



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
FULL BOARD MEETING MINUTES
THURSDAY, APRIL 8, 2010

Call to Order / Pledge of Allegiance

Aldermanic President John Anglace called the meeting of the Board of Aldermen to order at 7:01 p.m. All those present rose and pledged allegiance to the flag.

Roll Call

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

Administration:

Assistant Corporation Counsel Ramon Sous
Mayor Mark A. Lauretti (arrived at 7:30)
Administration Assistant Thomas Taylor

There was a quorum present.

Agenda Items

PUBLIC SESSION

Alderman Anglace asked if any member of the public wished to address the Board.

**Attorney Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT
Representing Clients With Property Abutting Middle Avenue**

I represent for this purpose three of the landowners that abut Middle Avenue, John Beldon, Michael Salemme and JNT Associates, which is John and Nancy Todice. I've spoken to you before about this and you went out to bid, obviously there were no bids for this piece of property. This piece of property is the extension of Middle Avenue that you discontinued in 2001. It is my understanding from speaking with representatives that you are now considering actually giving it over to a realtor. I'm going to say somewhat the same thing that I said before. I don't believe that your ordinance has any place in selling this kind of city property as a spite strip, which is what you are doing. This property, the abutting owners have asked to sit down and work it out because that is the

only people who should be getting this property. There is no reason for the city to maintain it. It is a 50-foot wide by 300-foot wide strip. One of the property owners has the great fear that you are going to sell it to someone who is going to try to go to ZBA and build a house on this strip. Mr. Todice needs it solely for the purpose of adding square footage so he can remove the variances that he's already gotten. Mr. Salemme is going to have to end up suing the city, because you are stopping him, because when this was discontinued it was supposed to be with his permission. He gave permission for it to be discontinued and when he went to get a permit for a driveway to build one house on the two lots that he owned he was told by the city engineer, "I'm sorry, you can't have it because you don't own a 20-foot strip on a city road because we just discontinued it." He has a statutory right. Now I appreciate your efforts to try and increase my ability to bill my clients but I'd rather we sat down and worked this out. The bottom line is, you ought to know this, the state also sells property. The state has a policy that they will never sell nonzonal property to anyone other than an abutter. Because selling nonzonal, meaning a property that of its own cannot be used for zoning purposes to a person who is not an abutter is creating a spite strip and the state has a policy against it and you should have a policy against it. Sitting down with these people and talking to them. They were willing to make a modest offer because the (inaudible) has to at least cover the expenses of doing an appraisal. Your ordinance has meaning, has benefit when you are selling something like the Soundview Avenue property, when you are selling something like the old police station. Those pieces of property which are zonal and usable are salable under your ordinance. Former roads which have been discontinued, which have no zoning ability whatsoever you should adopt the same policy as the state and either give them to the abutter because there is no benefit or if it does increase the abutter's value, do it. And of course, the other issue you have to address and I've said this before and your ordinance requires someone to have 20 feet on a public road is a confiscatory ordinance and it's applicable here with respect to the Salemme property and I've asked you again and again to consider it because at some point you are going to end off with litigation over that issue. I'm more than willing, with the people that I represent to sit down either with Corporation Counsel or Assistant Corporation Counsel and propose drafts to address the concerns that the city has and yet still protect the rights of the property owners.

Jennifer Recker, Rolling Brook Lane

Hello, my name is Jennifer Recker and I live on Rolling Brook Lane in the fourth ward and I'm one of the founding members of YES which stands for Yes to Education in Shelton. I have five children. The three oldest are elementary students in the Shelton Public School system and I have to tell you I am so pleased with the education they are receiving here in Shelton. The math and the reading curriculums are fantastic but I am most impressed with the writing curriculum. My children love school but I have to tell you right now that I am scared about next year. The school experience that my children have now will be drastically different in the fall if the Board of Education's budget is not funded. With all of the proposed teacher layoffs the class sizes will obviously increase. This problem will be further compounded by the elimination or the reduction of Special Education and Reading tutors. The classroom teacher, now with a larger class, will have to carve out classroom time who no longer have the aid of a tutor. The regular students

are going to suffer as well as the students with special needs. To me this is a recipe for disaster. Without a doubt, standardized test scores which are one of measurements of the success of education in Shelton will decline. Recently Business Week Magazine voted Shelton the "Best Affordable Suburb in America of 2010." Some of the criteria used by the magazine were livability, safety, economic performance and of course, education. This is something we all should definitely be proud of. I went to the Business Week website last night to look up the article and now it states the following: "while the Shelton School District has recently faced budget issues, its students perform better than the state average in 2008-2009 according to the district's No Child Left Behind Report." I didn't see the article when it first came out so I don't know if the article originally mentioned our budget issues but if Business Week was unaware of our budget issues at the time of print I wonder if Shelton would still be voted the "Best Affordable Suburb in Connecticut." We have a great thing going here right now in our educational system. If all of these cuts are made it's going to cost a lot more than a few million dollars to get us back on track in the future. My husband and I feel that giving our children the best education is one of the highest priorities and as you look around the room you'll see many people here with our YES stickers and I know that for all of them education is a priority too. We really hope that you can find a way to give the Board of Education the funding that they are requesting. My husband and I love the community in Shelton and as I said before we are very happy with the schools as they are today. So please, be creative and find a way to fund the Board of Education's request and continue to give the citizens of Shelton the education that they deserve.

Alderman Anglace stated, I'd like to ask you a favor before we go on. I don't think it's going to impress us one way or another whether you applaud or don't applaud. It would help us get through this meeting a little faster if you don't applaud. So, I'd appreciate it if you wouldn't applaud. That would be a real help to us. We will listen to you. Don't worry, we'll get to everybody.

Kate Kutash, 275 Beardsley Road

I am sure by this point, most of you know who I am. I have two daughters, one of whom is about to graduate from college and one is a graduating senior from Shelton High School. I have been very active in PTA at all levels, a member of the band parents and most recently as an elected member of the Board of Education. I know that tonight is not the public hearing on the budget but I feel I need to make my concerns heard as I cannot attend the public hearing on the 27th and I know you have several workshops between now and then. It frightens me to think of the effect on Shelton Public Schools if the current budget recommendation becomes a reality. As a member of the Board of Education I don't know what I can say to convince you that the budget presented to you by the Board of Education is as bare bones as it can get. I have sat through countless finance and other committee meetings and it angers me to hear the Board of Education accused of mismanaged funds. Any fiscal difficulty we may be in is due to state cutbacks of funds we expected when the budget was set last year, well before the economy went south, as well as due to a dramatic increase in special education costs for new and outplaced students. People can point fingers all they want about the cost of the renovation to Ripton School to accommodate the Board of Education, contracts that

were negotiated several years ago or unoccupied bus seats or lights turned on at a building site where we are not yet paying for the electricity. That is all water under the bridge, we are talking about the cost of funding education in Shelton next year, not what is past, over and done. Frankly, I am frightened about what a \$3 million dollar plus budget cut will do to the quality of education in Shelton Public Schools. I am already hearing about students taking the test for Fairfield Prep and St. Joe's so they can participate in sports and extracurricular activities. When our new superintendent talks about cutting sports and extracurricular activities, as well as guidance counselors and other staff, it is not a scare tactic as so many seem to think. He is in the business of teaching and learning and I feel he will indeed cut what he says he will. As a parent, I fear for the future students of Shelton. As I have said in the past, the BOE budget may be around 60 percent of the city's budget, but the students of Shelton are 100 percent of Shelton's future. I know you will all remember the commercial "This is your brain, this is your brain on drugs." Well this is my 18 year old's high school resume that she sent with every college and scholarship application. And this is my daughter's resume on the drugs of a budget cut. Gone are all the extracurricular activities, the marching band, and the awards she earned as a result of her involvements. All that are left are her community related activities. And without the guidance counselor who encouraged her as so many others are encouraged, so too would the community activities disappear. As a matter of fact the reason I cannot attend the hearing on the 27th is that she is receiving an award that evening from the Connecticut Association of Schools for Excellence in the Arts, a direct result of her involvement in music in the Shelton Public Schools. This resume, as well as the quality education and the challenging AP courses Sarah challenged herself with, are responsible for her acceptance to the music program at the University of Delaware, a highly competitive school. It is as a result of Marching Band, her role as a drum major, and her music classes over the last eight years that Sarah found her life's profession, to be an instrumental music teacher. It is as a result of my older daughter's involvement in DECA at Shelton High School that she discovered her passion for the marketing field where she has earned honors and awards all through college. Education dollars fund a lot more than education they help create dreams. Where would I, or my children have been without the guidance counselor that steered us through high school and the college application process? Guidance counselors are stretched so thin now and so hard to grab five minutes with, that I cannot even imagine what next year's seniors and their parents will have to deal with as they try to tackle the college application process. Now is the time of the year when the high school guidance counselors are not only trying to get everyone enrolled in next year's courses, if indeed those course will be offered, but kids like my daughter arrive on April 30th with scholarship applications and essays with a May 1 deadline. I frankly don't know how they do it now. I have received as have you, countless letters from parents whose students would not be continuing to attend school without the help of guidance counselors and social workers who helped them through anxiety, family, bereavement, incest, abuse and multiple other life crises that can interfere with a child's ability to concentrate and get an education. I implore you to grant the Board of Education's full budget request. The cuts recommended by the mayor may be a means of trying to get us to do more with less, to tighten our belts, but it is only tightening the noose on the quality of education in Shelton.

Nicole Cordez, 31 Copper Penny Lane

First I would actually like to thank you, this board and every elected board in the city for all the time that you give volunteering to run the city. I know that it takes a lot of your time and I really do appreciate it. I'm big with PTA and all volunteering for all the activities of my kids so I appreciate what you do and the time that it takes to do that. I know that this budget process is not easy for anyone and I know that and I know that there has to be checks and balances in the system and I appreciate that and I trust that the decisions that everyone makes are done with Shelton citizens in mind. So as you begin the debating process over the city budget I ask you tonight to please fully fund the Board of Education budget. The only increase they are asking for is to cover contractual obligations and special education costs that are mandated. And yes, we are all on the same page when it comes to how the state and federal government handles the special education mandates. We can't argue that, we're not going to fix that this year at least. The contractual obligations for our teacher's salaries whether you agree with them or not, this board was part of that discussion and those contracts. You knew about them three years ago when you agreed to them. Members of this board sat in on those negotiations, as I understand it. The mayor has been aware of those. To now not fund that obligation is completely irresponsible and a true disservice to not only the taxpayers of Shelton but most importantly to the children of our community. The Board of Education is legally obligated to pay those salaries and if you don't fund them then other services to the children have to be cut. To my knowledge the mayor has not proposed cuts to any other contractually obligated salary increases nor has he proposed any other city layoffs. Why should the Board of Education employees be so harshly affected? I know your response is going to be that you give the Board of Education a lump sum of money and how they use it is up to them but the Superintendent has already proposed \$4 million dollars in cuts. There is nothing left to cut. As a Shelton taxpayer for the past eight years and with two children in the public school system I have been extremely pleased with all the services they have received to date. I would really like to see this town put an emphasis on education. I don't believe this board has ever, in the eight years I've been here, they've never fully funded the Board of Education. The Board of Education has made cuts year after year after year. The only big increases have been through referendums where the taxpayers have always approved them. We've approved Perry Hill, the High School renovation, Booth Hill School renovation, the technology referendum, the new intermediate referendum. They've all passed. Those are the only major improvements that we've seen in education since I've been here. There's nothing left to cut in my opinion. Shelton residents, as you can see, we believe in education and we want to make it better. We are really tired of accepting zero. Thank you.

Jason (inaudible), Surrey Drive

It's nice that the people from YES are hear, speaking on my behalf, the student's behalf but really the reason I'm here is because I'm the first person who is going to be affected by this. I'm a junior. I'm going to start applying for colleges in the fall. Who is going to look to them when I have three years of pretty much everything I've done. I've been on the track team since freshman year. I've played soccer for two years. I run cross country now. I'm the captain. And then my senior year they are going to look at it and go 'what

happened?' There's nothing there. I know that this is a big deal across the nation but not all the people are gonna know about this. I didn't come from Shelton. I moved here when I was about seven or eight. My dad picked this town out for two reasons. It had a quality education system and low taxes and the education system is what's important here. The taxes are low but there's not really a reason. Hold on, I need to gather my thoughts. The increases needed to save this education system and the way it is now and the way that its going to affect everyone would not make the taxes sky high. On a college resume extracurricular activities are needed. For three years I haven't known what I wanted to do with my life. I've gone through every elective the school has to offer and now I feel like I want to go into science or chemistry. I want to be a biochemist but I helped organize a (inaudible) chemistry class for the first time in like four years and now with the budget cuts they are probably not going to offer that class. It's a small class, that's why it hasn't been offered. And when I finally get enough people for the class there's not going to be a chemistry teacher. They cut science teachers and I don't think there is going to be one left. When it comes to sports I mean, I bet all the other athletes have lost hope at this point. If you went to the Board of Education meeting, not sure if any of you were there, hundreds of people showed up. The entire softball team, the entire soccer team, the entire track team, swim team. Everyone was there to show their support. And when the Board of Education voted no, or voted against the, or however it works, a lot of people just got depressed. I see people walking around the hallways saying 'now what, I don't know how I am going to survive.' People are talking about trying to find other travel teams which I suppose is like a high school sport but it's way too expensive, way too much of a pain. From the high school it's convenient for everyone. The baseball team they come to the high school, they play baseball. They get rides to the school. They get to do it with their friends. A travel team, I know when I played soccer, the closest Premiere league, which is the highest league was all the way up in Avon. Living in Shelton to go to Avon to play soccer, that's 40 -50 minute drive daily to get to practice. They don't get to practice they don't play. If you don't get to practice every day on time then they are just going to ride the bench. Some of those are really talented kids. I know for a fact that six or seven of them are going to go on to playing college sports. Maybe even (inaudible) soccer. Then if they ride the bench on a premier team, how are they supposed to realize those dreams? Even running. You think it'd be a highly individual sports. I came from track practice today, we ran as a team, we together as a team, we got lectured as a team, that's irrelevant right now. And without each other I wouldn't be improving. Without each other (inaudible) wouldn't be improving. He's the number one right now. Without each other Nick Douglas wouldn't be improving. These kids are all qualifying on a state level. The girls are going to meet today. A few of them went to nationals for indoor track. They are running on a national level. They are recognized. Shelton is being recognized on a national level for athletics and there must be a way to save it. And as you said, News Weekly marked us up as the number one place to live, without education we're aren't going to be there, without athletics, that's another way we are being recognized on a national level. Without that we are just another town in America when we could be so much better. We are so much better. Thank you for your time.

Anne Keane, 2 Naugatuck Avenue

Good evening Mr. Chairman and members of the board. I've lived and worked in Shelton for 14 years. My 13-year-old daughter currently attends SIS and I'm a member of the executive board SIS PTO. I have also been actively involved in my daughter's travel soccer team for SYSO for the past two years. When my husband and I were looking to purchase our first home in 1994 we made a conscious decision to move to Shelton due to affordability, low crime ratings, school system rankings and general quality of life offered by residing in Shelton. The recent Business Week article that ranked Shelton as the Best Affordable Suburb to Live Within Connecticut validates these qualities. It's horrible to think what will happen to our school system and our children if the Board of Education budget as proposed isn't fully funded. The elimination of sports and extracurricular activities and additional reductions in school staffing levels will cause significant harm to our children. We need to put our children first. They are our future and it is our responsibility to educate them and ensure that they will be able to compete in a global economy as they move into the adult phase of their lives. Shelton is also currently lagging behind five other neighboring school systems in spending per student and in fact we are dead last. This is unacceptable and we will lag even further behind if the Board of Education budget is not funded as requested. Researchers found that reduced levels of education, support systems or limitation or full elimination of extracurricular activities is detrimental to children and the community. I'd like to cite a couple of examples. According to the U.S. Census Bureau about 75% of 12-17 year old children who participated in extracurricular activities are on track academically versus 60 percent of children in the same age groups who did not participate in such activities. A study by the Correctional Education Association found that well-rounded education reduces crime. The Surgeon General and Center for Disease Control include sports as recommended activities for children for multiple health reasons. Also the social and emotional benefits include learning the skills and goals set and self discipline to do the work to meet those goals: cooperation and teamwork, how to handle defeat, and victory and acceptable manners. They learn how to deal with unfair coaches or officials who will mirror unfair bosses, clients or military commanders in adult life. Achieving goals and finding success will instill pride, self-confidence and self-esteem in our children. Extracurricular activities also reduce a role in drug and alcohol abuse and irresponsibly sexual activity in older children and teens, especially those who would otherwise be on their own after school. It's not only away of keeping the kids busy but it's the self esteem and sense of purpose children can get from serious involvement in extracurricular activities and help raise the aspirations and give them a reason to say no to risky behavior. Researchers have known for decades that rising education levels influence a host of social factors, their health, their income, their activity in their local government, and the likelihood that a person will not wind up in jail. U.S. Surgeon General reported in 2000 that children's mental health estimates that 1 in 5 children in adolescence will experience some type of a mental health problem during their school years. These issues vary in severity but approximately 70 percent of those who need treatment will not receive appropriate mental health services. Failure to address children's mental health is linked to poor academic performance, behavior problems, school violence, dropping out, substance abuse, special education referral, suicide and criminal activity. These effects may be seen in our children if the proposed cut of guidance counselors is

implemented. The Board of Education has consistently received little to no increase from city government while the required expenses of unfunded mandates is born solely upon the shoulders of the Board of Education. Every year the city received education cost sharing money from the state and this money is not given to the Board of Education to assist in offsetting their sky rocketing expenditures relative to these unfounded mandates. If the Board of Education is not fully funded the following could occur making Shelton less than desirable to new residents and businesses: unemployment numbers will increase, crime rates will increase, foreclosures will increase, school ratings will decrease, and so will revenues of Shelton businesses. If we have the lowest mill rate in Fairfield County and if our schools are below par how are we ever going to attract new homebuyers and businesses? Shelton is a wonderful community and I'm proud to say I live here. We need to address the education budget as a community and we need to look at the budget as a community. If all city departments were to look at their budgets and determine what items could be removed, positions that could be reduced or eliminated, that would be of assistance. The city has budget surplus that could be utilized to offset the potential deficit and I know it's been called the rainy day fund but I think of late we've had a monsoon in Connecticut and in Shelton. Nominal tax increases to an already low mill rate would help to assist in mitigating the budget deficit without significantly impacting our taxpayers. Although some of these items may have been proposed and shot down previously they should be readdressed. It is vital to our city, our children, our state and our nation's future to make sure that we prepare our children sufficiently for the life they will lead once they leave our school system. It is imperative that the Board of Education and the aldermen leave no stone unturned in searching for a way to fund the Education budget. The budget as proposed by the Board of Education must be fully funded. Thank you for your time.

(Mayor Lauretti arrived at 7:30 p.m.)

Linda Brickett, Bridgeport Avenue

Mayor Lauretti has said his proposed budget is both adequate and responsible. It will allow Shelton to continue its economic growth and high quality of life. That's wonderful. But what about of education for Shelton students? The laying off of teachers, guidance counselors and tutors will have a negative effect on our children especially in the early grade levels. If someone doesn't have the basic skills of reading, math, spelling it can never be made up without one- on-one help. You can say that it is then the parents' responsibility to see that their child gets the extra help. That's fine if you can afford to pay for private tutoring. I volunteer at my child's school and I see the number of children who are currently receiving help from the reading tutors. Sadly for a lot of these kids this is the only extra help they get. Teachers are going to have classes with 27 to 30 kids. Are the teachers going to have the one-on-one time for the students who need it? The tutors will be gone. What is going to happen to these children if the layoffs occur? These kids are going to be passed along every year without being able to read or write on the proper level. Shelton's youth need all the leaders involved in this process. I am here to ask you to put aside whether you are Republican or Democrat put aside personal feelings you might have against someone and work together on a solution that will not decimate Shelton schools but will support our students. What a wonderful example and

learning experience this would be for our children and some adults. Colleges look not only at grades but how much a student is involved in his school and community. Why would a teenager want to be involved or contribute to a community that won't invest in their future? It is the opinion of some on the taxation board that families looking to move to this area will pick Shelton because of the low taxes. Well, that may be the first thing that catches their attention. The next thing they will look at is the school district. If it is below par with overcrowded classrooms, no sports, no extracurricular activities you won't have families looking to move into Shelton you will have families looking to move out. We have all heard 'do more with less', that's fine when the less you are talking about is material things but when the less is the quality of Shelton's educational system is not acceptable. Thank you.

Michael Kamiski, 5 Bona Vista Terrace

I'd like to echo what Nicole said and thank you for your time and your long service to this town. I did not come here expecting that we would have a chance to talk but that's okay because I haven't prepared a speech yet and I seem to have done okay. Paul has autism and this may be a little bit of a repeat for some of those who have been here before but I don't recall having seen any of you, maybe Mr. Finn possibly at one of the previous meetings. I came in here like a firebrand and really ripped into the Board of Education and just like most of these parents said, "We need the money. We need the education. We need it now." And I have done, I guess, as much and more research and looked into this as much as anybody has. I've read the entire budget to the point where I met with one of the members of the Board of A&T several days after I received that budget at a meeting and I pointed some things out to her that even she didn't know were on the budget, which shocked me as somebody who approved that budget didn't know as much as me. I've met with Mayor Lauretti. I've talked with Jack Finn. I've met with members of the Board of Education. I've looked through this document here. I'm meeting with the superintendent of schools on Tuesday. Now I realize that everyone on this YES team looks and says our children need education and I agree with that. I've been to a PPT and an IEP with my son and I've seen first hand the battles with the City of Shelton through them in the education system. I've been lied to a point where I had to go out and hire an advocate at my own cost, \$1,300 out of my own pocket and as soon as I did that, Mary Bruno who was head of Special Education at the time rolled right over and hired her to service my son for a number of years until we no longer needed that service but I learned a lot, got a lot of good ideas out of that and I'm the only one who can come here with an autistic son and he can sit through a meeting. So I'm kind of a spokesperson for all the people who have children on the PPEP spectrum. So, what I'm trying to say is that there are two sides to this issue. Now, there's a long term solution that there is a tremendous amount of waste in the Board of Education. I don't know anybody who has a job that is getting a five percent increase even three years ago. I wish my wife had a job where she was getting a five and half percent increase. I'm on social security disability. I got zero percent this year. I don't know about the rest of these people here but I guarantee none of them are getting five percent two years ago or three years ago before the economic crisis. And I'll bet you none of you were getting that yet you negotiated a contract with the teachers. To me that's complete idiocy. On the other hand we have the issue that's going on right now. And that's a crisis. To me 4.9 mill increase, we still have

the lowest taxes and that works out, we were told, at the last meeting of A&T to \$135 per household, if your house, and I don't know if this is correct, but I was told by a member of A&T that is for a house assessed at \$350,000. I sat here and figured that out at the last meeting. That's \$11.21 per household, that's less than a large pizza per month. I don't know about you but I can certainly do without one less large pizza a month. So, we've got to look at this two ways and with all due respect to Kate Kutash, to give someone a 5.5 percent increase, when these teachers are making \$80,000 a lot of them is absurd. When their next contract comes up they certainly should be looking in the neighborhood of 1 percent if they are lucky. I know many people who haven't had a raise in two years. So, we've got to look at that long term aspect of it but we also have to look at the immediate ramifications of what's going on. Are we just going to take an ax, because the Board of Education has done many things that are wrong, are we going to punish the children right now to make an example of what the Board of Education has done wrong. I'm going to give you an example of one thing and I hope you give me the time to just get through this. When Ripton School was closed we were told that the PJ against the state case mandated that Ripton School was closed and that children like my son, any special education children, had to be forced into an 80/20 percent inclusion into a typical classroom and just for your record Jen, the politically correct term is typical not regular in a society that's so sensitive. And now he is put in there, and I was worried about it, I didn't want him out of Ripton, and he's thrives in that. He saw the peers that he should see and their behavior and that was great. He was about 77/78 percent. So now because of all the cuts to people making less money which is about 20 percent going to be cut and you only cut one administrator in the Board of Education out of 25 which is 4 percent. He's going to be cut down to 53 percent. Now I don't know how that's going to affect him being pulled out of the class 47 percent of the time and he's only one student but that's going across the board for 4 to 500 special education children and everyone one of them is going to be affected in different ways. So I just want to make that point for every other special education student parent who can't bring their son or can't make it here because their child and their behavior doesn't allow them to stand here and speak. I thank you for your time.

Kathleen Schiff, 60 Little Fox Run

Good evening. I wasn't planning on standing up but I feel called to speak on behalf of our three sons who are currently attending Elisabeth Shelton, Shelton Intermediate, and Shelton High School. I am very fortunate that are kids academically seem to excel based on the environments they are exposed to with the monies that have spent over the years. I believe Mayor Lauretti that is critical that you really really think about this, as you do with beautifying our city and all the developments that are lovely and the new hotels, put the same heart into the kids education and their extracurricular activities. I believe you are an athlete and you must have been in high school and college. With obesity out of control in this country and children with, as another mom had said, maybe there's no one home, parents are working, their kids need these outlets. It's social, it's healthy and our children enjoy them and they tend to do better academically because their days are so rigidly planned. They take pride in their academics, their athletics, as well as their social lives. So please, I know the money is there, and it has been stated, I'm not sure what all your beliefs are but you can't take it with you. Do not just squelch and...I don't

know the right words because I didn't plan this...but I've been fighting for years for overcrowded schools, redistricting, and now we are here just begging for the money. I know the money is there, let's try to spread it across the board and I'm not saying it all go to the Board of Education but really really think about it. Thank you.

Alexandria Long, 7 Walnut Tree Hill Road

I am really glad that the mayor is smiling because I hope you do have a thick skin. On February 22nd Mayor Lauretti you presented your budget with several statements which I think need rebuttal. While no one can disagree that our economic slump has been tough you are unwittingly perpetuating a hopelessness in a time when hope is one of our best assets. Without motivation and hope how do we grow and rebound in this economy? In fact, on March 25th, a few weeks after your address, and when you presented the budget, citing the continuing dire future of the economy the Connecticut Department of Labor released their monthly report on unemployment that contained this optimistic statement: certain indicators suggest small but promising signals that the economic tide is beginning to change in our state. Mayor Lauretti, you explained in your budget by saying, while Shelton continues to lead the way in economic growth we too are feeling the effects of a stagnate economy. Our grand list saw a one percent increase this year which was down 2 percent from last year. Many Connecticut cities or towns have had a zero growth or they have lost ground. We on the other hand have taxable property that is worth more this year than the last. We gave the town more tax money but we are spending less of it because we are seeing that other people aren't doing as well as we did. Mayor Lauretti, you went on to say that we must be guarded in the way we spend out money and I do agree with you. I really do. We should be guarded with our money but the budget change should be more focused and balanced across the city. You concluded by telling us that the budget was both adequate and responsible because it would allow Shelton to continue its economic growth and high quality of life. That's only a half truth, I'm sorry. It may contribute to our economic growth but it guts our public school which makes in neither adequate nor responsible. And even if I didn't have the vested interest of two children in the lower elementary school I would have had a tough time accepting your slashing of the 3.5 million from the school budget. There will be educational ramifications to these cuts. One of my biggest fears is the fact that it is most downplayed. It is my fear that the larger class sizes in the elementary school the children will not perform as well. Most people don't relate to this as strongly as the parents of kids with special needs who are losing tutors and tutor time or highschool students who wonder what they are going to do without their school psychologist or athletics or to all of us who are losing our media specialists for the people who are leading the way in emerging technologies. But it is my fear, and it should be your fear too, with the loss of so many certified specialists, the average class size will swell from between 20-22 in a class to 26-28 students. That doesn't trouble a lot of people but it makes my palms sweat. This is almost a 30 percent larger class and I know this is a bad idea. I base this not only on my own evidence as substitute teach in the Shelton Public Schools but I also base it on the U.S. Department of Education findings. Eric Rodeland in ASCD in a briefing in 1998 wrote about reducing class sizes. Among the benefits increased student achievement, fewer discipline referrals, more personalized attention to students, higher teacher morale and more time for teachers to focus on instruction rather than

classroom management. Again my only experience can confirm this. I truly believe more time will be spent on behavior modification than on the curriculum. U.S. Department of Education in 1999 maintained that at the fourth grade level and below low student teacher ratios have positively related to higher mathematics achievement. In the same study smaller sized classrooms substantially outperformed larger sized classes on both standardized tests and curriculum-based tests and a positive achievement for those smaller classes on minority students was double. As a nation we need and rely on those high scores. We need to be encouraging math and science on small classroom settings just to keep our country competitive. Perhaps one of the most critical elements of this study is that there was early identification of special needs students. This means that less students are going to fall through the cracks if we keep the limit to 20-22 students in the classroom. I have lived in Shelton for twelve years. My husband and I chose this city because we found there were many wonderful aspects of Shelton. But most importantly because of the schools. We knew we would want to raise our children in a community that values education. My kids are five years old and eight years old. They will be directly impacted by their teachers, their friends' tutors, and my losing faith in the city to provide the same level of excellence that already enjoyed due to the budget underfunding. We have a great base for education for public schools students in Shelton. Our conversation should be about making it even better and not diminishing it with poor funding. Many people shake their heads saying there is more complexity to the issue. But from my vantage point it's very clear. I want the 66.5 million dollar budget. I would prefer not to participate in the dumbing down of America and I certainly don't want to dumb down my own children. Thank you.

Laura Treance, Dartmouth Drive

You know I think I come from a different place because I'm fortunate not to have the history of what's happened in town until now. We've lived here for seven years but my children just started in the school system. As a result I've been proactive in an effort to learn as much as I can about each constituency group and where they are coming from. The one thing that has become clear to me is that this isn't about a lack of support for education. From my perspective it isn't even about a lack of funding on education. Based on my conversations, this is based on a fundamental lack of trust. A lack of trust from the parents to the city that they will support an educational system. A lack of trust from the Board of Aldermen and their support of the Board of Education and their budget. And a lack of trust from the parents and their overall thoughts on how the city is run. It's sad to me to see that happen because as I hear each of the sides and as I listen to all of the people all I hear is what everybody has done wrong. Quite frankly from my perspective it doesn't matter what has happened in the past. Yes, we should pay attention to history, but the past doesn't have to define our future. It's important that instead of spending so much time researching what we've done wrong in the past and proving each other wrong that we spend that time to come up with some creative solutions to make a difference. I'm a realtor here in Shelton. I service from New Haven all the way down to Stamford. When I talk to people about moving to this area, quite frankly, nobody asks me about taxes. The first thing parents ask me about is the educational system. Then they look at taxes once we are looking at the price of properties. When we talk about the price of properties here in Shelton, I can tell you as

of last month, compared to in Monroe and Trumbull and when people are looking in those areas they look at Monroe, Shelton and Trumbull, the price of houses in Shelton was \$69,000 less than in Trumbull and \$49,000 less than in Monroe. It's because of the perception of our school systems. When I moved here I didn't have children. The first thing the gentleman who sold me his house said 'people will complain about the school systems but both my kids went to Harvard so I'm not complaining.' It is just that, a perception. If we continue this lack of trust that perception will be our reality. So, I just ask all participants, instead of trying to figure out what went wrong and where we went wrong to really look forward and talk about what we can do for our future. Our kids are all that matters. Our property values matter. And for those of you who don't have kids in school it's going to matter if you are elderly and you need to sell your home. This is a community issue and I hope that the result is better communication.

Glen Geicano, Greenfield Drive

Just some brief comments after the past hour. My parents taught me two things that I think are very important. One is being respectful to others and the other is to do the most I could do for my children to provide a great education and to sacrifice for them. So, on the basis of the latter, I think, as Mike mentioned, we can all make the sacrifice, whether it be a pizza a month or a couple pints of Hagedaz to ensure that our children receive the best that we can provide to them. The other being the woman who spoke and said the emphasis should be on education and that should be our focus, the emphasis on education for our youngsters and it's critical that you people this month do what's right for everyone in this town and come together in a bipartisan way and make it very very positive. We need that in this town and we are asking you to make the right decision. Listen to the people and at the end of this month or next month provide the kids in this town what we are asking for. Thank you very much.

Robin Friend, 3 Daybreak Lane

I'm going to be short and sweet. The kids are our future. They deserve a great education. Please fund the education budget. Thank you.

Joe Welsh, 4 Millbrook Road

I just have a question. Is this still the public portion?

Alderman Anglace replied, yes it is.

Mr. Welsh stated, okay, because this relates to schools but not really what these folks are here for. I was going to call the aldermen in my ward but I figured I'd come here tonight and track you down. I am a volunteer for Mohegan School's Father Club. We are a fairly dedicated group of folks that take on certain projects at the school. One the projects is the upkeep of the playground equipment. The playground was originally built

years ago before my involvement by all volunteers and every year we will go and spruce up the playground with some mulch and we work off a very minimal budget and this year's budget is kind of not enough for what's required because the mulch has been in there about 12 years and they suggest replacing it in about ten because it breaks down. Now I don't know too much about mulch but there is a playground grade mulch which is rather expensive and based on the way it's been broken down over the years there's not too much that turns to dirt and we would like to remove all that mulch and get about 340 yards of mulch in there down to the original foam pad that everything is on to provide a cushion if the kids fall. We are working with a limited budget given to us by the powers that be. I didn't know if the aldermen had any ability to appropriate more funding or if there are some folks from parks and recreation who could help out with this endeavor, scooping out the old stuff. If we have the new mulch on site, our volunteer group could get everything in place and it's just some of the heavy equipment and stuff like that we are looking for help with. That's basically why I'm here and any help that you guys could provide would be great for the father's club and the kids and the benefit of the school system.

Mayor Lauretti stated, it's not uncommon for us to get involved with the different father's clubs around the city from different schools. We are involved with Robin Friend at this point, I don't know what's happening with that Robin?

Ms. Friend stated, I don't either. I keep on being told it's being put off, it's being put off. The kids need a playground.

Mayor Lauretti stated, I don't know why. I've got the memo from the city engineer of the layout for the new playground. It's just moving it at this point. But in any event if you want to reactivate that. Then jump start it. There's no reason why it shouldn't go forward.

Mayor Lauretti added, with respect to the mulch the city owns the machine that makes the mulch. We give it to some of the other playgrounds at the other elementary schools so we are happy to supply that for you. You can contact Ronnie Herrick, he is the supervisor for the Parks & Recreation Department. Tell him what your needs are and work it out with him and we should be able to take care of that for you.

Mr. Welsh added, I don't know what the standard is on mulch but if that's all checked out and works, that'd be great. Thank you.

Robert Burn, 2 Button Road

Mr. Mayor, aldermen. I'm also in the father's club at Mohegan School and I'm glad to hear that that will possibly get done. We were looking at prices for mulch and it was astronomical like \$10,000. So that's great. I appreciate that. The rest of the building at Mohegan School, I'm a bit concerned about it. I've been volunteering there for six years now and there are several spots that, uh, I'm a builder, so I don't quite understand the maintenance factor. I'm trying to figure out if you are just waiting for the building to be

condemned or if there is a certain aspect of maintenance that is supposed to be done. I think it's been quite overlooked. I've been there for six years as I said, doing whatever it takes to help out with the playground, interior stuff, spring, fall, whatever it is. I think this should be looked at. I guess there is a fine line between the city and the Board of Education but I think plexiglass on the windows is wasting a lot of heat. Some times the building is really hot, sometimes very cold. I'd really love to get some sort of guidelines. I was told a few years back that the windows in that building were supposed to be replaced two to three years ago. I don't know where the money is going. It just seems to me that we are waiting for these buildings to get them to a point where it's easier to knock them down than to fix them. That's all I have to say. Thank you.

Public Portion Ended at 8:10 p.m. and a five minute recess was called.

Alderman Anglace asked to let the record show that he was turning the meeting over to the mayor at 8:15 p.m.

MINUTES FOR APPROVAL

1. MINUTES FOR APPROVAL

1. REGULAR FULL BOARD MEETING – MARCH 11, 2010

Alderman Anglace MOVED to waive the reading and approve the minutes of the Regular Meeting of March 11, 2010; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

5.1 FINANCE COMMITTEE

5.1.1 APRIL 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 \$718.56 be approved and that the Finance Director be directed to make payments in accordance with the certified list received from the tax collector with funds to come from the Statutory Refunds Account 001-0000-311.13.00. Seconded by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

5.1.2 ADOPTION OF TAX COLLECTOR'S SUSPENSE LIST

Alderman Kudej MOVED, per the recommendation of the Finance Committee, that the tax collector's suspense list in the amount of \$67,281.38 be adopted and transferred from the Grand Lists into Suspense per State Statute Sec. 12-165:

<u>GRAND LIST</u>	<u>TAX</u>
2003	47.53
2004	489.88
2005	12,531.60

2006	23,670.69
2007	30,541.58

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

5.1.3 VALLEY TRANSIT DISTRICT SERVICES FOR SENIOR CENTER – WAIVER OF BIDDING PROCESS

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to waive the bidding process for Valley Transit District Services for Senior Center related transportation. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

Alderman Anglaced stated, I just want to note that the Director of the Senior Center came to the Finance Committee Meeting and the minutes of the March 23, 2010 reflect the rationale for this action.

5.1.4 FUNDING FOR ROOFTOP AIR CONDITIONING REPLACEMENT UNIT AT SENIOR CENTER – LOCIP ELIGIBLE

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to add the purchase of a new rooftop air conditioning replacement unit at the Shelton Senior Center to the Capital Improvement Plan with funding in the amount of \$14,198.00 to come from LOCIP. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

5.1.5 YOUTH SERVICE BUREAU – REQUEST TO BE ADDED TO PETTY CASH LIST

Alderman Kudej MOVED, per the recommendation of the Finance Committee, that the Youth Service Bureau be added to the approved Petty Cash list in the amount of \$75. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

5.1.6 HUNTINGTON BRANCH LIBRARY – AUTOMATIC DOOR OPENERS – LOCIP ELIGIBLE

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to add the purchase of three automatic door openers at the Huntington Branch Library to the Capital Improvement Plan with funding in the amount of \$3,882.00 to come from LOCIP. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

No items.

5.3 STREET COMMITTEE

No items.

REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

None presented.

6.0 LEGAL REPORT

6.1 CORPORATION COUNSEL BILLING

Alderman Anglace MOVED to authorize a total payment of \$1,563.24 to Corporation Counsel Welch, Teodosio, Stanek and Blake, LLC for services rendered per statement dated April 8, 2010 with funds in the amount of \$1,341.58 to come from the Legal Fees Account 001-1900-411.30-03 and \$221.66 to come from Foreclosure Fees Account 001-1900-411.50-01; SECONDED by Alderman Papa. 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 \$525 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated April 1, 2010 with funds to come from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

7 LEGISLATIVE - OLD

7.1 ITEMS FROM PUBLIC HEARING

7.1 A. AMENDMENTS TO ORDINANCE #795 – POLICE CHIEF CONTRACT

Alderman Anglace MOVED to adopt Ordinance #795 – Police Chief Contract as amended and provided by Corporation Counsel, which is included by reference; and further,

MOVED that this ordinance be published in summary form with a full copy available for review in the office of the City/Town Clerk. Public hearing was held on March 23, 2010. SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

1. AMENDMENT TO ORDINANCE #795

ORDINANCE #**Contract Chief of Police**
Approved by the Board of Aldermen of

Be it ordained by the Board of Aldermen of the City of Shelton:

The attached proposed contract is adopted and approved by the Board of Aldermen for the position of the Chief of Police.

CHIEF OF POLICE CONTRACT

This Agreement made this ___ day of _____ 2010 by and between the CITY OF SHELTON (hereinafter referred to as "the City") and Joel W. Hurliman (hereinafter referred to as "Appointee").

WITNESSETH

WHEREAS, pursuant to Section 6.9.2.2 of the City Charter and pursuant to ordinance, the Mayor of the City has determined to reappoint the Appointee to the position of Chief of Police of the City; and

WHEREAS, the Board of Aldermen has ratified said appointment by a majority vote on March __, 2010; and

WHEREAS, the Charter of the City of Shelton provides that the Chief of Police shall be retained pursuant to a contract approved by the Board of Aldermen by Ordinance; and

WHEREAS, the form of this contract has been approved by the Board of Aldermen by ordinance adopted on March __, 2010;

NOW THEREFORE, the City and the Appointee agree as follows, to wit:

1. The City hereby retains the Appointee and the Appointee hereby agrees to act as Chief of Police of the City of Shelton upon the terms and conditions hereinafter set forth.
2. The City hereby retains the Appointee for the position of Chief of Police for a period of three (3) years from March 1, 2010, provided that this contract may be extended by the Mayor, in the Mayor's sole discretion, acting on behalf of the City, for two (2) additional one (1) year periods which extension, if made, shall be made not later than sixty (60) days prior to the termination date of this contract.
3. In consideration of the annual salary hereinafter set forth, the Appointee agrees to act as the Chief of Police for the term (or, if extended, the extended term) set forth in paragraph 2 and shall perform such duties as are required by the Charter of the City of Shelton, the Ordinances of the City of Shelton specifically, but not limited to, the Ordinance entitled "Job Description - Chief of Police," a copy of which is attached hereto and incorporated herein by reference, and such other duties as may be prescribed by the Mayor during the term of this Agreement. The Appointee agrees to perform faithfully all of his duties as Chief of Police of the City of Shelton and his sole employment shall be as Chief of Police of the City.

4. During the period of employment under this contract, the Appointee shall devote a minimum of forty (40) hours per week to the position but the hours shall be flexible as determined by the Mayor or as may be required to fulfill the duties of this Agreement.
5. In consideration thereof, the City hereby agrees to pay the Appointee as compensation for his services during the first year of this Agreement an annual base salary of Ninety Five Thousand Eight Hundred Fifty Five and 30/100 (\$95,855.30) Dollars. Each year the salary may be increased at the sole discretion of the Mayor, provided that the increase shall not exceed three (3%) percent of the then annual salary.
6. This Agreement may be terminated by the Mayor, acting on behalf of the City, for any of the following reasons, to wit:
 - (a) at any time upon the mutual consent of the parties, or
 - (b) upon the Appointee's death or disability, or
 - (c) upon just cause shown. The term "just cause" as utilized herein shall include, but not limited to, the following:
 - (i) Failure to perform the duties pursuant to Ordinance;
 - (ii) Misconduct;
 - (iii) Insubordination;
 - (iv) The conviction of a felony;
 - (v) Failure to meet State certification requirements;
 - (vi) The inability to perform the duties pursuant to this contract due to illness or a physical or mental condition as shown by competent
 - (vii) medical evidence, which illness, physical condition or mental condition continues for a period of thirty (30) days.
7.
 - (a) The Appointee shall be entitled to five (5) weeks paid vacation during the contract year. The Appointee shall be entitled to such holidays as are set forth in the Merit System or in the Police Contract. The Appointee shall make his choice within ten (10) working days after execution of the Contract. Holidays are set forth on Schedule B.
 - (b) Appointee shall be entitled to health insurance and Associated benefits as set forth in Ordinance #566.
 - (c) Appointee shall, in addition to the salary, receive a pension contribution to the Municipal Employees Retirement Fund pursuant to Connecticut General statute as applicable.
 - (d) The Appointee shall be assigned the use of a vehicle as determined by the Mayor to be used for all activities associated with the performance of the Appointee's duties pursuant to this Agreement.
8. The Chief of Police shall be reimbursed for reasonable out-of-pocket expenses incurred in the performance of his duties pursuant to this Agreement. Vouchers for such expenses shall be processed monthly and submitted to the Administrative

Assistant of the City for approval.

9. The Appointee agrees to have a comprehensive medical examination once each year by a physician chosen by the City at the expense of the City. A statement from the examining physician certifying to the ability of the Appointee to perform the duties pursuant to this Agreement shall be provided pursuant to this Agreement. Said statement shall be placed in the Appointee's personnel file.

10. The Appointee acknowledges, agrees and understands that this is a limited term contract and that there is no guaranteed right to reappointment at the end of the term or at the end of any extension of the original term. By the execution hereof the Appointee agrees that termination of his employment as the result of the expiration of the term or the extended term, does not and shall not constitute a "dismissal" within the meaning of Section 7-278 of the Connecticut General Statutes. The Appointee understands, acknowledges and agrees that under the terms of the Charter of the City of Shelton that the Appointee is not a Merit System employee and has no rights under the Merit System of the City of Shelton and that the rights of the Appointee are limited by the terms of this contract.

In addition thereto, for the consideration set forth herein and in the event that it should be determined that the aforesaid statute, Section 7-278, or any ordinance of the City of Shelton, or any provision of the Charter of the City of Shelton, should provide additional rights to the Appointee, the Appointee hereby knowingly waives any such rights.

11. The Mayor shall evaluate the Chief of Police within ninety (90) days but not less than sixty (60) days prior to the expiration of the each year of the contract. Either the Mayor or the Chief of Police may initiate more frequent discussions of the Chief's performance if either deems such discussion appropriate. The annual evaluation shall be in accordance with established guidelines, criteria, goals and objectives determined by the Mayor and communicated to the Chief at the commencement of the contract and at the commencement of each year. The basis of the evaluation shall be reasonably related to the goals and objectives of the City for the year in question. The goals and objectives of this Agreement shall be determined each year by the Mayor in consultation with the Chief.

The evaluations are for the information and guidance of the parties but the evaluation process shall not confer any right on the Appointee to a further extension. Any further extension shall be governed by the other provisions of this Agreement.

12. The provisions of this Agreement supersede all of the provisions of any and all prior written and oral agreements. The parties agree that this Agreement represents the entire agreement between the parties in respect to the employment of the Chief of Police.

13. This Agreement may be amended and/or modified at any time by mutual agreement; provided, however, that any modification and/or amendment must be in

writing, must be approved by the Board of Aldermen of the City of Shelton, and must be executed by both parties hereto.

14. If any provisions of this Agreement shall be declared void or unenforceable by any court or administrative body of competent jurisdiction, the balance of the Agreement shall continue in all respects to be valid and enforceable, provided, however, that if any provision of paragraph 10 is deemed to be invalid, or inapplicable, the contract and the appointment shall be deemed to have been void ab initio.

15. This agreement shall be construed according to the laws of the State of Connecticut.

IN WITNESS THEREOF, the parties hereto have set their hands and seals the day and year hereinafter set forth, and to a duplicate of the same tenor and date.

7.2 B. AMENDMENT TO ORDINANCE #743 – FLOOD DAMAGE PREVENTION

Alderman Anglace MOVED to adopt the Ordinance #743 – Flood Damage Prevention as amended and provided by Corporation Counsel which is included by reference.

Further, move that this ordinance be published in summary form with a full copy available for review in the office of the City/Town Clerk. Public Hearing was held on March 23, 2010. SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

ORDINANCE # 743

FLOOD DAMAGE PREVENTION

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

ORDINANCE NUMBER 744 entitled Flood Plain Damage Prevention Adopted June 8, 2000 and Approved June 20, 2000, is repealed and the following is substituted therefore:

SECTION 1. PURPOSE AND OBJECTIVES

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. The flood hazard areas of the City of Shelton are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

SECTION 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

2.1 “Area of Shallow Flooding” means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

2.2 “Area of special flood hazard” is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

2.3 “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

2.4 “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

2.5 “Base Flood Elevation (BFE)” means the elevation of the crest of the base flood (100-year flood). The height in relation to mean sea level (NAVD of 1988) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

2.6 “Building” means see the definition for “Structure”.

2.7 “Development” means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities located within the areas of special flood hazard..

2.8 “Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, August 14, 1978, of the floodplain management ordinance adopted by the community.

2.9 “Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities,

the constructions of streets, and either final site grading or the pouring of concrete pads).

2.10 “Federal Emergency Management Agency (FEMA)” means the federal agency that administers the National Flood Insurance Program (NFIP).

2.11 “Flood Insurance Rate Map (FIRM)” means an official map of the city of Shelton, on which the Federal Emergency Management Agency (FEMA) has delineated both the special hazard areas and the risk premium zones applicable to the community.

2.12 “Flood or Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual rapid accumulation/runoff of surface waters from any source.

2.13 “Flood Insurance Study” means the official report by the Federal Emergency Management Agency (FEMA) which contains flood profiles, the water surface elevation of base flood, determination of flood hazards, and other flood data.

2.14 “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

2.15 “Functionally Dependent Use or Facility” means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term include only docking facilities, port facilities that are necessary for the loading or unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

2.16 “Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

2.17 “Historic Structure” means any structure that is” (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

2.18 "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

2.19 "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

2.20 "Manufactured Home Park or Subdivision" means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

2.21 "Market Value" means the value of the structure shall be determined by the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

2.22 "Mean Sea Level" means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

2.23 "New Construction" means structures for which the "start of construction" commenced on or after August 14, 1978, the effective date of this ordinance and includes any subsequent improvements to such structures.

2.24 "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, August 14, 1978, of the floodplain management regulation adopted by the community.

2.25 "Recreational Vehicle" is a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

2.26 "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include

land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

2.27 “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as manufactured home.

2.28 “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.29 “Substantial Improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place over a ten year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

2.30 “Variance” means a grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

2.31 “Violation” means a failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

2.32 “Water Surface Elevation” means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal and riverine areas.

SECTION 3. GENERAL PROVISIONS

Areas of Special Flood Hazard Identified. The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS)

for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the City of Shelton, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this ordinance it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The Areas of Special Flood Hazard include any area shown on the FIRM as Zones A, AO and AE, including areas designated as a floodway on a FIRM. Special Flood Hazard Areas are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION 4. DUTIES AND RESPONSIBILITIES OF THE ZONING ENFORCEMENT OFFICER

Duties of the Zoning Enforcement Officer shall include, but not be limited to:

4.1 Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

4.2 Advise permittee that additional Federal or State permits may be required. Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

4.3 Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved or flood-proofed structures. When flood-proofing is utilized for a particular structure the Zoning Enforcement Office shall obtain certification from a registered professional engineer or architect.

4.4 When base flood elevation data or floodway data have not been provided, then the Zoning Enforcement Officer and/or the City Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Sections 5.2 and 5.3.

4.5 Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the Zoning Enforcement Officer and/or the City Engineer shall make the necessary interpretation. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Zoning Enforcement Officer.

4.6 Each development permit shall authorize, as a condition of approval, the Zoning Enforcement Officer or designated agents to make regular inspections of the subject property. The Zoning Enforcement Officer or designated agents are also authorized to inspect any property in a special flood hazard where it appears that violations of these regulations may be taking place.

SECTION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

5. 1. GENERAL STANDARDS

In all areas of special flood hazard the following provisions are required:

5.1.1 NEW CONSTRUCTION AND SUBSTANTIAL IMPROVMENTS – New construction and substantial improvements shall be:

- (i) anchored to prevent flotation, collapse or lateral movement of the structure
- (ii) constructed with materials and utility equipment, resistant to flood damage
- (iii) constructed by methods and practices that minimize flood damage
- (iv) constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating with the components during conditions of flooding..

5.1.2 WATER SUPPLY AND SANITARY SEWAGE SYSTEMS – New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

5.1.3 MANUFACTURED HOMES – all manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 3 or as determined in Section 4.4, the following provisions, in addition to those in Section 5.1, are required:

5.2.1 RESIDENTIAL STRUCTURES – New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

5.2.2. NON-RESIDENTIAL STRUCTURES – New construction or substantial improvement of any commercial, industrial, or no-residential structure located in a special flood hazard area shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation.

5.2.3 FLOODPROOFING – Non-residential structures located in all A-Zones may be flood-proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.

5.2.4 ELEVATED BUILDING – New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria: (i) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding (ii) the bottom of all openings shall be no higher than one foot above grade (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

5.2.5 Manufactured homes which are placed or substantially improved (i) outside of a manufactured home park, (ii) in a new manufactured home park, (iii) in an expansion to an existing manufactured home park, or (iv) in an existing manufactured home park in which a manufactured home has incurred “substantial damage” as a result of a flood, shall have the lowest floor elevated to or above the base flood level. They shall be placed on a permanent, securely anchored foundation. The structure must be securely anchored to the foundation to resist floatation, collapse, and lateral movement. Manufactured homes which are placed or substantially improved in an existing manufactured home park shall be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

5.2.6 In A-Zones where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

5.2.7 Area of Special Flood Hazard AO, within any AO zone, all new construction and substantial improvements of residential structures must have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community’s FIRM (at least two feet if no depth number

is specified). Within any AO zone, all new construction and substantial improvements of non-residential structures must have (i) the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities, be completely flood proofed above the highest adjacent grade to or above the depth number specified in feet on the community's FIRM (at least two feet if no depth is specified), so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a registered professional engineer or architect.

5.2.8 Recreational vehicles shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the general standards of Section 5 and the elevation and anchoring requirement of Section 5.1.3 and 5.2.5 for a manufactured home. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

5.2.9 Equal Conveyance. Within the floodplain, except those areas which are tidally influenced on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

5.2.10 Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

5.2.11 Aboveground Storage Tanks – Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended

above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

5.2.12 Portion of Structure in Flood Zone – If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

5.2.13 Structures in Two Flood Zones – If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

5.2.14 No Structures Entirely or Partially Over Water – New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is functionally dependent use or facility.

5.3 FLOODWAYS – In areas where floodways have been designated or determined, prohibit encroachments, including fill, new construction, substantial improvements and other developments unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer that the proposed encroachment would not result in an (0.00) increase in flood levels within the community during the occurrence of the base flood discharge. When utilizing data other than that provided by the Federal Emergency Management Agency (FEMA), the following standard applies: select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any one point.

5.4 Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants or variances, shall constitute a misdemeanor. Any person subject to a fine of \$100.00 per day and to further penalty of not less than \$100.00 for each and every day that such violation continues to exist. Nothing herein contained shall prevent the City of Shelton from taking such other lawful action as is necessary to prevent or remedy any violation.

5.5 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However,

where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

5.6 Disclaimer of Liability. The degree of flood protection required by this ordinance is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Shelton or by any officer or employee thereof for any flood damages that result from the reliance on this ordinance or any administrative decision lawfully made thereunder. The City of Shelton, its officers and employees shall assume no liability for another person's reliance on any maps, data, or information provided by the City. Notwithstanding the preceding disclaimer, the City of Shelton shall assume normal responsibilities in indemnifying its public officials and citizen board members for "good faith" decisions made on their part in carrying out the duties of their positions.

5.7 Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 6. STANDARDS FOR SUBDIVISION PROPOSALS

In all special flood hazard areas the following requirements shall apply: (i) all subdivision proposals shall be consistent with the need to minimize flood damage (ii) all subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage (iii) all subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards (iv) in Zone A, base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots, which ever occurs first.

SECTION 7. VARIANCE PROCEDURES

The Planning and Zoning Commission shall hear and decide appeals and requests for variances from the requirements of this ordinance. Those claiming to be aggrieved by the decision of said Commission may appeal such decision to the Superior Court.

7.1 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

7.2 Variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with existing local laws or ordinances.

7.3 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building.

7.4 Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.

8 – FINANCIAL BUSINESS – OLD

8.1 NO ITEMS

9. FINANCIAL BUSINESS NEW

9.1 FUNDING FOR POLICE COMMUNICATION EQUIPMENT

Alderman Anglace MOVED to appropriate the sum of \$38,152 for various communication, technical and emergency equipment for the Police Department with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

9.2 FUNDING FOR FIRE DEPARTMENT COMMUNICATIONS UPGRADES

Alderman Anglace MOVED to appropriate the sum of \$53,000 for fire department communication equipment for the Fire Department with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter. SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

9.3 FUNDING FOR WHITE STREET ROOF RENOVATION AND CONCESSION STAND ROOF AT LITTLE LEAGUE BEHIND COMMUNITY CENTER

Alderman Anglace MOVED to add the replacement of the roof at the White Street building as well as the concession stand at the Little League Field behind the Community Center to the Capital Improvement Plan with funding in the amount of \$10,000 to come from LOCIP. SECONDED by Alderman Simonetti.

Alderman Anglace stated, we are replacing both roofs.

Mayor Lauretto responded, we are going to replace both roofs and city workers are going to be doing it.

Alderman Kudej stated, I abstain on the Little League Field issue.

Mayor Lauretti stated, we didn't call the vote yet.

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

9.4 FUNDING FOR RECREATION EQUIPMENT FOR PARKS & RECREATION DEPARTMENT

Alderman Anglace MOVED to appropriate the sum of \$15,000 for various recreation equipment for the Parks and Recreation Department with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter. SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

10 – LEGISLATIVE – NEW

10.1 ITEMS TO PUBLIC HEARING

10.1 AMENDMENT TO ORDINANCE #839 - PROCEDURE TO SELL CITY PROPERTY

Public Hearing set for May 25, 2010 at City Hall.

ORDINANCE #839

Procedure to Sell City Property

Amendment to Ordinance #832 which was formerly Ordinance #782

BE IT ORDAINED BY THE BOARD OF ALDERMEN THAT:

Procedure to Sell City Property

A. Definition:

From time to time the City may be asked or may decide to sell real property owned by the City and hereby determines that a procedure shall be provided regarding the sale of said real property. Said procedure pertains only to property which the Board of Aldermen consider "significant".

"Significant" shall be defined as the sale of real property which has a fair market value in excess of ten thousand (\$10,000.00) dollars.

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 real property , the Board shall follow the following procedure.

C. Procedure

1. The Board of Aldermen shall request from the Conservation Commission and Parks & Recreation Commission their opinion regarding said sale. The Board of Aldermen specifically wants said Commission's opinion regarding the property's open space, conservation or recreational value to the City.

2. The Board of Aldermen will consider the information provided by the Conservation Commission and Parks & Recreation Commission and determine if the Board wishes to proceed.

3. If the Board of Aldermen determines to proceed, the Board of Aldermen will then seek an 8-24 referral from the Planning and Zoning Commission.

a) If the 8-24 is favorable to sell, the Board of Aldermen may proceed with this process.

b) If the 8-24 is unfavorable, the Board of Aldermen must override the unfavorable by a 2/3 vote in order to proceed.

4. If the Board of Aldermen wishes to proceed with the sale process, they shall have the property appraised. Any appraisal received shall not be disclosed until after the sale has been completed.

5. The Board of Aldermen shall hold a public hearing in accordance with P.A. 07-218, when applicable.

6. If the Board of Aldermen wish to proceed with the sale process, the Board of Aldermen can then proceed to advertise that it is accepting bids with a cutoff date to receive sealed bids subject to any deed restrictions and/or conditions the Board deems appropriate. Each bid must be accompanied with a check equal to ten (10%) percent of the amount bid or the Board of Aldermen may in the alternative market the property through a licensed real estate agent in the State of Connecticut of the Board's choice at a fee to be determined by the Board of Aldermen on a case by case basis and at a price to be determined by the Board of Aldermen.

7. The Purchasing Agent would publicly open the bids if the Board of Aldermen should choose this option and refer them to the Finance Committee off the Board of A&T who would determine the highest, responsible bidder. The Board of Aldermen reserves the right to reject any and all bids.

8. The Board of Aldermen approves the price and authorizes the sale.

Specifically excluded from this process is the sale of real property located within the Redevelopment Plan or a Municipal Development Plan as designated by the Board of

Aldermen. The Board of Aldermen shall determine the process of the sale of real property located within a Redevelopment Plan or a Municipal Redevelopment Plan on a case by case basis taking into consideration any Grant and statutory requirements.

10.2 LEASE AGREEMENT RENEWAL – BOY SCOUTS, 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 known as the Nike Site Apartment in order to provide scouting facilities. SECONDED by Alderman Simonetti.

Alderman Anglace stated, the license agreement is probably the same agreement that we've had in the past. There's not much change to it at all.

Mayor Lauretti asked, is there any change to it Tom?

Administrative Assistant Tom Taylor replied, yes. There is one item in there. Last year it was a one year contract. This is a one year contract with an automatic renewal next year unless either party wants to rescind it. That's the only difference.

Alderman Anglace stated, and the original contract was a five-year contract.

Tom Taylor replied, yes sir.

Alderman Anglace stated, essentially the difference between the two was in the first contract the scouts were obliged to put up some dollars to renovate it and so they needed at least the five years for pay back.

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

10.3 REAPPOINTMENTS TO THE ADA COMMISSION

Alderman Anglace MOVED to reappoint the following people to the ADA (Americans with Disabilities Act) Commission effective immediately. SECONDED by Alderman Simonetti.

Mr. Walter Drozeck – R (2 Year Term)
11 Wilson Lane

Ms. Colleen Finn – D (2 Year Term)
17 Princess Wenonah Drive

Mr. Gary Cahill – D (2 Year Term)
525 Bridgeport Ave.

Dr. Jeff Forte – D (2 Year Term)

125 Nells Rock Road

Ron Hiznay – U (1 Year Term)
11 Fairview Avenue
Shelton, CT 06484

Lynne Farrell – R (1 Year Term)
25 Buddington Park

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

10.4 APPOINTMENT TO COMMUNITY GARDEN COMMITTEE

Alderman Anglace MOVED to appoint Sharna Kozak to the Shelton Community Garden Committee effective immediately. SECONDED by Alderman Papa.

Sharna Kozak - U
28 Willoughby Road

Mayor Lauretti stated, in my discussions with the residents of Longview Road. They had asked for the appointment and they wanted the appointment to be a generic one meaning that it would be an open seat for a resident on Longview Road that would allow someone to attend to keep abreast of the discussions of the community garden. Anybody have any disagreement with that?

Mayor Lauretti continued, the alternative to that is that we can name one with the ability for them to provide an alternate in the event that the individual couldn't make it.

Alderman Anglace stated, the way I think you can do this is, what they are asking for. You can appoint as an ex-officio to the committee versus a voting member.

Mayor Lauretti stated, I don't know if it really matters one way or another whether they are an ex-officio member or a voting member at this point. They just want to have a voice and they should have a voice.

Alderman Simonetti stated, if they want to have a voice it should be someone who votes.

Alderman Anglace stated, I support the idea of them having a voice on the committee and an opportunity to discuss the issues as they come up as a member of the committee. Let's give them a general appointment. One person, but they probably should tell the chairman of the committee who is going to be that person every meeting.

Alderman Simonetti stated, I think they should designate someone.

Mayor Lauretti stated, the problem that they have is that the committee meets at 9 in the morning which is unusual for any committee to meet, but these are gardeners on this committee who put it all together. They are busy during different hours of the day. So, I've kind of let them have their way with that. At some point in time when this thing gets up and running again and it's established and there isn't such a great need for as many meetings then they could move their meetings to the nighttime. In any event, let me recommend the name just to make it easier and if they want to make a change we can accommodate that change at the next board meeting. I'd like to have someone in the form of an amendment to nominate Phil Barber, who is a resident of Longview Road.

Alderman Anglace MOVED to amend the motion to appoint Phil Barber as the Longview resident appointee to the committee. Seconded by Alderman Simonetti.

Mayor Lauretti stated, you are going to vote on the amendment.

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

Mayor Lauretti stated, now you vote on the motion as amended.

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

10.5 ACCEPTANCE OF OPEN SPACE – DICKENSON DRIVE AREA

Alderman Anglace MOVED to accept the open space parcels as identified in attached deeds. SECONDED by Alderman Papa.

Alderman Anglace stated, we are talking about 1.9 acres. It kind of represents a passageway through the property.

Mayor Lauretti responded, yes, 1.9 acres.

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

10.6 DERBY-SHELTON ROTARY PAVILION RESOLUTION

Alderman Anglace MOVED to approve the following resolution:

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

WHEREAS, the Derby Shelton Rotary Club has proposed the design and construction of a pavilion park structure that would be located adjacent to the Veterans Riverwalk Park at a precise location to be determined by the Board of Aldermen of the City of Shelton;

WHEREAS, the Derby Shelton Rotary Club has indicated their intent to construct said pavilion by obtaining donations from the community, including individuals and businesses, along with a contribution from the City of Shelton;

WHEREAS, the Board of Aldermen has previously endorsed in concept said project;

WHEREAS, the Derby Shelton Rotary Club is about to obtain the services of Tate & Associates, LLC to prepare the design of said pavilion and to assist in the bidding of said project;

WHEREAS, the Derby Shelton Rotary Club desires assurances that if funds are used to obtain said design, that the City endeavors to proceed forward with the project;

WHEREAS, the City of Shelton wishes to provide said assurances but understands that extenuating circumstances may always intervene.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN that the Board of Aldermen hereby endorses the concept of the pavilion park structure to be located at the Veterans Riverwalk Park.

FURTHER, the Board of Aldermen agree that if for any reason the City of Shelton determines not to proceed forward with said project through no fault of the Derby Shelton Rotary Club, that the City will reimburse the Derby Shelton Rotary Club for the costs and expenses of retaining Tate & Associates, LLC to prepare the design for same in an amount not to exceed Twenty Thousand (\$20,000.00) Dollars.

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

10.7 CONCESSION AGREEMENT – STEPPING STONES

Alderman Anglace MOVED to approve the concession agreement between the City of Shelton and Stepping Stones, Inc. as set forth in the attached. Further authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement. SECONDED by Alderman Kudej.

Alderman Anglace stated, the reference to what's attached is the Concession Agreement.

Mayor Lauretti stated, a requirement of the federal government. In my mind it makes absolutely no sense but they say it applies to Stepping Stones, but none of us should be surprised.

Alderman Anglace stated, on other thing. On the concession agreement, item #4, schedule A, I don't have that for some reason. Just for the record, let that be shown. And also, item #4.

Alderman Finn stated, that's been changed to Exhibit B in Schedule A.

Alderman Anglace stated, ok. Item #8.

Mayor Lauretti said, all it is (Exhibit B) is a schedule of payments.

Alderman Simonetti stated, they add up to the same amount that's in there.

Alderman Anglace stated, Item #8 calls for the expense of operating utilities. The Concessionaire shall pay the city the sum of...

Mayor Lauretti stated, the expenses haven't been incurred. It just says your going to pay the monthly expenses, so if the light bill is \$250 one month and \$380 the next month that's what they are going to pay.

Alderman Simonetti asked, do they have their own meter?

Mayor Lauretti stated, the meter is in the City of Shelton's name.

Alderman Papa stated, there's a meter for the Nike Site, for that building.

Alderman McGorty said the one that it's the packet has what you are referring to. The new packet has...

Alderman Anglace stated, I'm looking at the wrong one. The new one has the inserts in it. It says, Item #8 - "The Concessionaire shall pay the city for any utilities which are (inaudible). OK. That straightens it out."

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

11 EXECUTIVE SESSION

At approximately 8:35 p.m. Alderman Anglace MOVED to enter into Executive Session to discuss the following items:

11.1 Carolyn Finley – Worker's Compensation

and invited Mayor Lauretti and Assistant Corporation Counsel Ramon Sous to remain in the Auditorium; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

Return to Regular Session

At approximately 8:42 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.

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

MOTIONS FROM EXECUTIVE SESSION

11.1 *Carolyn Finley – Worker’s Compensation*

Alderman Papa MOVED to approve the compensation award to Carolyn Finley as recommended by Worker’s Compensation in reference in a letter dated March 11, 2010 from Attorney Kevin Blake to the Board of Aldermen; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

ADJOURNMENT

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

The meeting adjourned at approximately 8:48 p.m.

Respectfully submitted,

Theresa Adcox, Clerk
Board of Aldermen

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