



BOARD OF ALDERMEN  
SHELTON, CONNECTICUT  
FULL BOARD MEETING  
THURSDAY, FEBRUARY 11, 2010

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Call to Order / Pledge of Allegiance

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

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:

Corporation Counsel Tom Welch  
Mayor Mark A. Lauretti

There was a quorum present.

Agenda Items

PUBLIC SESSION

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

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*Attorney Dominick Thomas, Cohen & Thomas, 315 Main Street  
Representing Schaible Realty, LLC*

I'm speaking on item 5.3.3 on the agenda - proposed disposition of White Street right of way. My client is developing the property located at 475-479 Howe Avenue, both the main floor that comes out onto Howe Avenue and the bottom floor which comes out onto White Street. Upon going through the proposal – part of this proposal is to have a restaurant on the bottom floor that goes out onto White Street. We discovered that, through his surveys and everything that the White Street right of way goes right up to his door. Now, this isn't any portion of the road. I hope you have a map of it that was presented at the Street Committee, I don't know whether you do. You should have a map that was presented at the Street Committee showing you. This is really a piece of

asphalt that if you looked at it you would assume it goes to the building. But it doesn't, it's part of the White Street right of way.

When we first began, I began conversations with Attorney Sous and I commissioned at his request a title search to see if there was any title to it. The searcher went back into the 1800s and could not find any title. This is a very old road and we researched old maps. White Street was the main road to the Shelton Train Station. So actually my first thought was, maybe White Street went straight along the back of the buildings, but it did not. It went in the same general location, and at the bottom where White Street connects with what is called West Canal, that's where your train station was. In fact if you want to see what that area looked like way back when, go to the Shelton Economic Development Corporation and look on the wall. That's how I discovered it; there are pictures on the wall.

It was discovered that the White Street right of way is not owned by anyone. There is a portion of the right of way, short of this area that we're concerned with, that is used by the City for parking. This is used basically for people to dump things. They dump tires, they dump garbage and everything like that. My client wishes to put a patio on it. So we made the proposal, we've gone through Planning and Zoning, discussed it with them, we've gone through Engineering, your Street Committee. This is not property that is owned by the City. It is property that is a right of way that is unusable as part of the right of way.

The request is made for the 1,056 square feet, that it be discontinued. Also, part of the request is that the City quit claim any interest they may have in it. The reason for this is, even though it's an odd-shaped, my client is on the southerly side. On two other sides is White Street right of way, and on the other side is actually the City of Shelton property that is the parking lot that the City got in fee when we had the inglorious demise of the Recovery Room Café. When that went away and SEDC took over that building, they actually deeded it to the City of Shelton.

That would clear title for us, and my client has agreed to certain conditions that will result in expense to him. Beside the expense he's going to have on his own side, he has agreed to put a City sidewalk in at the direction of the City Engineer. In addition to that, there is a retaining wall between the parking area and this area, and that retaining wall may have to either be rebuilt or at least readjusted to put the sidewalk in. The reason for the sidewalk is twofold. One, it is a snow shelf that would remain. The second thing is that at some point that sidewalk may be continued on either side so that at the bottom of White Street is where you're going to have your pedestrian crossing of the Railroad tracks for the development on the other side. When they come across then, they will have two options to get to Howe Avenue. One is to walk straight up Bridge Street; the other would be to go up this sidewalk. We are doing our portion right now. If you have any questions, I am here and Ken Schaible of Schaible Realty is here and we'll be glad to answer any questions.

Alderman Anglace stated, with the Board's permission, anybody on the Board that wishes to ask a question since the maps are out and Attorney Thomas is here, would you

ask your questions now. I'd like to comment. I'd like to say that retaining wall as you face the building from the back, the retaining wall on the right is sort of a buffer between where people park their cars from Luther's Garage corner there on down to that retaining wall so some form of that retaining wall should stay.

Attorney Thomas stated, it has to stay, it may have to be rebuilt.

Alderman Anglace stated, the other observation is that there are no impediments between the municipal parking lot and this right of way area so that people who wish to access your client's building from the municipal parking lot could do so.

Attorney Thomas stated, I would assume so. It does say on the map that there's a wood guardrail in one location and in the other location I don't think there's anything.

Ken Schaible of Schaible Realty stated, there is a little bit of a wood guardrail there. You would have to remove a small section of it to maintain pedestrian access way from White Street proper, the new sidewalk, into the parking lot. So if the City would allow us to do that...

Attorney Thomas interjected, yes, we'd have to ask the City. The guide rail that blocks access to it is on the City property, so we'd have to get permission from the City.

Alderman Finn stated, I'd like to read something, and while I'm reading also have some questions. There seems to be many differences from where this proposal now stands compared to the discussion from when it was presented. When I first read the motion, they raised questions, as if this meant that there would be no exchange of goods and services or money. Now, I was informed by Assistant Corporation Counsel that it is his understanding that there would be no money, but the City Engineer and Highways and Bridges may require certain work to be done. That raises another question. What work? I'm sure when the developer does go back to Planning and Zoning he would have as part of his plan to install a sidewalk for his patrons and the City would also have to require as well as retain a snow shelf. In a memo dated 11/13/09, the City Engineer puts down, makes the following statement, "however this office would endorse a lease agreement to construct and operate an open patio as part of the process of Far Mill Brew Pub and Restaurant project. The only stipulation to the lease is that there be no adverse impact to the adjacent parking spaces in the existing White Street [inaudible] shall not reduce it less than 28 feet." The Planning and Zoning Administrator also sends a memo out dated December 18, 2009 and says, "based on the review I agree with the position of the City Engineer. It would make more sense at this time to lease the property until the City does a more thorough planning study of the area. At a later date the City may wish to sell the property after it's been demonstrated that the property has no public use." From there, that leads to the second question, how do we go from a lease to what's considered to be what's in front of us here tonight? Is it just quit claim, no money exchange, etc.?

Attorney Thomas replied, you can't lease what you don't own. It's the simplest answer. You don't own it. That's why I was commissioned a title search. After the lease proposal was given to Attorney Sous, he conveyed it to me. My client wants to use it. So, if the

City wants to come up with some lease, which would be a legal fiction, we would have agreed to it, but the City Assistant Corporation Counsel said no. He didn't want it because of liability issues number one, but number two, you can't lease what you don't own. This is not owned property. Classic example would be, you heard me ad nauseum enough, Access Road, which the road bed, or Middle Avenue, which the road bed is owned in fee because someone deeded it to the City. This one, the title searcher went back into the 1800s and could find no evidence of any ownership of that road bed. White Street apparently, in that area, is one of the original roads established when the downtown area was established. So, if you don't own it, you can't lease it. After that was done, I believe, and I don't want to speak for Attorney Sous, I think he went back to Zoning and to the City Engineer. We then were instructed to go to Zoning to make an informational presentation. At that time a letter from the City Engineer was read endorsing it. So I don't know where that letter is. It was part of what was communicated to Planning and Zoning. So I believe that after it was determined that you couldn't lease what you don't own, Assistant Corporation Counsel Sous went back to both the Planning and Zoning and Engineer, they rethought it and then made us make a presentation.

Alderman Finn asked, when Joe did his research, I don't know if you recall we used to have that bar at the end of the street there.

Attorney Thomas stated, the Recovery Room.

Alderman Finn continued, yeah, then you had the diner. Everybody used to go to the diner. Next to the diner was a dirt roadway. The dirt roadway used to connect from Bridge Street over to White Street. If I remember correctly when I was a youngster we were told at that time it was a City right of way and didn't belong to the diner or belong to the person next door.

Attorney Thomas stated, you mean that is going between this piece of property and what is now Bridge Street?

Alderman Finn stated, correct.

Attorney Thomas stated, we went through all of the old maps and frankly I thought that's the way White Street went, until I was corrected when we looked at the old maps. White Street has always had the curve, simply because the curve took the people down to the train station. The train station was right at the bottom of the hill after you made the curve. We did, and my client spent a goodly sum having the title search done, looking at maps, and we finalized it by going to the SEDC. They at that point pulled out their old files and their old maps. We found a map, I think this thing was from 1906, and this is my only copy of this, but it doesn't, the area that you're talking about says "shed" on it. This is where you're talking about. That property is now owned in fee by the City of Shelton. That was actually owned by someone else when the City, I think, negotiated a deed in lieu of eminent domain and then somehow SEDC took it and then SEDC gave it to the City. Those properties where the parking lot is now are actually owned in fee. I don't know if there are any other questions, and I do know that the City Engineer has issued a revised letter.

Alderman Simonetti stated, the area that's in the cobblestone, the area right behind it, four foot wide, that would be the area of access to the patio?

Attorney Thomas stated, the food patio is not on that. Those little black dots are ballards to prevent a car or anything from entering in there. It's appreciative to identify it as a food patio – I want to make it very clear that until this action is done, there is no approval for that. That would have to be done by Planning and Zoning.

Alderman Finn asked, will it be a closed patio or one that's open air?

Attorney Thomas replied, open air. Again, that is subject to Planning and Zoning's approval.

Alderman Anglace stated, it seems that if you're going to have a restaurant down there, and you have that patio, and you have access, they can use that municipal parking lot and enter, if somebody's going to park on Howe Avenue and come all the way around...

Attorney Thomas stated, it would be very, I'm sure with the City Engineer and with Planning and Zoning they're going to work that out.

Alderman Anglace stated, I think we'd like to retain the parking from the retaining wall on the left side there up to Luther's Garage.

Attorney Thomas stated, that's not part of our request at all.

Alderman Anglace stated, right now it is serving no purpose.

Attorney Thomas stated, it is a dumping ground. People drive by and they chuck whatever they've got. They go to the dump, the dump is closed. They drive by here and chuck something in the back.

Alderman Anglace stated, we don't own it, right?

Attorney Thomas replied, you don't own it.

Alderman Anglace continued, but if you put a patio out there and you use it, can we tax it?

Attorney Thomas replied, yes, I would assume so unless Gloria wants to be nice. Excuse me, Gloria is nice, she is very nice. But if she wants to be nice about the taxes...

Alderman Papa stated, the bottom line is, it's not going to cost the City anything, and we're going to benefit with your client putting sidewalks in, and we'll have a restaurant there and we'll pick up some tax revenue. Good.

Alderman Anglace asked if there were any other questions. Being none, he thanked Attorney Thomas.

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*Richard Widomski, 49 Christine Drive*

The question I have is on Item 9.2 Funding for Phase III of downtown redevelopment. Can you tell me exactly what that funding is for and how much it's going to be and what it covers? Is it a bond? What area is it actually going to cover? Does anyone know? There are eight of you up there.

Alderman Anglace replied, it says in the motion, "whereas, the new phase has been designated as Phase III, the City of Shelton Downtown Redevelopment Program, it includes the continued reconstruction of Canal Street, the reconstruction of Wooster Street, the reconstruction of the Wooster Street Railroad Crossing, construction of a new pedestrian crossing, utility undergrounding, related street improvements, engineering in support of program, environmental and legal and administrative costs.

Mr. Widomski stated, you're saying, what are we talking, are we talking money? Bond? What is the vote going to be?

Alderman Anglace stated, this is what the vote is going to be.

Mr. Widomski asked, what does it mean, John?

Alderman Anglace stated, we're talking about the funding for it.

Mr. Widomski asked, how much is it going...

Alderman Anglace interjected, we're talking about total funding, the City of Shelton presented a \$4 million program to the Connecticut DECD for approval, and it is my understanding that the City's share is going to be \$1 million and the State's share is going to be \$3 million.

Corporation Counsel Welch stated, \$2 million from the State, \$1 million from the City.

Alderman Anglace stated, that's a total of \$3 million. It says here \$4 million.

Corporation Counsel Welch stated, it was a \$4 million grant - two and two - and then the State revised it so that the City's portion is only \$1 million.

Mr. Widomski asked, what correlation does this have with the defeated referendum? Is this the same \$3 million that was defeated in the referendum? Or, you don't know?

Corporation Counsel Welch replied, it is. It's the same grant.

Mr. Widomski asked, how can you do this if the referendum went down in defeat?

Alderman Anglace stated, what we're doing is \$600,000 of the \$1 million City share has already been expended. We paid for it. \$400,000 remains. That \$400,000 will get us \$2 million.

Mr. Widomski stated, that's not the question, John. The question is, how can you go ahead and spend that money when the referendum went down in defeat?

Alderman Anglace stated, how can we go ahead and spend that money? Because the Board of Aldermen is authorized to do this. We can do it through referendum or we can do it in other ways. The referendum wasn't whether we should revitalize downtown, the referendum was to appropriate the money through bonding. That didn't pass. So the bonding referendum didn't pass. We can pay up the money in other ways.

Mr. Widomski asked, are you saying you're circumventing the...

Alderman Anglace stated, I'm not saying I'm circumventing anything.

Mr. Widomski stated, that's what I'm saying. I'm saying that you're circumventing the...

Alderman Anglace stated, I'm not using that word.

Mr. Widomski stated, I am. And I'm going to tell you why I brought it up.

Alderman Anglace stated, I'm not circumventing anything.

Mr. Widomski stated, yes, you are.

Alderman Anglace stated, let me explain to you. We're not circumventing anything. We went and we asked the voters to fund \$1 million through bonding. They didn't approve of it through bonding. That doesn't mean the Aldermen can't do it in other ways.

Mr. Widomski asked, so where is the money coming from?

Alderman Anglace continued, we're authorized under the Charter to do that. We already spent \$600,000. We haven't spent the other \$400,000 yet, we haven't appropriated it. When we do, we'll disclose where it's coming from.

Mr. Widomski stated, back in November there was...

Alderman Anglace stated, we can do it through Board of Aldermen bonding which is five-year bonding. That is permissible.

Mr. Widomski stated, if you go through bonding, I mean, what's the difference between bonding and...

Alderman Anglace stated, there are two different types of bonds. We can bond with the approval of the electorate for any amount that the electorate wants to approve, or they

can turn us down, which they did in this case. That doesn't mean we're stymied and we can't go forward with a project or fund it. We have to find other ways to do it. Which we are doing. We are authorized under the Charter to do.

Mr. Widomski stated, I guess the attorney is the only one that can answer something like that. It went down in referendum. It appears that you're circumventing the will of the referendum. It went down. It went down in a large vote to spend the money. John, it wasn't the bonding, I don't think anybody cared about the bonding, it was the money being spent. Period.

Alderman Anglace stated no, that wasn't the question before the...

Mr. Widomski interjected, it doesn't matter, John. The point is you're playing...

Alderman Anglace stated, no, that was not the question before the electorate. The question before the electorate was, should we spend x amount of dollars through 20-year bonding and the answer came back, the referendum came back no. So we're not doing that.

Mr. Widomski stated, so it's a play on words.

Alderman Anglace stated, no it isn't. It's a fact.

Mr. Widomski stated, let me just stop you there. I'm going to tell you why I brought this up. Back in November I sent an e-mail to you, Jack Finn, asking about the \$900,000 that we, the City of Shelton, was guaranteeing for work on Canal Street. The answer I got from Jack Finn was, Jack said yes, there were six pages of backup. Period. That was the answer. John, you gave me something, I don't remember, I have it here. But it wasn't the answer I was looking for. Both you, Jack Finn, said call or get in touch with Jim Ryan of the Economic Development Corporation. And you, John, went and contacted Jim Ryan of the Economic Development Corporation on your own. So Jim Ryan got hold of me and I sent him a number of questions. What I want to do is submit the answers to the questions I had asked and see what you think the answers are in relation to the questions I asked. I was getting the same type of dancing and runaround I'm getting tonight. He gives me a big picture of the entire project and the \$900,000 non-activity I think he called it. I will submit the information tonight to you. But, the question is, where is this \$900,000 going? There is no bid, there is nothing. All you did was approve for \$900,000 bond on work on Canal Street. So looking into it further I found that the \$900,000 partially was used for Wooster Street Railroad Crossing. The remainder, whatever that was, is to be used on Canal Street itself. So I said, is any of this money going to be used for the railroad? Because we all know that the parking garage was constructed too close to the railroad tracks, so consequently the tracks are going to be moved, and the City of Shelton is going to pay to have those railroad tracks moved because of the proximity of the parking garage. So the question is, is this \$900,000 also to move the railroad tracks because of the parking garage? And the answer is no. There is going to be additional funding to move that. The only funding that they were talking about, the \$900,000, wherever that's coming from, and that we're paying for, is only for

that Wooster Street and that end. That's what I was told. I have some information from the State of Connecticut that I didn't bring with me tonight. But what's happening is, we're looking at \$900,000 for Wooster Street. Now you're looking for another \$3 million, whatever it is tonight, and no one knows where the money is being spent. You can't tell me where it's being spent. Eight of you on the Board have no idea where \$3 million is being spent. Eight Aldermen cannot tell me that.

Alderman Anglace stated, wait a minute. Alderman Finn and I gave you the correct answer. We as a group representing the City of Shelton have empowered the Shelton Economic Development Corporation to be our agent on this project. We referred you for specifics to them. We don't have all this information; we're not working with them on a day-to-day basis and we are not conversant on it as you would like us to be. The person that is, is Jim Ryan.

Mr. Widomski stated, so, you don't know.

Alderman Anglace continued, he is the source, he is the official source of the City on this project.

Mr. Widomski stated, so the answer is, you don't know. He asks for \$3 million and you say fine.

Alderman Anglace stated, any documents that we have are available to the members of the public under the Freedom of Information Act or any other resources. We have provided Mr. Widomski with information we think he's asking for.

Mr. Widomski stated no, I have not gotten the, in fact I will submit to you tonight, and you tell me, you tell me that I received the information I asked for. You read it and you tell me how you're spending \$4 million on something you don't even know what you're spending it on, John.

Alderman Anglace stated, when you ask a question, and we answer a question, one question results in five more, and then five more result in 50 more. That's a reason we are not day-to-day conversant on this and we cannot respond and give you the answers as fast as you'd like from the top of our heads.

Mr. Widomski stated, you can read it.

Alderman Finn stated, I just want to piggyback what John said. You sent me two e-mails, I responded to the first one. After I responded to the first one you sent me the second e-mail with 10 questions. That's when I said that you should contact Jimmy Ryan. I don't have the time to sit down and answer 10 questions and have you maybe send me a third e-mail asking me another 20 questions. I think you deserve the answers correctly and that's why I sent you to Jimmy Ryan. He is on top of it; he knows all the answers. He will be able to have those answers at his fingertips for you. I would have to contact Jimmy and get back to you. What we have in front of us tonight is a project financial planning budget agreement. You can have mine after the meeting. It shows you exactly where

everything is going to be spent on – everything from the total project income, total project cost, development expenses, total administration expenses, carrying charges, engineering fees and total construction costs.

Mr. Widomski asked, yeah, but for what? Is this the entire project, Jack? I was going to ask you why, because my understanding is the total project covers utilities, sewer work, filling in the Canal, it covers an awful lot. So this \$4 million will cover the whole ball of wax?

[Mayor Laretti arrived at this point and assumed the Chair.]

Alderman Anglace stated, this is to cover what's referred to as the Urban Action Grant 4-66-C.

Mr. Widomski stated, all right. I'm not going to belabor it. I'm not here to debate with you on it. At the end of the day there isn't too much we can do anyhow. You've got eight people there that are going to vote for or against it whether you know what's going on or not. I do want to make one other comment before I leave. I was running into the same kind of thing with the Planning and Zoning Commission. All it was, was over a silly sign at the Sierra Hotel. It was the same sort of thing. The answers were not there, received misinformation, I could have gotten the answer in one or two sentences at the Planning and Zoning meeting one evening and that didn't happen. So I spent probably hours of my time and more importantly hours of the Planning and Zoning people, Rick Schultz and Nancy down at the Planning and Zoning office. It appears to me that this is not the first time I ran into it and it's not going to be the last. I can understand that there are instances where you don't have all the information. On the other hand, this is going on with the Planning and Zoning Commission, the Shelton Economic Development Commission and the Board of Aldermen. I'm not getting the answers. Admittedly so the Canal Street is a very difficult project to follow and the normal Joe doesn't follow it because it is difficult and time-consuming. I just happen to be in the position where I can do this for the past four years. I probably know not as much as the Mayor but probably know more than most of you up on the Board, maybe. Only because of attending meetings and having some of the information. It annoys me when I run into a stop gap measure. It appears like it's almost hiding something or keeping it from the public. I don't know. Or, like Jack says, you don't have the time to give that type of information. But when I read, and what I wrote to Jim Ryan about Shelton Life, you have the time to put down the information in Shelton Life but it's not the type of information that we should all know. For instance, the \$3 million. And the \$900,000. And how much more it's going to cost to put the utilities in. And how much more it's going to cost to fill in the canal. And how much more it's going to be for the Riverwalk. There's no denying that it could be a nice development, but I'm asking you not to play it so close to the vest. When somebody asks a question from the public and just because someone like I don't know how to exactly phrase the question, to a specific, there's no reason that you can't give a little more information than less information, okay? I ran into this with three Boards and they're all land use boards. It's just disheartening when I see something like that. Thank you.

Mayor Laretti stated, you don't think that any of this information that you're looking for is in any of the minutes, all of the meetings, Board of Aldermen, Planning and Zoning, Wetlands, etc.?

Mr. Widomski replied, no.

Mayor Laretti stated, I'll tell you, there are 10 years worth of minutes where you could extract the answers.

Mr. Widomski stated, you can't extract the dollars that you're talking about today, where it's going. For instance, the question I had, Mark, was where exactly is the \$900,000 being spent. And Jack, you read the answer. I don't think it made an awful lot of sense, I'll submit. And there was no one pinpointed that \$900,000 was going to be spent on the railroad, or I thought, like I mentioned before, was for the entire railroad including the section that was moved because of the parking garage being in the way. It turned out that wasn't it.

Mayor Laretti stated, you know, part of the problem we have Rich is that we're dealing with estimates at this point, until they actually go out to bid. The estimates for the railroad is upwards of \$1.4, \$1.6 million. \$900,000 is just a portion of it.

Mr. Widomski stated, you see it was a portion of the crossing, but also was thrown in, Canal Street, the turnaround.

Mayor Laretti stated, the reason it's on the agenda is to be access the State money. To give us some leverage to keep the project moving. We don't have the ability to come up with \$5 or \$6 million to do the project start to finish. So should we sit around for years and wait for that to happen? Or should we start to make progress?

Mr. Widomski stated, well, the point I brought up before, Mark, was the referendum. The \$3 million referendum that went down. I said to John, it appears to me and perhaps to the public that you're circumventing the \$3 million that referendum went down. If you present your case to the people and say we need this \$3 million, because it's not free money, you know, if you get \$1 million, if you get \$2 million, you still need \$1 million from us. It's still \$1 million. Period. At the end of the day. You're able to put it in Shelton Life in the wording that makes it appear like we've all died and gone to Heaven on Canal Street. But you don't put in the meat of it. Where I'm coming from, the meat of it is the dollars and cents and the type of return that we're going to get. Let's face it. The money we spent there's been no return. I can understand that. Most people should be able to understand that because of the recession. You can't expect a return. But there's got to be somebody saying that in 10 years, 20 years, or never, that's the type of information that we're looking for.

Mayor Laretti stated, it was done with the Birmingham. Everybody knows what the before and after taxes were on the Birmingham, with that private investment. You don't get the gist of what's coming in the future with a \$250 million private investment? You

know, shouldn't we, the taxpayers, invest \$8 million? Somebody else wants to spend \$250 million.

Mr. Widomski stated, it's \$8 million but that could be argued too. Everything could be argued.

Mayor Laretti stated, sure. Look what we spent down at the B.F. Goodrich site. That's going to benefit the public forever. Put a value on that. You don't think that's money well spent?

Mr. Widomski stated, I didn't say that, did I?

Mayor Laretti stated, but you infer it, because nobody's given you the hard number of just exactly how much it is as we sit here today. We couldn't do that with the Birmingham.

Mr. Widomski stated, Mark, I think that you know that I know that you know I deal in round numbers. I'm not going to deal in \$2 million, 500 thousand, 875 dollars and 65 cents. You know I'm not going to do that. I think by now you know that. But at least be in the ballpark and know where it's coming from. There wasn't anybody on this Board that knew exactly where the money was going. All they know is it's going to Canal Street and not for what.

Mayor Laretti stated, this is going to continue to go nowhere because there are some people that don't want it to go anywhere. I'm going to stop there. If there is anybody else that wants to address the public, please feel free to do so.

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

## **MINUTES FOR APPROVAL**

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### ***1. MINUTES FOR APPROVAL***

#### **1. REGULAR FULL BOARD MEETING – DECEMBER 10, 2009**

Alderman Anglace MOVED to waive the reading and approve the minutes of the Special Meeting of January 4, 2010 and the Regular Full Board Meeting of January 14, 2010; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

### **5.1 FINANCE COMMITTEE**

#### **5.1.1 FEBRUARY 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 \$7,400.67 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 FUNDING FOR PROFESSIONAL SERVICES FOR CIVIL WAR MEMORIAL DESIGN

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to appropriate the sum of \$1,592.50 for Professional Services for the Civil War Memorial Design Review with funding to come from Contingency General Account #001-9900-900.99-00; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

#### 5.1.3 SHEEHY AND DILLON INVOICES

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to approve Sheehy & Dillon invoices dated November 11, 2009 totaling \$4,242 with funding to come from Legal Services-Corporation Counsel Professional Services Account # 001-1900-411.30-01; SECONDED by Alderman Simonetti.

Mayor Lauretti stated, just for the record, I want the Board to understand that this doesn't require Board approval. There's a budget line item that's approved an annual appropriation every year that the Department Head is allowed to spend down. This is really the desire of the Corporation Counsel.

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

#### 5.1.4 RESCISSION OF ACTION MADE AT OCTOBER 8, 2009 MEETING – ITEM 9.8

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to rescind the action made at the October 8, 2009 meeting regarding Item 9.8 Appropriation of Funds – Command Type Vehicles for Fire Department; and further,

MOVED to appropriate the sum of \$50,000 for the purchase of a Fire Command Type vehicle and a lighting, striping and console package for the Fire 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.

### **5.2 PUBLIC HEALTH & SAFETY COMMITTEE**

No items.

### **5.3 STREET COMMITTEE**

#### 5.3.1 SIDEWALK REIMBURSEMENT REQUEST – 310 HOWE AVENUE

Alderman McPherson MOVED, per the recommendation of the Street Committee, to approve the sidewalk reimbursement in the amount of \$3,087.75 to Robert Pagliaro of 392 River Road per Ordinance #465 with funding to come from Engineering Account #001-3600-713.80-43; SECONDED by Alderman Papa.

Alderman Anglace stated, the only thing that isn't in this package is the total cost of the project, if you want to keep that in mind for the future.

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

### 5.3.2 SIDEWALK REIMBURSEMENT REQUEST - 16-18 OAK AVENUE

Alderman McPherson MOVED, per the recommendation of the Street Committee, to approve the sidewalk reimbursement in the amount of \$2,154 to Robert Pagliaro of 392 River Road per Ordinance #465 with funding to come from Engineering Account #001-3600-713.80-43; SECONDED by Alderman Papa.

Mayor Lauretti stated, I don't know why they have him listed at 392 River Road, he doesn't live on River Road.

Alderman Simonetti stated, that's his business.

Mayor Lauretti stated, the refund should go to the business then, or change the address, either one.

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

### 5.3.3 PROPOSED DISPOSITION OF WHITE STREET RIGHT OF WAY, 475-479 HOWE AVENUE

Alderman McPherson MOVED, per the recommendation of the Street Committee, to approve the discontinuance and abandonment of a portion of the White Street Right of Way consisting of 1,056 square feet more or less as shown on a map entitled "Property Survey of Property Located at 475-479 Howe Avenue Shelton, CT" prepared for Schaible Realty, LLC by Lewis Associates dated 6-30-04 and attached hereto and a transfer of whatever interest the City of Shelton may have or may obtain as a result of the discontinuance and abandonment of said property to Schaible Realty, LLC for no consideration by way of quit claim deed subject to the grantee providing the City of Shelton with an updated A-2 survey and mylar for recording and further subject to an 8-24 referral to Planning and Zoning Commission for both the discontinuance, abandonment and transfer of said property. This motion is further subject to any requirements of the Public Works Department; and further,

MOVED to authorize Mayor Mark A. Lauretti to execute any and all documents to effectuate same. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

**5.3.4 WELLS AVENUE PHASE 4 – PAPER STREET CONSTRUCTION; REQUEST TO REDUCE PERFORMANCE SURETY**

Alderman McPherson MOVED, per the recommendation of the Street Committee, that the \$20,000 performance surety on the Wells Avenue Phase 4 – Paper Street Construction project by MJS Builders be reduced to 20 percent or \$4,000; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

**REPORT OF THE MAYOR**

None presented.

**REPORT OF THE PRESIDENT**

None presented.

**6.0 LEGAL REPORT**

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**6.1 CORPORATION COUNSEL BILLING**

Alderman Anglace MOVED to authorize a total payment of \$1,539.88 to Corporation Counsel Welch, Teodosio, Stanek and Blake, LLC for services rendered per statement dated February 5, 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.

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**6.2 ASSISTANT CORPORATION COUNSEL BILLING**

Alderman Anglace MOVED to authorize a total payment of \$700 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated February 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**

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**7.1 A. AMENDMENTS TO ORDINANCE #845 - ANTI-BLIGHT ORDINANCE**

Alderman Anglace MOVED to adopt the Anti-blight Ordinance #845 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 January 26, 2010. SECONDED by Alderman Simonetti.

Alderman Anglace stated, Alderman Papa will read the three changes into the record:

**Note: the following changes are being adopted:**

**Sec. (a) 1b – Strike the words “or, ... or grass more than ten (10) inches high...”**

**Sec. (a) 1e – Strike the words “...or as documented in Fire Department reports.”**

**Sec. (d) 3a – Second Sentence – Strike the words “...by mutual agreement with the owner, provided that the extended deadline must be contained in writing signed by the owner and the director, ...”**

Corporation Counsel Welch noted that the ordinance brought to public hearing had the changes in Section (a) 1b and Section (a) 1e. The third item just referenced is a new section that was brought out from the public hearing issues. I suggest to move the passage of the ordinance as presented at the Public Hearing and amended with the addition of the third revision.

Alderman Finn MOVED to AMEND the motion to strike the words in Section (d) 3a – second sentence, “...by mutual agreement with the owner, provided that the extended deadline must be contained in writing signed by the owner and the director,...”  
SECONDED by Alderman Simonetti. A voice vote was taken and the AMENDMENT PASSED 8-0.

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

**1. AMENDMENT TO ORDINANCE #845 – ANTIBLIGHT ORDINANCE**

Anti-Blight – Ordinance #845  
Amendment to Ordinance #714, 757 & 823

Be it ordained by the Board of Aldermen of the City of Shelton to amend Ordinance #714, #757 and #823 entitled “Anti-blight Ordinance” as follows:

**DECLARATION OF POLICY:**

This section is authorized pursuant to Connecticut General Statutes Section (C)(7)(H)(XV) and Section 7-148aa, it is hereby found and declared that there exist within the City of Shelton a number of taxable and tax-exempt real properties containing vacant and blighted buildings and that the existence of such vacant and blighted buildings adversely affects the economic well-being of the city and is inimical to the health, safety, and welfare of the residents of the city. It is further found that many of the vacant and blighted buildings can be rehabilitated, reconstructed, and reused so as to provide decent, safe, sanitary housing or commercial facilities, and that such rehabilitation, reconstruction, and reuse would eliminate, remedy, and prevent the adverse conditions described above.

## (a) DEFINITIONS

For the purpose of this section, the following words and terms shall have meanings ascribed as follows:

- 1) Blighted premises shall mean any building or any part of a building or structure that is a separate unit, or a parcel of land in which at least one (1) of the following conditions exist:
  - a) It is determined by the city Building Official, Zoning Enforcement Officer, Anti-Blight Officer, or by health department reports that existing conditions pose a serious or immediate danger to the community, i.e. a life-threatening condition or a condition which puts at risk the health or safety of the citizens of the city.
  - b) It is not being adequately maintained, the following factors may be considered in determining whether a structure or building is not being adequately maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damages; a foundation that is structurally faulty; garbage, trash, rubbish, boxes, paper, plastic or refuse of any kind; old furniture, bedding, appliances or anything of the like, or abandoned cars, boats, or any motorized vehicle or other inoperable machinery situated on the premises or the public right of way (unless the premises is a junkyard legally licensed by the State of Connecticut), rodent harborage and/or infestation, overgrown brush, shrubs or, weeds ~~or grass more than than (10) inches high~~ (specifically excluding land which is farmland), dumpsters/steel storage containers on a non-construction site for a period exceeding ninety (90) days, unauthorized equipment on site (backhoes, bulldozers, dump trucks, etc.) stockpile of wood or stone for a period exceeding ninety (90) days and unfinished exterior residential construction projects which shall include the installation of doors, windows, siding and roofing for a period exceeding ninety (90) days.
  - c) It has been cited for code violations as documented in the Office of Building Inspection and Enforcement, Housing Code Inspection, Zoning Enforcement Officer's and Anti-Blight Officer's Reports.
  - d) It has become a place where criminal activity has taken place as documented by police department reports.
  - e) It is a fire hazard as determined by the fire marshal. ~~or as documented in fire department reports.~~

- f) It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the neighborhood as cancellation of insurance on proximate properties.
- 2) Building Official shall mean Building Official as defined in Connecticut General Statute Section 29-260.
- 3) Dilapidated shall mean a building or structure or part thereof that would not receive a certificate of occupancy if applied for.
- 4) Director shall mean the Director of the Office of Community Development for the City of Shelton.
- 5) Vacant shall mean a period of sixty (60) days or longer during which a building or structure or part thereof, or land is not legally occupied.
- 6) Appeals Board and/or Hearing Officer shall mean the Building Board of Appeals.
- 7) Legal occupancy shall mean occupancy that is legal by virtue of compliance with state building, state fire safety, local zoning, local housing, and all other pertinent codes, which habitation must be substantiated by a bona fide lease agreement, a rent receipt or a utility statement.
- 8) Neighborhood shall mean an area of the city comprised of all premises or parcels of land any part of which is within a radius of four hundred (400) feet of any part of any other parcel or lot within the city.
- 9) Vacant shall mean a parcel of land with no structures thereon.
- 10) Unit shall mean any space within a building that is or can be rented by or to a single person or entity for his or its sole use, and is intended to be single and distanced space.

b) PROHIBITION OF CREATING OR MAINTAINING BLIGHTED PREMISES

No person, firm or Corporation shall cause or permit blighted premises, as defined herein, to be created or the existence thereof continued on any real property located in the City of Shelton.

c) CERTIFICATION OF LIST OF BLIGHTED PREMISES

- 1) The Director shall require members of the building Department, Police Department, Housing Department, Zoning Enforcement Officers, and the Fire Marshal's Office to report any real property that they are aware of that appears to be blighted to the Office of Building Inspection/Housing Code Enforcement Officer; the City Officials shall submit their reports to the Office of Building Inspection/Housing Code Enforcement Officer; the City Officials shall submit their reports to the Office of Building Inspection/Housing Code Enforcement Officer within ten (10) days of the director's request.
- 2) The Office of the Building Inspection/Housing Code Enforcement Officer shall use this information and any other information on blighted premises that may be available to complete a list of blighted premises.
- 3) The Building Official shall review and certify a list of blighted premises. Said director shall either approve, disapprove or modify said list.
- 4) The Building Official and Director shall inform the Board of Aldermen's Public Health & Safety Committee at a meeting and at such other times as the Director deems appropriate, of said list.
- 5) On or about the first of each month, all city department heads shall report any real property they are aware of that appears to be blighted to the Director. The Director shall conduct inspections and prepare and update on a monthly basis a list of blighted premises. A copy of the updated list shall be provided monthly to the aldermanic subcommittee.

**d) ENFORCEMENT BY DIRECTOR OF COMMUNITY DEVELOPMENT**

- 1) The Director of Community Development is charged with enforcing this chapter. The Director or its designees shall undertake regular inspections of the blighted premises for the purpose of documenting continuing blight. The Director, or its designee, shall impose a fine of not less than \$10 nor more than \$100 for each day that a building, structure or any part thereof or a parcel of land violates this chapter. The fine shall be retroactive to the date that the director, or its designee, serves the notice of citation to the owner. Each day that the building or structure or the parcel of land is in violation of this chapter shall constitute a separate offense. The Director shall impose fines for blight by serving a notice of citation on the owner in accordance with this section and shall notify the Board of Aldermen of the citation and amount of the fine imposed.
- 2) The director may prescribe administration procedures for the purpose of effectuating this section.
- 3) Hearing procedure for citations.
  - a) Once a blighted property is on the list of blighted properties approved by the director, the director shall serve a notice of citation on each owner of

such blighted property by a city sheriff or a state marshal or, in the case of an owner who cannot be identified or one whose address is unknown, by publishing a copy of such notice of citation in a daily or weekly newspaper having general circulation in the City of Shelton. The notice of Citation (hereinafter "citation") shall state that the property is cited for violating this section, list the specific violation or violations, set forth the specific amount of the daily fine levied and state that such fine shall be levied from the date of the citation for each day that any listed violation continues unless all violations are corrected by a designated date, and state that, if the fine is uncontested, it must be paid in full no later than 10 days from the expiration of the designated deadline for correcting violations by mutual agreement with the owner, provided that the extended deadline must be contained in writing signed by the owner and the director, and further provided that no date for correcting violations shall be more than 30 calendar days from the date of citation. For the purposes of this section, a facsimile signature shall be deemed a signature.

- b) If all of the violations listed in the citation are not corrected within the initial or extended designated period, as the case may be, and the fine is not paid by the deadline for uncontested payment, then, within 60 days from the expiration of the final period for the uncontested payment of the fine for any citation issued under this section, the director shall send written notice to the person cited. Such notice shall inform the person cited:
- 1) Of the alleged violation(s) of this section that have not been corrected and the amount of the fines due;
  - 2) That he may contest his liability before the Building Board of Appeals by delivering in person or by mail to the Director a written demand for such a hearing within 10 days of the date of said invoice;
  - 3) That, if he does not timely demand such a hearing, an assessment and judgment shall be entered against him; and
  - 4) That such judgment may issue without further notice.
- c) If the property owner who was sent notice pursuant to subsection B of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines admitted to, in person or by mail to the Director. Such payment shall be inadmissible in any civil or criminal proceeding to establish the conduct of such person or other person making the payment. Any owner served with a notice pursuant to Subsection B of this section who does not deliver or mail written demand for a hearing within 10 days of the date of said notice

shall be deemed to have admitted liability, and the director shall certify to the hearing officer such owner's failure to demand a hearing. The hearing officer shall thereupon enter and assess the fines provided for by this section and shall follow the procedures set forth in subsection E of this section.

- d) Any property owner who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing the notice of hearing, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial citation issued by the director shall be filed and retained by the municipality and shall be deemed to be a business record within the scope of the Connecticut General Statutes Section 51-180 and evidence of the facts contained therein. The presence of the director shall be required at the hearing if the owner so requests. An owner wishing to contest liability shall appear at the hearing in person or by counsel and may present evidence in his/its behalf. The director, or his designee, may present evidence on behalf of the municipality. If the owner fails to appear in person or by counsel, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes and this section. The hearing officer may accept from the owner copies of any investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing, if he determines that the owner is not liable, the hearing officer shall dismiss the matter and enter his/her determination in writing accordingly. If the Hearing Officer determines that the owner is liable for the violations(s), he shall forthwith enter and assess the fines against such owner.
- e) If such assessed fine is not paid on the date of its entry, the Hearing Officer shall send, by first-class mail, a notice of the assessment to the owner found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of the Superior Court Facility designated by the Chief Court Administrator within the boundaries of the judicial district in which the municipality is located, together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court

costs of \$8, against such person in favor of the municipality.

Notwithstanding any other provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

- f) A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to general statutes section 52-259, in the superior court for the geographical area in which the municipality is located, which shall entitle such owner to a hearing in accordance with the rules of the judges of the Superior Court.

5) Unpaid fines constitute a lien upon the real estate; payment and release of fines.

- a) Any unpaid fine imposed pursuant to the provisions of this section shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property tax liens. The fine shall be retroactive to the date of service of the director's initial notice of citation to the owner.
- b) All funds shall be deposited into a trust in agency account to be administered by the Board of Aldermen to be used for associated costs in enforcing and administering this ordinance (i.e. legal fees, court costs, serving of papers, etc.) which shall be a continuing account.
- c) The Board of Aldermen may waive and release blight fines and liens of the City of Shelton. If in the Board's opinion, a buyer has the financial ability and intention to immediately rehabilitate the blighted premises, or the board may hold all penalties and liens until all rehabilitation is completed to the satisfaction of the Director.

e) SEVERABILITY

*If any provision of this section or the application thereof shall be held invalid or unenforceable, the remainder of this section, or the application of such terms and provisions to persons or circumstances other than those as to which it is held invalid or*

*unenforceable, shall not be affected thereby, and each remaining term and provision hereof shall be deemed valid and be enforced to the fullest extent permitted by law.*

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**7.2 APPROVAL OF OFFICE OF EMERGENCY MANAGEMENT HAZARD MITIGATION PLAN**

Alderman Anglace MOVED to adopt the following Resolution:

Resolution

Whereas, the Draft Hazard Mitigation Plan prepared by the Office of Emergency Management (OEM) of the City of Shelton was adopted in principle by the Board of Aldermen (BOA) on May 14, 2009; and

Whereas, the OEM was directed to offer this draft to the general Public for further comment; and

Whereas, such Public Comment has been considered; and

Whereas, the OEM Hazard Mitigation Plan has been amended and finalized,

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of City of Shelton that the amended OEM HAZARD MITIGATION PLAN prepared by the Office of Emergency Management of the City of Shelton is hereby adopted.

SECONDED by Alderman Simonetti.

Alderman Simonetti asked, in the Hazardous Mitigation Plan, I don't believe there was anything about the natural gas lines that go through Shelton. Is that separate?

Mayor Lauretti replied, no, it's all-inclusive. That's what it is, the Hazardous Mitigation Plan. No matter what happens, if you get a big sinkhole, there's a plan in place there to respond.

Alderman Anglace stated, I read it cover-to-cover. It was long. This plan says several times in it, that it is a moving target that will be continue to be updated and upgraded. I didn't find any reference to the gas lines that permeate through the City of Shelton. It's a good suggestion; there's no reason why they couldn't incorporate it. I spoke to the Director about this and he said they would take a look at it. The plan itself is voluminous. I think the people that prepared it deserve our thanks. The Office of Emergency Preparedness and all the individuals, the boards and commissions, etc. associated with the development of this plan, for their diligent attention to duty. They did get into details, let me tell you. This 80-plus page document contains much valuable information that will be extremely helpful in the assessment and reduction of

risk to our citizens. Of course, it stands out like a sore thumb, the flood plain, the Maples, the benefits down there. Those of you representing the first ward could be proud of this. It's obvious that the OEM put a lot of time and effort into this plan. For that I thank them on behalf of the Board of Aldermen and the citizens of Shelton. This plan will receive constant updating, consequently I would encourage anybody with ideas or suggestions to forward them to the OEM Director and he'll look into it and incorporate it. It's very comprehensive.

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

A copy of the 80-page document is in the Town Clerk's Office for public viewing and in the BOA Clerk's office for aldermen wishing to view it.

## **8 FINANCIAL BUSINESS OLD**

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### ***8.1 INCREASE OF FUNDING FOR LONG HILL SCHOOL ALL PURPOSE FIELD***

Alderman Anglace MOVED to increase the total project cost of the Long Hill School All Purpose Field by \$38,500 to \$499,600 from \$461,100; and further,

MOVED to appropriate a sum of \$38,500 which when added to the prior appropriation of \$301,100, as authorized in the resolution approved at the Special Meeting of July 28, 2009, results in a combined appropriation of \$339,600. Funding for this appropriation shall be provided by bonding, pursuant to Section 7.16 of the City Charter. The remainder of the total project cost of \$160,000 will come from LOCIP, as provided in the resolution approved at the July 28, 2009 Special Meeting; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

## **9 FINANCIAL BUSINESS NEW**

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### ***9.1 FUNDING FOR EMERGENCY DEMOLITION OF HOUSE ON NORTH OAK AVENUE***

Alderman Anglace MOVED to approve the transfer of \$1,710 from Contingency General Account #001-9900-900.99-00 to Emergency Services Account #001-3100-713.80-03 for the cost of emergency demolition of the house at 161 North Oak Avenue; SECONDED by Alderman Simonetti.

Mayor Lauretti stated, if you recall at the last meeting, we took no action on the last motion because there was a shortage of \$500, and it needs to be appropriated. I thought that would be part of this motion, and it's not, so it really should be. We should add it so that we could get those demolition costs cleared up. If you'll recall, I explained it. There is \$2,000 in the Building Department budget to cover this, but it was about \$500 short.

Alderman Anglace asked, so the actual cost of this was \$2,210?

Mayor Lauretti replied, no. The actual cost was, I'll give you a breakdown. Remember, we had a motion last month for the appropriation of \$500 for the demolition cost which was \$2,400? That never got approved.

Alderman Anglace stated, it's right here.

Mayor Lauretti stated, no, that is to oversee any hazardous materials that might have been part of the demolition, required under the Emergency Demolition Permit from the State of Connecticut. It's not on here. There has to be an amendment to the motion that specifies this \$500 for the actual demolition of the building. You have two parts of this. You have the demolition of the property, and then you have the industrial hygienist to oversee the demolition. We have \$2,500 for the demolition and \$1,700 for the industrial hygienist.

Alderman Finn asked, the Emergency Service account only had \$3,000 in it. Is that the account you took the original \$2,000 out of?

Mayor Lauretti replied, no.

Alderman Finn stated, so if you still have \$3,000 left in the account, why are you asking us to transfer \$2,300 from the general fund?

Mayor Lauretti stated, I don't know what you are talking about.

Alderman Finn stated, you're asking us to transfer tonight, \$2,210 from the Contingency General Account into the Emergency Services account. That account has \$3,000 in it as of today, and no money has been encumbered. So why are we being asked to transfer?

Mayor Lauretti stated, I didn't ask to have it go to the Emergency Services account. I don't even know what that account is.

Alderman Finn stated, that's what you said last month. Last month you said that you were surprised that [inaudible] an inter-department transfer to cover the cost, and you don't know why it was coming in front of us.

Mayor Lauretti stated, that's right. The Building Inspector had to go before Apportionment and Taxation and could have transferred the \$500 out of his budget into another line item in his budget. Is this Emergency Services account in the Building Department's budget? I think maybe that's where it came from. Is there a budget run here? [no.]

Alderman Anglace stated, act as the motion as it's in front of us and make whatever amendments we have to make.

Alderman Finn asked, why are we being asked to transfer this money if there's money in the account already? That is the question. There is \$3,000 that has not been utilized.

Nothing is encumbered. Yet they're asking to transfer \$2,210 tonight to cover the expense and put it into the Emergency...

Mayor Lauretti interjected, I don't know what account you're talking about that has \$3,000 in it.

Alderman Finn stated, Emergency Services account.

Mayor Lauretti asked, what department?

Alderman Finn replied, that wasn't provided to me by the Purchasing Department. The Purchasing Department just told me Emergency Services account as of today has \$3,000 in it.

Mayor Lauretti asked, what department, though? Let's approve the motion that's in front of us. I'll handle the balance of \$500.

Alderman Finn stated, on the \$1,710 that you want to transfer to pay for the invoices in front of us tonight, how come there are no purchase orders for it?

Mayor Lauretti stated, because I can't generate a purchase order without money.

Alderman Finn stated, well, you can still request a purchase order. There is \$3,000 in the account already.

Mayor Lauretti stated, I don't know what you are talking about. You keep saying that, but you don't have a budget run and nobody else does so we can't clarify it.

Alderman Finn stated, Emergency Services account is right here in front of us where you want to transfer it to. As of today there's \$3,000 still in that account and there's no purchase order to cover the expense of the \$1,700. I don't think we should penalize the vendor. We should just go ahead and pay it. Those are questions I have. Why is there no purchase order, and why are we transferring the money when there's money in the account?

Mayor Lauretti stated, you don't need a purchase order right now.

Alderman Anglace MOVED to AMEND the MOTION to add \$500 for the actual demolition of the building; SECONDED by Alderman Kudej. A voice vote was taken and the AMENDMENT PASSED 8-0.

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

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### ***9.2 FUNDING FOR PHASE 3 OF DOWNTOWN REDEVELOPMENT PROGRAM***

Alderman Anglace MOVED to adopt the following Resolution; SECONDED by Alderman Papa.

[Alderman Anglace read the resolution aloud into the record.]

Alderman Finn asked, on the funding from the State, that's depending on the availability, correct? If the funds are not available to us, what is our Plan B?

Mayor Lauretti replied, call the State Department of Economic and Community Development, they'll give you the answer.

Alderman Finn asked, the State Traffic Commission was requiring of the developer at the time he was submitting his plans to come up with a plan for the traffic flow for downtown Shelton, in that area that is to be developed. Why now is the City of Shelton taking this burden on?

Mayor Lauretti replied, I don't know what you're talking about.

Alderman Finn stated, Jimmy Ryan indicated it was only for public safety. Okay.

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

#### RESOLUTION

Whereas, the City of Shelton has embarked on a successful program of downtown revitalization, and

Whereas, the program has resulted in significant progress through strategic public investments, including local, state, and federal partnerships, and

Whereas, the City of Shelton, acting through the Shelton Economic Development Corporation, has implemented major activities under Phase 1 and Phase 2 of the Shelton Enterprise and Commerce Park, and

Whereas, additional work and progress in public infrastructure and utility infrastructure is warranted based on the successful progress and based on the significant new private investment which has occurred and which is forecast, and

Whereas, this new Phase has been designated as Phase 3 of the City of Shelton Downtown Redevelopment Program, and includes the continued reconstruction of Canal Street, reconstruction of Wooster Street, reconstruction of the Wooster Street Railroad Crossing, construction of a new pedestrian crossing, utility undergrounding, related street improvements, engineering in support of program, environmental, and legal and administrative costs (SEDC), and

Whereas, the City of Shelton, acting through the SEDC has presented a \$4,000,000.00 program to the CT DECD for approval, and

Whereas, the State of Connecticut has offered a \$2,000,000.00 grant towards a \$2,000,000.00 local share, and

Whereas, the State of Connecticut has offered a revised agreement reflecting a \$2,000,000.00 State grant matched by a \$1,000,000.00 local match, and

Whereas, the City has already expended funding which it will apply as a match in the amount of \$600,000.00 and is appropriating an additional \$400,000.00 to complete the matching requirement, and

The project has been underway since 2007 and formal program implementation by the SEDC was instituted on January 1, 2008, and

Whereas, it has been determined to be in the best interest of the City of Shelton to do the following:

1. Authorize the Mayor of the City of Shelton to submit an updated application for financial assistance to the CT DECD and to approve the required resolution, and authority to execute all funding related contracts and CT DECD related forms and revisions, and
2. Continue the designation of the Shelton Economic Development Corporation as the implementation agency for this Phase 3 Program, and
3. Appropriate funding in the amount of \$400,000.00 to be provided by bonding, pursuant to Section 7.16 of the City Charter which funds shall be towards the total match requirement recognizing certain engineering, administrative and related costs as previously agreed to for a total required local share of \$1,000,000.00 to match the CT DECD share through Urban Act funding and to make said funding available for allocation to the Phase 3 program.

Be it further resolved that the Board of Aldermen of the City of Shelton recognize that a subsequent Phase of work, and other possible Phases will be required to complete all planned improvements, and

Now therefore be it resolved that all measures required to as listed above are hereby approved and ratified.

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### **9.3 APPROPRIATION OF FUNDS FOR CORRIDOR AND STAIRWELL DOORS AT SHELTON HIGH SCHOOL – RESCISSION OF MOTION AND REAPPROPRIATION**

Alderman Anglace MOVED to rescind the action regarding Item 2. Appropriation of Funds for Corridor and Stairwells Doors at Shelton High School made at the Board of Aldermen Special Meeting of January 4, 2010; and further,

MOVED to appropriate the sum of \$296,500 for the replacement of the corridor and stairwell doors at Shelton High School 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.

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**9.4 WAIVER OF BID PROCESS TO PURCHASE FROM GOVERNMENT AGENCIES**

Alderman Anglace MOVED to adopt the following Resolution:

WHEREAS, pursuant to the Charter of the City of Shelton Section 7.14, the City is required to bid all purchases which may reasonably expect to exceed the cost of \$5,000; and

WHEREAS, the intent of the Board of Aldermen is to meet these Charter requirements and to obtain all purchases at the lowest possible cost possible; and

WHEREAS, the Board of Aldermen have been informed by the Purchasing Department that certain procedures and/or forums exist whereby the municipalities may bid on certain items in a manner similar to an auction; and

WHEREAS, the procedures and requirements of the Charter of the city of Shelton would prohibit the City from participating in a "bidding" procedure and/or auction; and

WHEREAS, the Board of Aldermen wish to adopt a procedure wherein the Purchasing Department may under certain limited circumstances participate in said "bidding" procedures and/or auctions in order to obtain the purchase of goods for the City at the lowest cost possible.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen:

The Board of Aldermen pursuant to Charter Section 7.14 hereby waives the bidding requirements and shall permit the Purchasing Department to participate in the purchase of goods through a "bidding" procedure and/or auction provided the following requirements are satisfied, to wit:

1. Appropriate funding for the purchase of the items has been authorized;
2. The Purchasing Agent shall be required to obtain three (3) quotes of the same or similar item prior to bidding or participating in an auction;
3. The Purchasing Agent shall not be permitted to bid an amount which is in excess of the lowest quote received;

4. The Purchasing Agent shall inform the Board of Apportionment and Taxation and the Board of Aldermen in writing of the City's purchase of any item purchased pursuant to this process;
5. All other procedures as set forth by the Charter, the Administration and the Purchasing Department shall be complied with by the Purchasing Department.

BE IT FURTHER RESOLVED by the Board of Aldermen:

1. The Board of Aldermen further agree that the disposal of City surplus/scrap equipment may be disposed of by means of auction and/or bidding provided that all the other procedures set forth in Ordinance Sec.2-4 have been complied with and that a minimum sale price is determined by the Purchasing Department. This authorization shall satisfy the Boards approval requirement set forth in subsection (5) of said Ordinance.

SECONDED by Alderman Simonetti.

Alderman Anglace stated, this also applies to reverse auction bidding.

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

#### **10. - LEGISLATIVE - NEW**

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##### **10.1 ITEMS TO PUBLIC HEARING**

No items

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##### **10.2 AGREEMENT FOR ELECTRICAL SERVICES FOR CITY**

Alderman Anglace MOVED to approve the agreement between the City of Shelton and Holzner Electric Company for electrical services to perform various electrical work as requested by the City on an as needed basis; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate said agreement. SECONDED by Alderman Kudej.

Alderman Anglace stated, this is in effect what we call generic bidding. The contract is out for a term.

Corporation Counsel Welch stated, this is on-call services for these various items so you're not put in a position where we'd have to go out to bid. This is a contract for on-call services for HVAC and electrical and plumbing – the next three items.

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

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**10.3 AGREEMENT FOR HVAC SERVICES FOR CITY**

Alderman Anglace Move to approve the agreement between the City of Shelton and Barnum Engineered Systems, Inc. for various heating and air conditioning services as requested by the City on an as needed basis; and further,

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

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**10.4 AGREEMENT FOR PLUMBING SERVICES FOR CITY**

Alderman Anglace MOVED to approve the agreement between the City of Shelton and A&B Mechanical, LLC for various plumbing services as requested by the City on an as needed basis; and further,

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

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**10.5 WASTE WATER TREATMENT PLANT – APPROVAL OF CONTRACTS****A. FUTURE SUPPLY CORPORATION AGREEMENT**

Alderman Anglace MOVED to approve the agreement between the City of Shelton and Future Supply Corporation to purchase foam-free silicone defoamer services for the Water Pollution Control Plant on an as-needed basis; and further,

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

**B. ABC ENVIRONMENTAL AGREEMENT**

Alderman Anglace MOVED to approve the agreement between the City of Shelton and ABC Environmental, Inc. for the purchase of sodium nitrate with nutrients for the Water Pollution Control Plant on an as needed basis; and further,

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

**11 EXECUTIVE SESSION**

At approximately 8:20 p.m. Alderman Anglace MOVED to enter into Executive Session to discuss the following items:

- 11.1 Rodrigues – Worker’s Compensation
- 11.2 Civitella v. City of Shelton

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

***Return to Regular Session***

At approximately 8:28 p.m., Alderman Anglace MOVED to return to Regular Session; SECONDED by Alderman Farrell. A voice vote was taken and the MOTION PASSED 8-0.

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

**MOTIONS FROM EXECUTIVE SESSION**

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**11.1 *Rodrigues – Worker’s Compensation***

Alderman Papa MOVED to approve a partial payment of 9 % of the permanent partial disability rating in the Worker’s Compensation matter of George Rodrigues; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 8-0.

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**11.2 *Civitella v. City of Shelton***

Alderman Papa MOVED to approve the stipulation in the tax appeal of Civitella v. the City of Shelton as presented; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

**ADJOURNMENT**

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

The meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk  
Board of Aldermen

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

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

Mark A. Lauretti  
Mayor, City of Shelton