretti stated, they have that in the original maps.

Assistant Corporation Counsel Sous stated, that's the area that's shaded.

Mayor Lauretti asked, what is the address number for Crabtree?

Attorney Dominick Thomas stated, the area of Access Road that is of concern would be the area that borders what is known as 405 Bridgeport Avenue, 12 Nells Rock Road, and 409 Bridgeport Avenue. Those are the parcels that are of concern. The exact dimensions, I can't give you that. It's 409, 405, and I believe a portion of what is known as 12 Nells Rock, actually touches it.

Mayor Lauretti stated, our purposes for tonight, the parcel in question is referenced by the address numbers, and we'll ask the City Engineer to formally identify the property with a map or some type of formal designation.

Attorney Thomas stated, there was a map that was recorded in 1948, I believe, when the City was given. The State took this property by eminent domain and it gave this portion along with other properties and Todd Road, and there's a map recorded. That map could easily be used to identify. I've highlighted it but you don't want my

highlighting. Certainly the Engineer could look at that recorded map and identify the property.

Mayor Lauretti stated, okay. For identification purposes tonight we have a reference. As I said, we'll ask the City Engineer to formally designate its reference.

Alderman Anglace stated, and pass that reference on when we ask Conservation and Recreation for their opinions.

Alderman Finn asked, have we received a formal request to abandon this portion of the roadway?

Mayor Lauretti asked, to abandon? I'm not sure if we've been asked to abandon or not.

Alderman Finn stated, wouldn't you want to go through the process of abandoning the roadway prior to going through the process of selling the roadway?

Mayor Lauretti stated, that could all run concurrently with one another. It doesn't have to be one before the other. That's really not what the motion is. If there's a decision to sell, I think the City Engineer, Planning and Zoning and all the right people will identify what things need to be done to be able to do that.

Alderman Finn asked, has there been any input from DOT regarding Access Road?

Mayor Lauretti replied, I don't know.

Alderman Kudej asked, does this include the paved portion and the grass portion of Access Road – the island of grass in between?

Mayor Lauretti stated, it's the paved portion – whatever the boundary lines are. I don't have all of the official boundaries yet.

Alderman Simonetti stated, neither do I, so I suggest we table it until we have all of that.

Alderman Kudej stated, we should know what's ours and what's not.

Mayor Lauretti stated, I would think the solid lines would designate the property lines. There is a solid line that ends the highway right-of-way. It runs parallel with the dash lines.

Alderman Anglace stated, we need to start the process. If we agree to start the process, we can direct the Mayor or whomever, when they send this over to Recreation and Conservation for their reviews, that they send that map from the City Engineer with it. Then we can answer all of the other questions that come along as this thing goes. All we're doing tonight is starting the process.

Alderman Papa stated, those two commissions are going to ask what property we're talking about.

Mayor Lauretti stated, before they get it the City Engineer will identify it.

Attorney Thomas stated, we have a map that will answer your questions.

Mayor Lauretti stated, then that map will be forwarded to the Commissions that need it.

Alderman Anglace MOVED to start the process to sell in accordance with the Sale of City Property Ordinance #839; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

E. MIDDLE AVENUE

Alderman Anglace MOVED to start the process to sell in accordance with the Sale

of City Property Ordinance #839 for Middle Avenue; SECONDED by Alderman McPherson.

Alderman Finn stated, this property had gone through the process, the Street Committee, to receive an 8-24 referral in the past, and the Street Committee did authorize the abandonment of this roadway. We have a letter from an individual requesting us to sell the property to him.

Alderman Anglace stated, this property was abandoned after 2001.

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

10. - LEGISLATIVE - NEW

10. 1 ITEMS TO PUBLIC HEARING

10.1 A. AMENDMENT TO ORDINANCE #838/521 – USE OF PUBLIC SIDEWALKS AND HIGHWAY RIGHT OF WAY

Alderman Anglace stated, we are not going to submit this to public hearing but submit it to the City Engineer for his review before going any further with it.

No action.

10.2 MEMORANDUM OF UNDERSTANDING BETWEEN CITY AND CONNECTICUT DEPARTMENT OF PUBLIC SAFETY – DIVISION OF STATE POLICE

Alderman Anglace MOVED to approve the following resolution: Be it hereby resolved that Mark A. Lauretti, the Mayor be and herewith authorized to execute a memorandum of understanding on behalf of the City of Shelton with the Connecticut Department of Public Safety, Division of State Police for participation in the Connecticut Law Enforcement Data Exchange (CLEDES). Further, be it resolved that the City of Shelton hereby adopts as its policy to support the nondiscrimination agreements and warranties required under Connecticut General Statutes 4a-60(a)(1) and 4a-60a(a)(1), as amended in State of Connecticut Public Act 07-245 and sections 9(a)(1) and 10(a)(1) and Public Act 07-142. Further authorize Chief Joel Hurliman and Mayor Mark A. Lauretti to sign any and all documents and effectuate the agreement as required by memorandum; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

10.3 YANKEE GAS LICENSE AGREEMENT – MUNICIPAL PARKING LOT

Mayor Lauretti stated, I don't think we're ready for this item tonight; we'll take it up at a special meeting. No action.

10.4 LEASE AGREEMENT RENEWAL – BOY SCOUT, TROOP 28

Alderman Anglace MOVED to authorize Mayor Mark Lauretti to sign the License Agreement with the Boy Scouts of America, Troop 28, whereas the City wishes to permit the Boy Scouts to gain access and utilize the property know as the Nike Site Apartment in order to provide scouting facilities for an additional one year term; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

10.5 APPOINTMENTS TO THE BOARD OF BUILDING APPEALS

Alderman Anglace MOVED to appoint the following people to the Board of Building Appeals effective immediately: Gregory G. Glover – R, 240 Leavenworth Road, Shelton and Mike D'Amico – D, 11 Bristol Drive, Shelton; SECONDED by Alderman Simonetti.

Alderman Anglace stated, Mr. Glover is a plumber; Mr. D'Amico is an electrician. We still need more appointments, so keep recruiting.

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

10.6 AGREEMENT BETWEEN CITY AND EXCAVATION TECHNOLOGIES, INC. REGARDING SUNSET RIDGE

Alderman Anglace MOVED to approve agreement between Excavation Technologies, Inc. Dominick Thomas Jr. and the City of Shelton regarding Sunset Ridge, Shelton, Connecticut with no funding to come from the City of Shelton; and further authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement; SECONDED by Alderman Simonetti.

Alderman Papa asked, where is Sunset Ridge?

Corporation Counsel Welch explained, Sunset Ridge Subdivision is Whippoorwill Drive. It's the side next to Bob Lally's.

Alderman Finn stated, this has been ongoing for five years and I'm glad to see it finally coming to closure. The residents on the street have been complaining about the washouts on their property. Now with both attorneys wanting to move forward on this, is there any reason why they are moving forward in the rainy season until waiting until May or June?

Assistant Corporation Counsel Sous stated, I believe it's a matter of timing – they couldn't do it in the winter season, and this is the time – there have been preconstruction meetings this week, all parties are onboard – the City Engineer the other boards and commissions. Basically this is when the people are available and can come and do it. It's been ongoing discussions with the State on this too. They can start, I believe, next week, subject to the Mayor signing.

Alderman Anglace stated, I think it's a very positive step in the right direction.

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

10.7 LICENSE AGREEMENT – JOHN PAUL DEVELOPMENT LLC.

Alderman Anglace MOVED to approve the license agreement between the City of Shelton and John Paul Development LLC, regarding City property adjacent to Aspen Ridge which area is specified as Exhibit A of said agreement subject to favorable Planning and Zoning approval on an 8-24 referral and on the plan; and further authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement; SECONDED by Alderman Papa.

Alderman Finn stated, just a comment. The condos probably should never have been constructed in the first place, the City of Shelton should have purchased that for open space so we'd have open space along the whole length of the Far Mill River in that area.

Mayor Lauretti stated, we do have open space up there and we do have an easement across it.

A voice vote was taken and the MOTION PASSED 7 Yes, 1 No (Finn).

10.8 COMMUNITY GARDENS

Alderman Anglace stated, I just wanted to make the board aware of a number of issues to think about. Whether or not community gardens is a good idea to begin with, and what City property would be suitable. Remember – you would need parking. What site preparation work is required? Who is going to do it? What would be the cost to the City? Who will manage, oversee and assign garden space? Can it be done in time for the 2009 growing season? I don't think so. Do not see this as a high City priority. We'd need volunteer assistance to make it happen. Just discussion, get thinking about it and we'll talk again some time in the future.

Alderman Finn stated, we should probably take into consideration what properties we have that would have the water successful to those who have the gardens. Without the water, you're not going to grow anything.

Alderman Anglace stated, we'll need water, fencing...

Alderman Finn stated, you probably should also turn the soil, take a sample and send it to UConn and they can tell us if it's suitable for planting.

No action.

10.9 RENEWAL OF LEASE – CENTER AND HOWE

Alderman Anglace stated, at the beginning of the meeting I passed out a letter that we received today. Currently that lot consists of a small park, and next to it is parking for about 15 cars or so. The current lease is \$400 a month. The proposed lease is \$800 a month, \$9,600 a year, plus the owner wants us to pay retroactive to August 2007 at the rate of \$800 a month, where we've been paying \$400.

Mayor Lauretti stated, the question is, is anyone interested in paying \$800 a month to lease that corner?

Alderman Kudej asked, do the owners pay taxes on that or do we give it to them tax-free?

Mayor Lauretti stated no, they pay taxes.

Alderman McPherson asked, is this something that we can renegotiate?

Alderman Anglace stated, if you read the letter, it doesn't appear that it's negotiable. The letter states that the current owner, Ralph Sylvester, who lives in Milford and owns it now, has owned it since August of 2008. He said back then and he wants now, us to go back and pay him. He wants \$800 a month. Personally, I'd thank him for what he's done so far and just let it go; let the lease expire.

Mayor Lauretti stated, the lease has expired. We've been paying him the old rate pending a final decision from the Board.

Alderman Finn asked, have we sat down and tried to negotiate with Mr. Sylvester?

Mayor Lauretti replied, yes.

Alderman Finn asked, and he still wants \$800?

Mayor Lauretti stated, yes, but that doesn't mean we can't come back with a counter offer. What is the Board's desire? If someone from the Board wants to make a suggestion about what the monthly rent should be, put it in the form of a motion and I'll bring it back to him, or we'll let it go.

Alderman Simonetti asked, who is maintaining that property at this time?

Mayor Lauretti stated, the City has been.

Alderman Simonetti stated, we're doing the property management, cleaning, planting, cutting the grass, benches.

Mayor Lauretti stated, we made an initial investment to make the corner presentable. We put in some parking, some fencing. It's all redone.

Alderman Simonetti stated, he is inheriting our good work.

Mayor Lauretti stated, that was our choice; we decided to do that.

Alderman Kudej stated, he pays liability insurance on that, the taxes, and we pay him \$400 a month. That is awfully cheap if he has to pay taxes and liability insurance. The parking area behind it is utilized by our business merchants. We take that away and it may affect the businesses.

Alderman Anglace stated, we're talking 15 spots that are currently provided by the City which private individuals could purchase that or they could pick up the space and they could pay for it. If you go down there on any given day and check to see who uses the lot you'll find it's pretty much only a couple of businesses.

Alderman Simonetti asked, the parking lot belongs to the City; the other piece of property belongs to Sylvester?

Alderman Kudej stated, the whole property belongs to Sylvester.

Mayor Lauretti asked, does anybody want to make a counter offer? \$500? \$600? I'm looking for a consensus that I could go back to him and say, hey, here's the number that the Board is willing to do. Is \$600 something that the Board would go for? How about \$650? I don't want to be going back and forth.

Alderman Anglace stated, to be honest, I received the letter today. I haven't looked back to see when this lease started, how long we've been paying them \$400. That might go back five or 10 years. That would change my view as to what it is worth in today's dollars. I'll go along with the \$600 – that's fine.

Alderman Simonetti stated, I don't want to see any retroactive payments.

Alderman Kudej stated, if you were the owner, and you had to pay taxes, and you had to pay insurance and everything else, I mean, what is proper? He's making it convenient for the business owners.

Mayor Lauretti stated, I will take that number back to him and we'll put it on the agenda for the next time we meet. No action is required.

10.10 AMENDMENT NO. 4 - SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS AND HUNTINGTON AREA I/I AND SSES PROGRAM

Alderman Anglace MOVED to approve Amendment No. 4 to the Engineering Services Agreement by and between the City of Shelton and the Maguire Group Inc. in the amount of \$17,000 for overall design and bid services associated with the Phase 2 Construction of Sanitary Sewer Collection System Improvements and Huntington Area I/I and SSES Program. Funding to come from the Wastewater Collection Systems Referendum Bond; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

11 EXECUTIVE SESSION

At approximately 8:40 p.m., Alderman Farrell MOVED to enter Executive Session to discuss the following items:

11.1 MILLS LITIGATION

11.2 CITY OF SHELTON V. PAGLIARO

11.3 SOSNOFF LITIGATION

and invited Mayor Mark A. Lauretti and Corporation Counsel Thomas Welch to remain in the auditorium; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

RETURN TO REGULAR SESSION

At approximately 8:49 p.m., Alderman Papa MOVED to return to regular session; SECONDED by Alderman Farrell. A voice vote was taken and the MOTION PASSED 8-0.

Alderman Anglace noted that there were no votes taken in Executive Session.

ADJOURNMENT

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

The meeting adjourned at approximately 8:50 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

DATE APPROVED: _____ BY: _____
Mark A. Lauretti
Mayor, City of Shelton