



BOARD OF ALDERMEN  
SHELTON, CONNECTICUT  
FULL BOARD MEETING  
THURSDAY, FEBRUARY 11, 2009

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Call to Order / Pledge of Allegiance

Mayor Mark A. Lauretti called the meeting of the Board of Aldermen to order at 7 p.m.  
All those present 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 Kenneth Olin - present  
Alderman John P. Papa – present  
Alderman Jason Perillo - present  
Alderman Anthony Simonetti - present

Administration:

Corporation Counsel Thomas Welch

There was a quorum present.

Agenda Items

PUBLIC SESSION

Alderman Anglace stated, I understand that we're blessed tonight, we have our neighbors here with us from the Summerfield Gardens. The Board of Aldermen wants to welcome you. I understand you have some things you want to tell us, and we certainly want to hear what you have to say. These are the rules – if you want to speak, raise your hand. When you're recognized, come to the podium, tell us whatever you'd like to say. You've got five minutes. Judging by the number of people here, if everybody speaks, it's going to be about an hour and a half. So if you'd keep your remarks brief we'd appreciate it. If you can't, God bless you. Let's hear what you've got to say. We know you're going to approve of each speaker's comments, but in order to expedite things, we would appreciate it if you'd hold your applause until the end.

Diane Alterio, 211 Summerfield Gardens

I am the president of the Association, and I'd like to say good evening to everybody. The purpose of my attending this meeting tonight consists of a series of events that took place starting in November of 2008, for an intended driveway into the Wiacek Farm property as we know it. In November, members of our community who walk the boulevard every day noticed some white paint marks in the street at the curb, about 75 feet from our entrance, in quite close proximity to our property. I have some photos here to show you that as well. Being president, they did call me and asked if I knew what the purpose was. I told them I did not know. I asked them if they wouldn't take it upon themselves to call several departments in the city to find out what exactly that was for. They reported back to me saying that it was to be a driveway but that no one would say why, either they did not know or they were not at liberty to say.

So in December, we asked our property management company to write to the Mayor and get an explanation for this driveway into the Wiacek Farm property, and they did. I have a copy of that letter as well. In January of 2009 the Mayor left a message to Mr. Testani, our property manager, and stated that he was in receipt of this letter but did not leave any information. So, I took it upon myself to call the Mayor's Office and I spoke with Cyndee, the secretary. I asked her to ask the Mayor to simply put a letter out stating the purpose of the driveway into that property so I could pass it along to the executive board

and other members of my community. She said to me that he wanted to speak to me personally, that he didn't want to write a letter. I said that was fine. Well, we played phone tag for about a week, and I said, "This isn't going to work." And she arranged for the Mayor to call me at my home Sunday morning at 11 o'clock on January 25<sup>th</sup>. I spoke to the Mayor and I asked him right out the purpose of the driveway, and his answer to me was, he intended to relocate and move the school buses to that area. I immediately asked him why, and he said, "to be more centrally located." I told him that we would not tolerate such a thing in this residential neighborhood, that it would be unsightly and certainly decrease the property values. He said, "Well, no one wants it in their back yard." And I said, "Least of all the residents of Summerfield," and that he would be hearing from us.

I notified the committees of which we have many at Summerfield Gardens 'cause they are very active people, and here we are. I want to add that under the Zoning limitations, the Wiacek Farm is an R-1 zone. This bus service is privately contracted, not City-owned, and the proposed use of this beautiful farm property does not fall under permitted uses and would prohibit the Zoning regulations. In 2004, the Board of Aldermen approved a bonding resolution of \$3 million for the purchase of the Wiacek property as open space. The proposed use violates the terms of the referendum that was approved by Shelton voters. A City of Shelton bus yard does not come under that description. At the Conservation Commission meeting of January 15, 2009, the City of Shelton open space plan revised in January of '09 states a major goal, which was Item 3 from the Trails Committee – construct the Paugussett Trail from Indian Wells State Park to the cul-de-sac on Mayflower Lane and the Wiacek open space to the Turkey Trot Trail at Constitution Boulevard, and we would very much like to see that happen.

Use this beautiful open space, Wiacek Farm property for the purpose it was intended. I have photos of it. It's absolutely beautiful property. The Board of Aldermen approved the Open space purchases with tremendous public support, including the Wiacek Farm near the Shelton High School. As taxpayers in a residential area who take great pride in their community, we do not want our property values decreased because of a bus yard in our neighborhood. I have photos of where the buses are now. It's not pretty. The benefits of open space besides economics include recreation, quality of life, and environmental. I thank you.

**Ned Reilly, 131 Summerfield Gardens**

I am the Vice-President of the Association. I'm going to expand a little bit on what Mrs. Alterio just had to say. It's an Issue in a time like this when property values are in a decline. I can assure you, I know about property values, I've been a licensed realtor for 34 years in the area. To put us through this, to create what would be a blight on the area, is simply bad judgment. We understand there must be, there is an agenda, we're not able to get hold what that's all about because no one is really sharing much information. But we are going on record as saying we are in no position to tolerate a situation where our property values will be injured and we do not intend to let happened, whatever it is we have to do we are prepared to do it. Thank you.

**Judith Falango, 132 Summerfield Gardens**

I have been a Shelton resident for 37 years. Over those 37 years that I've been here and a voter for 37 years in Shelton, I have a list of the open space property that we have, of which I am very proud that you gentlemen and many people who have gone before you have had the foresight to put the open space aside. Having open spaces is something that I voted for because I felt that open space was a good thing, that it's good for recreation, it's good for the City in general. Having a bus parking area doesn't seem to go according to my idea of what open space should be, and in addition to that, when you take a look at what our road is, we have a dead-end road. There is no outlet there.

When there is a game on the street at the football field, the baseball field, the soccer field, we have some traffic constrictions. And if you have buses going there every day, the traffic gets kind of heavy. I think you would like to consider that and please - the word open space to me doesn't designate something that has blacktop on it with a lot of large vehicles in a residential area. Please, I hope you will consider that. Thank you.

**Chris Macri, 23 Summerfield Gardens**

I want to talk about my main concern relative to this issue, and it's student safety. I've been a Shelton resident at Summerfield Gardens for about seven years. And what I'd like to do is just share some of my observations and kind of tie into what she said in terms of what goes on in that particular area. As she said, there is no outlet. Once you reach that part of the road, there is only one way in and one way out. There are no sidewalks. Many residents including my husband and myself use that road to walk or jog. A lot of people walk their dogs. I'm saying all of this because of the safety issue.

In addition to that, we all know that there are two major schools in that area. We've got the Shelton Intermediate School – so you've got people from all over town dropping off and picking up their kids. You also have the Shelton High School – and that's where I have one major concern. If any of you have ever been on that road at 2 p.m., and you can hear the chuckles, when the Shelton High School kids get out – and we all know, we were all high school kids at one point ourselves - they don't always think properly. They come out and they don't stop. They speed on that road. They don't stop at the stop sign, it's just one kid after another. That's a major concern in terms of school buses going up and down that road. The second concern is – I've seen not too frequently but on occasion – you see some of the Track Teams from the Shelton High School – both boys and girls going in packs. We're not talking about twos and threes, we're talking about 15 to 20 kids at once. And at times you actually have to go over to the other side of the road to get by them. Keep that in mind too.

As someone mentioned earlier, we also have the baseball field there. And when you have a baseball game you have people that park on one side. Now, on the other side there are signs to say you're not allowed to park there. But guess what? People still park there. I have seen kids rush from the baseball field and run across the street without looking. I've seen people changing into their baseball uniforms on the street with the car door open right to traffic. I've seen kids, and these are all kids, get in groups before and after baseball games and talk. They're halfway out in the street.

The point I'm trying to make is, if you bring in 58 school buses, okay? Think of it in terms of, they have to go out and deliver the kids. They come back. They pick up their cars. They go back and forth. Bottom line is if you have 58 school buses and people have to drive their own personal cars to get there, you're talking about 232 vehicles going on that road in one day. At Summerfield Gardens we have about 200 residents there. Half of us work. So you've got 100 people going in and out on top of everything else. As a taxpayer, citizen and grandmother of two young granddaughters that go to school in Shelton, I am really concerned about having 58 school buses going back and forth in an area where we have all of these students. Thank you very much.

**Dave Bernstein, 306 Summerfield Gardens**

There have been numerous reports on health issues related to bus exhaust. I did, I was able to get a couple reports, both from the U.S. Environmental Protection Agency and the Environmental and Human Health, Inc. I'd like to quote some of the things that they've stated as a result of buses and exhaust.

- There are an estimated 45,000 Connecticut school children with asthma.
- Diesel exhaust can adversely affect children with underlying respiratory illness.
- Diesel exhaust contains 40 hazardous air pollutants.
- Under the Clean Air Act, idling buses even tested higher.
- Connecticut law limits idling to a maximum of three minutes.

The report states that people with existing heart and lung diseases or other respiratory problems, as well as elderly and children, are very sensitive to the health problems from the exhaust. Thank you.

**Paul McCabe, 21 Wellington Court**

I live adjacent to Summerfield Gardens. I don't have any prepared remarks, but I thought it was important for me to come down here after receiving a flyer that was distributed by the residents of Summerfield Gardens.

I understand that eminent domain was exercised to purchase the Wiacek property. I don't know if we have a dialogue here of if I should just speak, and we'll answer questions later.

Alderman Anglace stated, we listen.

Mr. McCabe continued, I understand that eminent domain should be exercised in the interest of the public good. In the case of the Wiacek property, I really wouldn't have minded having a developer build \$700,000 or \$800,000 luxury homes there, but at the same time, I think there might have been a misrepresentation if this is indeed true about the bus lot being built there. I think there may have been misrepresentations as to what the money was being allocated for, for that purchase. I don't think that's the role of government, whether it be local, state, federal, to do so. I think they should serve the interests of the taxpayer. And certainly, we are the taxpayers of Shelton and we do have certain interests that we want preserved.

I think the preservation of land is one of the primary reasons that the town pursues open space purchases, not the destruction of land. I really feel that this could be perceived as the destruction of open space rather than preservation. We have wetlands adjacent to our properties. What will become of the wetlands? What will become of the property itself? We have potential light pollution problems – what will be done about that? What will be done about the runoff from the large asphalt lot that is to be made? How about the diesel spills which are inevitable with an operation such as this being conducted so close to a residential area. I'm sure the residents who are in the surrounding area would have loved to have known this before they purchased their homes. I live in the Huntington Estates area where we have 49 homes, and I'm sure I speak for many of the people in Wellington Court that they would not be pleased with the use of this land. As it is, we do live adjacent to the school, so we understand there is a price to pay for that, one of them being light pollution. That is something I'd also hope the town would enforce some kind of rule or regulation in the future, because I think that is something that also affects the quality of life of residents.

To have Mayor Lauretti make a comment that it would be more centrally located, I don't think that argument really carries a lot of weight. If we have to go a few miles, that's just the price that you pay. There is appropriate use of space, and why don't we put it next to the old dump down on 110? Why don't we put it in a commercial area? Why don't we place something such as this in an area that is more consistent with this type of use and will not affect residents and taxpayers of this town the way this would?

Again, there are all these other arguments about the pollution and the after effects and the corollary damage that could be done. I think we should also consider, "Is this an appropriate use of this land – I don't feel it is. I think everyone here has turned out tonight just to express that same opinion, that this is an inappropriate use of open space. I think it was done under the guise of creating greenways and creating facilities that residents of Shelton could use for recreation. That's why I do bring up the fact that I feel maybe it was misrepresented, if this is indeed the case that a bus lot is going to be built there. I think in this use it's also an injustice to the taxpayers of Shelton. Thank you.

**James W. Bracnaro, 161 Summerfield Gardens**

At one time I was City Attorney and also with Attorney George Finn, the father of the member of the Board up there.

The powers of the Board of Aldermen and the powers of the Zoning Commission are regulated by the Connecticut General Statutes. I brought some part of the Charter here

to bring out some of the language which would clearly indicate that this Board has no power here, no jurisdiction to be before this hearing today.

Section 1.2 of the Charter says "Powers and Duties. The City shall have all powers and duties specifically conferred or imposed by this Charter or the laws of the State of Connecticut." Those are your powers. Then further on, I have another part of the Charter which refers to the Planning and Zoning Commission. It says here, "The Commission shall have such duties as are provided by the General Statutes of Connecticut regarding Planning and Zoning." Where is the Commission? It's not here today. The Board of Aldermen somehow substituted itself for it. I could find nothing to indicate to me that this Board of Aldermen has any jurisdiction over this matter. Number one, the property right now is residential. Can you change residential by just bringing in a few buses and saying "now it's commercial"? The Board of Aldermen doesn't have the authority to do that. If this Board can go ahead and make this change without actually changing the classification on the record, what is the use of being here? They might as well get the bulldozers set to work. Further, if you were to recall in the newspapers, there are a couple of small towns near New London that tried to get around the Zoning somehow and they said by adverse possession and also by par eminent domain. The Board of Aldermen was trying to do that out in New London but the Supreme Court said nothing doing. The Board of Aldermen has certain powers and they cannot interfere with the Zoning powers.

One more thing, the Summerfield Gardens is a private enterprise, the streets are owned by us. All of us have this right-of-way to go onto the street, the Constitution Boulevard North. If the City puts buses there on this Wiacek property that is still residential as far as I can see, then all that will cause a lot of confusion and actually we would be landlocked. You people have private homes and you have driveways. Can you imagine some activity done by someone going ahead and having 100 buses going by your property? You would object too, wouldn't you, just like we are? We can't see it.

As far as having other areas in which the buses could be parked, did anyone ever go down to Sunnyside Park? I know Mr. Finn has, but he was born in that area. They have enough room there to park 1,000 buses down there it's so huge. That's number one they could look into. Also, they could look at the lower part of the Shelton Park. You know, the lower part of Shelton Park now is not being used. They could easily put 50 buses down there. That's a good location too. Then, Lafayette School itself has a lot of area around it that could be used for parking buses. Look at the Intermediate School, did you ever go down and look in the back of the Intermediate School, and along the sides there? They could put 200 buses down there and it would be ideal. Of course, between Shelton Avenue and Bridgeport Avenue there is a lot of open space there which they could use to park these buses. With that in mind, as I said before, I don't think this Board has the right to hear this matter, and ask that the matter be dismissed. Thank you.

#### **Pat Fazio, 235 Summerfield Gardens**

Good evening. My husband George and I moved to Shelton in the Garden of Summerfield about 10 years ago. We found the City of Shelton and the Gardens offered us community and a sense of home. During those 10 years, no matter where we traveled, or what our personal problems were and are, coming into Shelton and into the Gardens gave us true sense of belonging to a strong community with peaceful, natural surroundings. The City of Shelton has grown in 10 years. The skyline has changed in the corporate area, increasing our Grand List, and several new businesses have come to the Bridgeport Avenue corridor. We're thankful and we welcome the many new restaurants in that area as well. We voted for the open space and we wish to have the natural surroundings that welcomed us continued. We applaud the City of Shelton for the progress it has made in keeping the areas of open space and utilizing parts of it for trails and allowing Shelton to remain green and blend with nature. This is a remarkable balance.

Putting a school bus lot on Constitution Boulevard North across from the entrance of the Gardens of Summerfield will shatter and diminish our sense of community and home. They are commercial, that is, First Student. They will create a potential air quality

problem in our community as well as for the students, the teachers and the staff of both the High School and the Intermediate School. Giving that all 58 school buses in the Shelton fleet are diesel and according to the Connecticut EPA, diesel exhaust is a significant contributor to air pollution and has been classified as a probable human carcinogen. Putting these 58 buses in a residential area would create an unnecessary health hazard.

I'm offering a solution for the bus parking and storage would be this – keep the buses where they are, or divide the fleet and park them at each school that they serve. This would allow the bus drivers a safe, warm place for a potty break and a cup of coffee. They would not have to park along Route 108 in the heat and in the cold.

In summary, please don't put a school bus parking lot on Constitution Boulevard North. It will damage our sense of security, it will be a health hazard to the Gardens, the schools and the new walking trails. Thank you.

**Jacqueline Ricciuti, 171 Summerfield Gardens**

I have worked in Shelton for 21 years with the law firm of Ryan and Tyma. I'm addressing us, the group of us, as taxpayers. We all know that property values are of course impacted by uses of adjacent property. If one use is not appropriate for another use in a neighborhood, the inappropriate use will drag down the values of real estate in the neighborhood. That is what will happen here if the City of Shelton puts in a bus parking lot adjacent to the Gardens of Summerfield and other residential neighborhoods in the area. What will happen is that the use will drag down the residential property values, which of course in turn will result in less resources to the City of Shelton since its revenue is based on our property values. Less revenue due to decreased property values, versus a bus parking lot. How does the City and taxpayers benefit from this? The bus company is privately owned. Who gains from this? Only the owner of the bus company. Alderman Jason Perillo was quoted as saying to one of our residents that cities and towns are exempt from Zoning regulations. This is not a City use; it would be for private use. What City provides a business owner with a location to operate his business out of at the City's expense? The City of Shelton wants to purchase land using revenue it has collected from the taxpayers and provide a privately-owned company the use thereof. This makes no sense. The City of Shelton already pays this company for the use of its buses. There is no benefit to the taxpayers and the voters of the City of Shelton. I urge you not to consider putting that type of use in this neighborhood. It is the wrong use.

**Eileen Jackson, 121 Summerfield Gardens**

I just have one question for you. How are you going to explain to the taxpayers and voters that we are paying way over \$3 million for a parking lot? Thank you.

**Pete Dellolio, 351 Summerfield Gardens**

I rise in opposition to this proposal, or whatever it is, plan, to put buses on that property for the various reasons that have already been stated. I'll just try to summarize a couple of them. One is, the traffic is horrendous on Constitution Boulevard North. I'm retired. I had to go out on a 7:30 appointment the other morning. I found I couldn't even get down Constitution Boulevard. The cars for the High School coming into Darryl Ellis Drive there in back of the High School, they were backed up from 108 all the way up to Ellis Drive to get into the High School parking lot. Cars coming out of Independence were backed up from Independence all the way down to Ellis Drive. Now you've got a situation where cars are crossing this way and that way, one, one, one, one. It took me almost five minutes to get from Independence to Ellis Drive. In addition to that, you've got school buses parked alongside the road, for what purpose I don't know, I assume perhaps they dropped off children at the Shelton Intermediate School and they're getting ready to go to the next assignment. If an emergency vehicle ever had to come up that street at that point, it never would do it. People would have to be driving off into the woods. A piece of fire apparatus coming up that street – forget it. There's just not enough room. Okay, I've said enough about traffic.

That lot, the Wiacek property, is a meadow or whatever you want to call it, it's adjacent to a wetlands area. I went and I spoke to Mr. Cook at Inland-Wetlands and he advised me that whatever is proposed there, if proposed, because he said at this point it's just rumor. Well, we feel it's a little more than just rumor when you put white marks on the road and you have Call Before You Dig out there, outlining whether there's Iroquois Pipelines under the ground, UI lines under the ground. So it's just more than just an obscure thought. There is something in the wind. We are all here tonight just to let you guys know, as our Aldermen, and as taxpayers, that we do not wish to have this facility in that place because of the reasons that were already spoken. That is not the purpose that property was purchased. You went before the public on a referendum to buy that property under the proposal that it was going to be for open space. Well, open space to me doesn't constitute a paved over bus lot with a lot of yellow school buses parking there. I thank you for your time, thank you for hearing my spiel.

**Gene Sabados, 193 Summerfield Gardens**

Good evening. For the following reasons I oppose the proposal to use the Wiacek Farm for a school bus parking lot.

1. When the City of Shelton seized the Wiacek Farm under eminent domain it was done for the sole purpose of open space. As a Shelton taxpayer, when the \$3 million bond was put before us, it was stated that the Wiacek Farm was to be used for open space. That was why I voted yes. Certainly a bus parking lot is not open space.
2. After viewing photos of the Wiacek Farm, it appears to contain considerable wetlands. A bus parking lot in a wetland area seems to be inappropriate.
3. A bus parking lot would necessitate the storing of diesel fuel and the idling of buses, causing a concentrated amount of diesel pollution. This is unacceptable.
4. A bus parking lot in an R-1 residential zone is also inappropriate.
5. Morning traffic on Constitution Boulevard North is already heavy in and around both the Intermediate and High School. We don't need to add to it.

Considering these points, the only logical conclusion you can arrive at is that a bus parking lot on the Wiacek Farm property is definitely an inappropriate use for this land. This land was taken by eminent domain and I emphasize for open space.

I'd like to close with this. Many years ago before television, there was a radio program titled "Voxpop – Voice of the People." This evening, I humbly implore you, our elected officials, to listen to the voice of the people. Thank you.

**Annette Thomas, 105 Independence Drive**

Our property at Toll Brothers Estates used to be a lovely property to live at. Now you can't go out of your house at 8 o'clock in the morning, 7 o'clock in the morning, noon, or when the kids are getting out of school, or you could get killed. It has also become a dump. The streets are filthy. There is drug paraphernalia, there are beer cans, there are condoms, there are all kinds of stuff in the woods that we clean up ourselves. If you allow these buses to go to the other part of Constitution, you will have another dump. That's all I have to say.

**Fred Kilburn, 171 Constitution Boulevard**

I've recently relocated to Shelton from Fairfield. I lived in Fairfield, Connecticut for over 42 years; I was born and raised there. If this issue was coming up in Fairfield, it would never even get this far, because the people would want to skin you alive. Okay? For the second, the other reason is, Fairfield stores all its buses down at the town dump, next to the sewage treatment plant. That's where they should be. Either that or they should be relocated and broken up all over town at the school property, because, you know, if you locate 10 buses here, 10 buses there, 10 buses someplace else, it does not create an impact as if you had 58 or 60 buses in one.

Shelton is a growing area and it's not going to stop at 58 buses – you know that and I know that. If we both think that, we're fooling ourselves. As Shelton grows, there are going to be more and more buses and this is going to create more and more of a hazard and more and more of an air pollution problem and health issues for everybody else. Besides, they did buy this property for open space, period. If you accepted any federal funding for this, I'm sure the Feds really would not approve. That is all. Thank you.

**Joan Henderson, 231 Summerfield Gardens**

Just briefly, the area we're talking about is lovely. It's full of, it's wetlands, it has all kinds of wildlife, even coyotes – though we have to keep our dogs in the house. It seemed to me that when the acquisition was put out for the \$3 million it was very specific that it was for open space. Shelton has done a beautiful job with open space. Your trails, we enjoy them all the time, and as we get older walking may be the only thing we can do. We appreciate all of this, what you've done for the town. But please don't do this; I think it's very inappropriate. If you go down where the buses are stored now, the area is not being damaged by it. It's industrial and they're fine down there. It's near the water so that the fumes aren't getting to schools, there's not housing around there. I just don't want to see it up here because it will, it's not going to be open space. Because open space, what did they say, open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel. So, can that just be changed, when we voted for that money to be raised for open space? Thank you.

**Chris Panek, 19 Meghan Lane**

I'm not here to talk about the bus lot, but I certainly appreciate the effort on behalf of all the neighbors here. It wasn't an issue that I ever even heard of. I attend all the Board of Education meetings. In fact last week at the Board of Education meeting there was discussion about finalizing the downtown bus lots where the buses just got moved, so I'm a little confused on the issue myself. As someone who attends lots of City meetings every week, I try to keep up on all the issues, so it was a surprise to me when I pulled up tonight. Normally these meetings have a handful of people here, and to see all the cars and all the residents come out, I applaud their efforts and certainly understand their concerns.

The item on your agenda tonight that I want to speak about is Item 10.3 – Amendment to the List of Professional Services. I did obtain a copy of the backup to the item, and apparently the Board is considering adding the category “Insurance” to professional services. As the Board is aware, professional services are items that the City may need quickly; it may not be practical for the City to go out to bid. Essentially professional services bypasses the bidding process and I certainly have a concern that the City would consider bypassing the bidding process for such a broad brushed category like “Insurance.”

During the recently failed Charter Revision, the Charter Revision Commission had a lot of discussion on professional services and what is a professional service, what is not a professional service, and I'm hoping during the discussion of this item tonight that the Board will explain, what kind of insurance are we talking about? Are we talking about auto insurance, liability insurance, worker's comp, health insurance? Are we talking about that we want to waive the bids on them? I think just inserting the term “insurance” leaves it way too wide open to bypass the bidding process.

Another question I would have is, is there a current reason? As I saw in the minutes of the Board of Apportionment and Taxation recently there was an RFP that was open for insurance, and I don't know if adding this to professional services has some correlation with awarding that bid. I'm hoping that the Board will explain the reason why they're adding insurance to professional services.

Also, I think that, looking at the current list of professional services, I think an evaluation needs to be done and probably is in order because there are other classifications on the list currently that could possibly go out to bid and save the City money instead of just automatically awarding it to companies without going out to bid.



The one other item I wanted to touch on is the anti-graffiti ordinance. I know it's going to go to public hearing, but I would just hope the Board might consider alerting the local hardware stores and the local stores that sell spray paint. As I saw in the ordinance, there's a provision in there that allows a \$250 fine to be levied against stores that sell spray paint or graffiti marking materials to minors. I think that's a great provision to have, but I just think you might want to alert the stores that sell that in case they want to come out to the public hearing and speak, because, you know, if one of their employees goes ahead and starts selling spray paint to minors, those fines could certainly add up for the business owners. Thank you for your time.

**Jim Cormier, 354 Summerfield Gardens**

As well as being a resident of the condos, I'm a business owner here in Shelton, I own the Century 21 Enterprise Realty in Huntington Center. A number of my neighbors have very vocally relayed the concern about the deterioration of property values having a sea of yellow as you drive into the condos, which is certainly a concern. But my point and I won't reiterate what they've already said, is, what's next? If you do approve a school bus lot there, what is next? That property extends right through over to Meadow Street. Is the town going to start putting their cars there? Their trucks? Are they going to open up something else? Once they get this little loophole through, what's next? There's been a significant amount of vandalism on that street. You can go back and look at the Police reports and see the number of cars that have had windows smashed on Constitution Boulevard North at baseball games or whatever the case may be. Why would you park school buses in an unsupervised area where kids can go in there and vandalize them? That's been a problem throughout the state. In many towns where schools have actually had to shut down because the school buses have been vandalized. They belong in a place that's supervised. A commercial or industrial zone where it's lighted, and it's fenced in, and they are well supervised. If you put them in an unsupervised area you're going to have a big problem, which brings up the next point.

If you approve this, what is next? Are they going to put up lights? Are they going to make a Stalag out of the place and put fences and gates around the place here so that the kids don't get in there, and then what happens to that area? It's no longer a nice residential R1 zone. Now we have just basically turned that part of the town into an industrial zone. I urge you to consider that and think of the long term ramifications instead of just a short fix, what you might need for an economic benefit of just providing a parking lot for buses. Thank you.

**Dorette Reilly, 131 Summerfield Gardens**

One thing, I agree with everything that's been said so far, but nothing has been brought up about, not only would you have a parking lot, but you would have to have some kind of a building whereby there would be supervision – some guard person. There would be public toilets for the bus drivers; they have to have some kind of a facility. So there again, you are changing the whole tenor of the open space and putting not only pavement, but there is going to be some kind of a building going up, and maintenance of that building. I am totally opposed to it and I hope you listen to all of us.

Alderman Anglace asked three times if any member of the public wished to address the Board. He stated, before I close this public portion of the meeting, I just want you all to know that your comments made here tonight will be recorded verbatim. When the minutes come out they'll be on the City website – [www.cityofshelton.org](http://www.cityofshelton.org) so if you'd like to go and get a copy of them, it will be easy for you to access that website. Certainly we want to thank you for your comments. As some of you stated, during your conversations, there is nothing before the Board of Aldermen at this point in time. I doubt that collectively any two of us have had any discussions about this thing. It's news to us as well. We certainly note your interest and will consider your points of view when and if the time comes. Thank you very much for coming. We'll take a five-minute recess.

[Unnamed member of the audience speaking] Sir, will you keep us posted and send us any updates on this, if it does come across your desk for discussion? Could you send us an announcement or a letter as a group?

Alderman Anglace replied, you can watch the City website. All of our meetings and all of our agendas are posted. If you've got somebody that's computer friendly, everything is right there.

[Alderman Perillo left the meeting at this point – 7 members present]

**ADD-ON**

Alderman Papa MOVED to add to the agenda as Item 9.3 - Agreement for Custodial Services for the Community Center; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 7-0.

**MINUTES FOR APPROVAL**

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**1. MINUTES FOR APPROVAL**

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

- Special Meeting of January 6, 2009
- Regular Meeting of January 8, 2009
- Public Hearing of January 27, 2009 – Water Main Assessment
- Special Meeting of January 27, 2009
- Public Hearing on Ordinances of January 27, 2009

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

**5.1 FINANCE COMMITTEE**

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**5.1.1 FEBRUARY STATUTORY REFUNDS**

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to approve the report of the Tax Collector relative to the refund of taxes for a total amount of \$12,599.02 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 7-0.

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**5.1.2 REIMBURSEMENT FOR REGISTRAR OF VOTER'S OFFICE FOR DEMOCRATIC PRIMARY OF AUGUST 12, 2008; MANDATED AUDIT BY THE STATE ON AUGUST 28, 2008; PRESIDENTIAL ELECTION OF NOVEMBER 4, 2008 AND MANDATED AUDIT OF PRESIDENTIAL ELECTION ON NOV. 19, 2008**

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to increase the Miscellaneous Revenues Account 001-381.34-00 by \$7,415; and further,

MOVED to increase the Elections Printing and Advertising Expenditures Account 001-0500-413.30-07 by \$7,415; and further,

MOVED to transfer \$12,136 from Contingency General Account #001-9900-900.99-00 to the following Elections expenditures accounts:

Part-time Employees	001-0500-413.10-02	\$3,100
Poll Workers	001-0500-413.10-04	\$8,475
Mileage	001-0500-413.11-01	\$283
Printing & Advertising	001-0500-413.30-07	\$278

SECONDED by Alderman Simonetti.

Alderman Anglace stated, I call your attention to the minutes of the Finance Committee. This was a very enlightening discussion. Everybody was present, both Registrars were there and it worked out very well.

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

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

No items.

## **5.3 STREET COMMITTEE**

No items.

## **REPORT OF THE MAYOR**

None presented.

## **REPORT OF THE PRESIDENT**

I'll give you a brief overview on the Shelton High School fire update. Good progress has been made and continues as we restore the school to it's pre-fire status or better. Much of the clean up issues were achieved within one week and the students returned to school. Clean up operations continue and will be intensified to correct hard to get at issues while the school is closed next week. The fire and building code corrections are also in progress with many issues already addressed. Here also, some projects must be planned now and executed while school is not in session.

[Alderman Perillo returns at this point – 8 members present]

Small electrical problems have been experienced, three of them actually since the initial fire on December 30<sup>th</sup>. I was explaining earlier the irony that what we're finding is that the circuit breakers, the panels that contain the circuit breakers and many of these circuit breakers are circa 1974. The circuits have been off since the fire. When they start back up, the circuit, we were told this morning that the surge that goes through blows the circuit breaker. The circuit breaker, I guess the age just won't let it accept the surge. When it's running steadily normally, it's okay, but it just won't accept it. So they voted this morning to replace all of the circuit breakers. Why take a chance? The insurance company agreed, so we're moving ahead. Lo and behold this afternoon what do you think? Bingo if another one didn't pop. They lead to, every issue, every incident at the school becomes magnified because of the initial problem and because of the sensitivities. I think the new Fire Chief is working with the Board of Education administration to revise the fire notification protocol. The new alarm system has functioned flawlessly. Everyone understands that a revised fire notification protocol may result in increased false alarms but such may be the best way to go to assure optimum response time and personal protection. I think they're making good progress. I just wanted to give you a general overview on it.

## **6.0 LEGAL REPORT**

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### **6.1 CORPORATION COUNSEL BILLING**

Alderman Papa MOVED to authorize a total payment of \$2,050.40 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated February 4, 2009 with funds to come from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

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### **6.2 ASSISTANT CORPORATION COUNSEL BILLING**

Alderman Papa MOVED to authorize a total payment of \$525 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated February 1, 2009 with funds to come from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

**7 LEGISLATIVE - OLD**

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**7.1 ITEMS FROM PUBLIC HEARING**

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**7.1.A AMENDMENT TO ORDINANCE #782 – PROCEDURE TO SELL CITY PROPERTY**

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Alderman Papa MOVED to adopt the amendment to the Ordinance – Procedure to Sell City Property which amends Ordinance #832, which was formerly Ordinance 782 attached thereto; and further,

MOVED that this ordinance be published in summary form with a full copy available for review in the office of the City/Town Clerk; SECONDED by Alderman Finn.

Alderman Anglace stated I'd like Corporation Counsel Welch to comment on Item 4, "Any appraisal received shall not be disclosed until after the sale has been completed." Is that legal?

Corporation Counsel Welch replied, you inquired of Attorney Sous who handles the FOI issues and he said that not disclosing it until after the sale is completed is in accordance with the statute, it is appropriate.

Alderman Anglace stated, you should also note that when we went to public hearing on this, that the amount of the check to accompany the bid was listed as one percent. It was intended to be 10 percent. That was a correction that was made.

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

**BE IT ORDAINED BY THE BOARD OF ALDERMEN THAT:**

Procedure to Sell City Property

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.

Procedure:

**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.

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.
7. The Purchasing Agent would publicly open the bids and refer them to the Finance Committee of 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.

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**7.1.B WATER MAIN ASSESSMENTS – SUBURBAN DRIVE**

Alderman Papa MOVED to approve the water main assessments as set forth by the City Engineer for Suburban Drive in his memo to the Board of Aldermen dated November 25, 2008; and further,

MOVED that these assessments be published in summary form with a full copy available for review in the office of the City/Town Clerk; SECONDED by Alderman Simonetti.

Alderman Anglace noted that a public hearing was held on January 27, 2009.

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

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**7.1.C WATER MAIN ASSESSMENTS – BROOK TERRACE**

Alderman Papa MOVED to approve the water main assessments as set forth by the City Engineer for Brook Terrace in his memo to the Board of Aldermen dated November 25, 2008; and further,

MOVED that these assessments be published in summary form with a full copy available for review in the office of the City/Town Clerk; SECONDED by Alderman Simonetti.

Alderman Anglace noted that a public hearing was held on January 27, 2009.

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

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**7.1.D WATER MAIN ASSESSMENTS – SANFORD DRIVE**

Alderman Papa MOVED to approve the water main assessments as set forth by the City Engineer for Sanford Drive in his memo to the Board of Aldermen dated November 25, 2008; and further,

MOVED that these assessments be published in summary form with a full copy available for review in the office of the City/Town Clerk; SECONDED by Alderman Simonetti.

Alderman Anglace noted that a public hearing was held on January 27, 2009.

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

**8 FINANCIAL BUSINESS OLD**

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**8.1 RESCISSION OF ACTION – ITEM 9.8 OF NOVEMBER 13, 2008 MEETING – ENTRANCE DOORS FOR HUNTINGTON BRANCH LIBRARY**

Alderman Papa MOVED to rescind Item 9.8 made on November 13, 2008; SECONDED by Alderman Simonetti.

Alderman Anglace stated, we originally took up this business on November 13<sup>th</sup> and we never went back. When we acted on it on January 8<sup>th</sup>, we never went back to rescind the first motion. This is a LOCIP project. The State is very careful. The Community Development Director came back to us and said, please go back and rescind that motion back in November so it's off the books, and she can submit it for reimbursement. The January action which includes the motion in January for the handicapped doors and the added cost, that remains intact, but she had to get that earlier motion off the books so she could get the money back from the State or they wouldn't give it to her.

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

**9 FINANCIAL BUSINESS NEW**

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**9.1 GRAUSTEIN REGIONAL DISCOVERY GRANT MATCH INVOICE**

Alderman Papa MOVED to approve the Graustein Regional Discovery Grant Match Invoice dated January 14, 2009 in the amount of \$1,250 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.

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**9.2 CONTRACT BETWEEN CITY AND A & M WOOD RECYCLING AND MULCH SALES, INC. FOR LONG HILL SCHOOL FIELD RENOVATION PROJECT**

Alderman Papa MOVED to approve the contract between the City of Shelton and A & M Wood Recycling and Mulch Sales, Inc. for tree clearing services for the Long Hill School Field Renovation Project in the amount of \$7,900 with funds to come from Capital Projects Fund Account #401-0000-950.80-75; and further,

MOVED to authorize Mayor Mark A. Lauretti to execute any and all documents necessary to effectuate same; SECONDED by Alderman Olin.

Alderman Finn noted, this was not awarded to the lowest bidder, but to the second highest bidder. The others did not meet the specifications.

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

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**9.3 AGREEMENT FOR CUSTODIAL SERVICES FOR COMMUNITY CENTER**

Alderman Papa MOVED to approve the agreement between the City of Shelton and Class Act Cleaning Service, LLC Custodial Service for custodial services at the Shelton Community Center; and further,

MOVED to MOVED to authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement. Funding in the amount of \$1,025.36 **per month\*** to come from the Building Maintenance Account 001-4800-716.65-08; SECONDED by Alderman

Alderman Papa stated, this is the second year we've had custodial services being done for the pool area. We had the City do it before through Maintenance, but the service was inadequate and we were having a lot of problems. I spoke with Mayor Lauretti about it and asked if we could go out to bid on it to get costs and see if the services would be better. This is the second year; this is a different service. We are saving money and getting the job done better than before.

Alderman Finn asked, where is Class Act from?

Corporation Counsel Welch replied, Berlin, Connecticut. In addition, the monies in that account – that is \$1,025.36 per month.

**\*Alderman Papa MOVED TO AMEND THE MOTION to reflect \$1,025.36 per month; SECONDED by Alderman Finn. A voice vote was taken and the AMENDMENT PASSED 8-0.**

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

**10. - LEGISLATIVE - NEW**

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**10. 1 ITEMS TO PUBLIC HEARING**

A public hearing is scheduled for 7 p.m. Tuesday, February 24, 2009 at Shelton City Hall for the following items:

- 10.1 A SORGHUM ROAD WATER MAIN EXTENSION, RECOMMENDED ASSESSMENT
- 10.1 B WALNUT TREE HILL ROAD WATER MAIN EXTENSION, RECOMMENDED ASSESSMENT
- 10.1 C BOOTH HILL ROAD WATER MAIN EXTENSION, RECOMMENDED ASSESSMENT
- 10.1 D ANTI-GRAFFITI ORDINANCE
- 10.1 E OPEN BURNING ORDINANCE

Alderman Finn asked that Items 10.1.D and 10.1.E are announced on the City Website, and that on Item 10.1.D, the Clerk is asked to notify the stores that will be affected, as noted in Mr. Panek's comments during the public session.

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**10.2 LOAD RESPONSE PROGRAM CONTRACT EXTENSION**

Alderman Papa MOVED to approve the Load Response Program Contract Extension between the City of Shelton and the United Illuminating Company; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign all documents and effectuate said agreement; SECONDED by Alderman Simonetti.

Alderman Anglace explained, this is a renewal of the Water Pollution Control Plant's participation in a UI program. When there is a great demand for electricity, UI calls us. We put the sewage treatment plant on generator status, reducing our demand on UI's power supply. They pay us for participating in this program, and further pay us a fee for our mechanically-generated power. Last year, we received \$23,269 for a one-time event. We have brand-new generators that are tested regularly anyway, and it is recommended by the Water Pollution Control Authority to do this. The program is fine. We have to test our generators anyway, and this gives us the chance to test them and get paid for doing it.

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

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**10.3 AMENDMENT TO LIST OF PROFESSIONAL SERVICES**

No action.

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**10.4 BUILDERS RISK INSURANCE – PERRY HILL SCHOOL**

Alderman Papa MOVED to adopt the following Resolution:

Resolved,

WHEREAS the City of Shelton is contractually required to provide Builder's Risk Insurance for the construction of the Upper Elementary School, and, may, at the City's option purchase Owners and Contractors Protective Liability Coverage;

WHEREAS construction is scheduled to start shortly; and

WHEREAS the City of Shelton is required to formally bid for the coverage in order to remain eligible for reimbursement under state requirements.

It is hereby moved by the Board of Aldermen to approve awarding a Builder's Risk policy in the amount required by the construction contract and an OCP policy to the lowest responsible bidders with funding to come from the Perry Hill School Bond and authorize Mayor Mark A. Lauretti to execute any necessary documents.

SECONDED by Alderman Kudej.

Corporation Counsel Welch explained that OCP stands for Owners and Contractors Protective Liability Coverage. It covers the named insured's liability arising out of operations performed by independent contractors when the liability is imposed directly on the named insured because of its general supervision of the independent contractor or contractors. The primary exposure is from vicarious liability. This is when one party is liable for the negligent actions of another party, even though the first party is not directly responsible for the injury.

Alderman Anglace stated, this is going to go out to bid because that's required by the State, and the monies are coming out of the Perry Hill bond issue.

Corporation Counsel Welch stated, it was part of the contract that you approved, but if you recall when you approved the contract you approved the amount of the contract, so you need to basically release the bond funds to do this. So if you had budgeted some other way, it would have just gone out to bid. So this is basically appropriating the funds so when the bids come in they could award the bid.

Alderman Anglace stated, even though there is no dollar amount in this motion, the dollar amount will be the lowest responsible bidder.

Corporation Counsel Welch stated, the Board of Apportionment and Taxation will determine the lowest bidder.

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



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**10.5 ADDITION TO BLIGHTED PROPERTIES**

Alderman Papa MOVED, per the recommendation of the Community Development Director, to add 23 Woodsend Avenue, to the list of Blighted Properties; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

**11 EXECUTIVE SESSION**

No items.

**ADJOURNMENT**

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

The meeting adjourned at 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