



Board of Aldermen Shelton, Connecticut Regular Meeting—October 12, 2006

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Alderman Anglace called the meeting to order at approximately 7:00 P.M. in the auditorium at Shelton City Hall. All in attendance recited the pledge of allegiance.

ROLL CALL

Alderman John F. Anglace, Jr. – present
Alderman Jack Finn - present
Alderman Stanley Kudej – present
Alderman Joseph Lanzi – present
Alderman Ken Olin - present
Alderman Chris Panek – present
Alderman John Papa – present
Alderman Randy York - present

There was a quorum of 8 present, 0 absent

Also in attendance: Corporation Counsel – Attorney Tom Welch

Continuation of Public Hearing – Amendment to Ord. 787 – Noise Ordinance 7:00 pm.

Tony , 7 Beechtree Hill Road

I am joined by my neighbor Dr. Macey. I speak for several of the residents on Beechtree Hill rd. Ken Schiable, who most of you know, is my next door neighbor also in between the home that we're having a problem with. I spoke with Mr. Finn several times and he suggested that we get down here tonight since it was noise abatement. We're having a problem with dirt bikes in a residential area. Not singular, but plural. It is extremely noisy and we don't know why we have to tolerate it. We unfortunately we had to call our under staffed police department for nuisance things to tell them to get off the street. They have much more important things to do. We've called the city, can't do it for this reason, can't do it for that reason. We thought that maybe that this would help us on the entire street. It's not just me. It's not just Schiable, who I do speak for or Dr. Macey. It's all of the resident on the street. We had an incident, I know we are talking about noise, but along with the noise we have people running into gas tanks. We just feel that this noise should not be tolerated. Dirt bikes, and we would like to see something added to the ordinance about on a residential street that is not a tolerable noise. Where children live and residents are trying to do their normal business.

Captain Madden – Shelton Police Department

We just wanted to clarify a few things that were brought up about the noise ordinance. There was a question about who enforces it. We in fact are the ones that enforce the ordinance. If there is a complaint in the town. Contact the police dept., we have a noise meter and there are several officers on each shift who are very proficient at using it. We have responded to calls in the past. If people are not in compliance, we have actually shut events down to actually enforcing the ordinances with arrests. We have on

numerous occasions over the last ten years responded to it. We have had the noise meter for a while. I just wanted to clear that up.

As for the dirt bikes, are we talking about registered bikes? That would be the thing that would supercede any issue here that they don't belong on the road. An enforcement action, the dirt bikes shouldn't be on the road, and we would take enforcement on that as well.

We invite anybody to call us with any problems with dirt bikes, whether it be a noise problem or not, it's a safety issue and they shouldn't be on the road.

Thank you

Alderman Finn asked; Captain would you suggest that this be included in the ordinance?

Captain Madden responded; I would refer that to Corporation Counsel. The law that supercedes here is that the bike doesn't belong out on the road in the first place. That it is making the noise is almost irrelevant since it shouldn't be on the road.

Alderman Finn continued; I also believe that Planning & Zoning has indicated that only one dirt bike, the owner who resides at the home, is the only one authorized to ride that bike on the property. If another child comes over to that property and rides that bike it's a violation of zoning. Also if another child comes over tho that property with a bike that's also a violation of zoning and its considered to be a track. There has to be some way for us to enforce that so that residents don't have 3 or 4 dirt bikes within 25 feet of their window. Especially on weekends when everybody is not around. Counsel can that be included in the ordinance?

Attorney Welch replied; If your making reference to a zoning regulation use of private property, most probably not. If somebody has three dirt bikes, that s planning & Zoning regulating the use if land. If it the noise then as Captain said in terms of using the streets, I think we can look at it in terms of tying everything together. There is no reason why we can't have one ordinance , with the Board of Aldermen and Planning & Zoning and try to alleviate all of it.

Alderman Finn asked; would you then recommend that this ordinance then go back to Public Health and Safety prior to us approving it?

Attorney Welch sted; certainly, if that's an issue that you want to address we can try to tie it all in. You still have another meeting to go before it has to come back to the full board.

Alderman Anglace stated; I would like to pick up on what Alderman Finn said. I think I agree with him. Its an historic moment but we are in agreement. It should go back to Public Health & safety. I had some issues. I wanted further definition on one area on who constituted the Proper authority to resolve this thing. I wrote all these things down, yet I didn't bring them tonight. I think there are some issued still open. I can get them to you via email and when this comes back to Public Health & Safety you can address them. I think it would be a good idea not to vote on this tonight and let it go back to Public Health & Safety and vote on it next month. I was hoping the board would feel that way. That way we dot our I's and cross our T's.

Alderman Anglace asked if anyone else wished to address the full board?

Tony, 7 Beechtree Hill Rd. Continued

We have gone around myself and several other neighbors in calling the police dept when they are in the street. The problem is one; it's not a very important item to get our police officers involved with. Two; we have to catch them. We're talking about kids that are running around the house and then maybe shooting out into the street and then coming back. So did they break the law? Absolutely, it's impossible to enforce. We need something with some teeth to say are we going to put something in the noise ord. or are we going to eliminate dirt bikes from residential areas period. This is bothering an entire neighborhood, there is no law. Mr. Finn said something about if there is 3 or more bikes, that can't happen. Well I don't know about the accuracy of that one. I have spoken to Tom Dingle, and he said there is no such thing. If you call the police dept., they say they have no responsibility to enforce it unless they are in the street. It's a merry go round. In the mean time an entire neighborhood is suffering because of one household and it's a rink. There are three kids and sometimes its four kids with one dirt bike and they take turns.

Alderman Papa asked; by any chance do you who these people are? Get there names and go to the police dept. and give them their names. If you know who they are, are the bikes registered?

Tony replied; they are not on the street they are staying in the yard. The bikes are not registered. The police won't come up any more.

Alderman Finn replied; I believe if Mr. Dingle checks with his boss Rick Shultz, Rick Shultz informed me that more than one dirt bike on the property, especially if the bike is not owned by the resident. If a child brings a bike to that residence and rides around the yard with the individual that resides there, that is a violation of zoning and that is considered to be a track. They have to have special permission.

Tony replied; I get different stories. I have not gotten the same story from any one dept.

Anthony Macey, 3 Beechtree Hill Road.

Just to add to that, one thing that they did was between Jones farm and our property there is a hundred foot area that nobody is supposed to go into and its supposed to be a conservation area. They attempted to make a pathway through this conservation area, which they never completed because we complained to the conservation committee. I am mentioning this just to give you an idea of the things that are going on and that we have to put up with.

Alderman Anglace stated; what you are telling us this evening, conservation has discussed. They have been into this many times, conservation is trying to work with the police dept. to give them leads and names. Some actions have resulted favorably in stopping some of the perpetrators. Getting back to the issue of enforcement. Everybody should know that we have a long history of enforcing noise ordinance. You might recall that we went all the way to court with the Pine Crest case. Everybody knows how that turned out.

Irving Steiner, 23 Partridge Lane

This is rather impromptu but I think this ties in very well with something that I had mentioned at the last session. I personally feel that our police dept. is burdened with more important things than to be chasing dirt bikes and handing out citation for minor infractions around town. They are burdened with a lot more important issues. I think that as I have stated in my previous session we have a problem with command in control on existing deputized members of the city, who could well fit it and hand out such citations. They are individuals who are all around town during the working day. There are 4 or 5 of them. Again I say, once this board could address the information I gave them. There is no control according to these deputized individuals. They have had their citation ability removed, yet there is not documentation to support that. If these people were able to do what they are listed as doing in the ordinance. They could very well fill in, they are around town all day long, they could identify dirt bike infractions like this and take the burden off the police dept. so that they could be concerned with more important matters.

Also, there is one issue that I wish to reemphasize. I think that the new noise ordinance breaks down the various decibel levels according to the activity involved and the time of day. You're talking about entertainment, construction, other issues. Each one has its own set of standards and these standards vary according to the type of activity. I feel that there should be at least from all of these various considerations that are in the old ordinance that the worst case situation should at least be identified with the decibel level beyond which you get an automatic citation. There is no worst case. So if that decibel level is reached it would help to simplify the process of anybody doing a citation on sound level with the decibel meter. If it goes above 94 decibels, that's a citation because there is nothing worse than that allowed in the book. I thank you for your time.

Alderman Anglace asked if anyone else wished to be heard. Being none, a motion from Alderman Papa was made to close the public hearing. Seconded by Alderman Kudej. A voice vote was taken and the motion passed 8-0.

Alderman Anglace closed the Public Hearing at 7:20pm.

Public Portion

Mike DeAngelis, 45 Hubbel lane, Chairman WPCA

I am here tonight to voice my concern for two particular properties on Lane Street. The letter I received from Chris Panek including a letter to the CT Post. Last night at our WPCA meeting surprisingly I received a letter from Alderman Panek about the Lane Street sewer project and the decision to have the WPCA request of the Board to waive the bids for the project. As you are aware the WPCA is requesting the bids be waived and are presently negotiating with a contractor, not negotiating, talking to a contractor to perform the work. Our reasoning is the determination of our sewer administrator Tom Sym, that the project is cost prohibitive, about \$40,000 for two properties. Those assessments basically amount to \$20,000 per property. Over the past 2 or 3 years, most of our sewer projects within the city, Driftwood Dr, Rocky Rest, Spoke Dr. have been assessed at 8000.00 to 10,000 per home maximum we've gone as high as \$12,000 per home. So we are asking Lane street to shoulder the burden of \$20,000 when most of the city has done 8000.00 to \$10,000.00.

The WPCA voted to request that you and the Board of A&T also waive the bids and negotiate a better price for our neighbors. Yours & Mine. Also you may not be aware it is understood that the Naugatuck Valley Health District has been involved in Lane Street properties and is potentially in the process of asking the city, meaning the WPCA, to take care of the hazardous health issues regarding the septic systems and there over flows on lane Street. I have not confirmed this through them as of yet because last night was our meeting and I was out of town most of today. Si I have not gotten a return call from the Valley of Health. Tom Sym believes that this is the direction that we are heading.

Additionally and more important to this I have personally spoken to Bill Hogan, he is the waste water management director from the DEP. He has advised me that the WPCA and Tom Sym have acted in the best interest of the city and its residences. We spoke about our authority, the WPCA, as described by State of Ct statutes section 7.246 Powers of the WPCA. Basically Mr. Hogan states our responsibilities override that of the City of Shelton. Our responsibilities meaning the WPCA. We are an autominous body and we are held responsible for the health and well being of the citizens. You understand that the WPCA is governed by the state not by the City of Shelton. Public Health is their main concern and they want it to be free of politics, personnel issues and corporate decisions and things like that.

Lastly, I think it is very irresponsible for Mr. Panek to be writing letters to the editor at the CT Post. I think its irresponsible of the WE R1 group coming up and accusing us of doing something that they don't have full knowledge of. They show up at our meeting last night and made an issue of the process and the health and well being of our citizens is the issue. Obviously Mr. Panek, this is reflective of your attitude as well as the WE R 1, so I can understand where it comes from. One & One make two.

Lane Street sewer project is on your agenda this evening and I urge all of you Aldermen to vote for this project in good conscientious for the neighbors at Lane Street.

Irving Steiner, 23 Partridge Lane.

I have already addressed the group. I have a few remarks to make about the WPCA meeting last night. I asked if I could make a comment on the procedure of the WPCA and I did not do that as WE R1. I did that as a private citizen. I never mentioned WE R1, They mentioned WE R 1. Also the procedure for any commission I would assume is to follow Robert Rules. Now the subject of Lane Street and another property was not on their agenda. So this stuck us or me and other people there as being highly unusual that they are discussing it and taking action to at least determine the price with the lowest bidder. Now this required motion and an approval. Since it was not on the agenda this is a violation. If not anything else FOI. Lane Street people have a right to know that the agenda issued to the public is a concern to them and they were denied that privilege. That was my argument. I feel its required of any commission in the City of Shelton and you can not deviate from that or you are depriving knowledge to the public and that is definitely an FOI action. I am not anxious to pursue that. I gave it as an honest evaluation and advice and I don't wish to be criticized for doing that by the chairman.

Judson Crawford, 8 Jordan Ave.

It is a question that was brought up at the Finance Committee meeting on September 26th. Has the Chairman of the Finance Committee had a chance to review the statutory refund account situation and come up with an answer as to what the terminology of "s" means and also the "elderly credit"? There was elderly credit on there.

Alderman Anglace stated; first of all the question was brought up at the Finance Committee and the answer should come from the Finance Committee. As it may, I researched it, talked to counsel and am prepared during the Presidents report of tonight's meeting to give a response and explain how it should be. You'll have everything there.

Mr. Crawford replied; thank you.

Ingrid Waters, 261 Long Hill Crossroads

I apologize for being late. I just got off the train from New York. I hope I will be permitted to speak. I have some comments in reference to the noise ordinance. I was not here at the previous meeting and if I repeat what other people have said please accept my apology.

I fell very strongly that the following should be implemented in order to make life more peaceful in Shelton. No restaurant should be permitted to play music outside the housing. There should be no music in the patio or in the gardens. No business, for instance, car dealers should be allowed to have their paging system going at all hours of the day. I hear them at Bridgeport Ave. in the morning when I'm driving to work. I hear them late in the evening. Furthermore they should not be permitted to have any music roaring all day long when they have their promotional sales going on. People get flyers in the mail and read the newspaper, that should be enough. The neighbors should not be subjected to this kind of noise pollution.

Furthermore, I noticed that I get up at 4:30 in the morning I hear dumpsters being emptied in the industrial park by garbage haulers and they make tremendous noise. I can hear this all the way from the industrial park which is in back of the farm which is in back of the farm on Long Hill Cross Road. You can hear the noise not everyday but when ever they empty the dumpsters. There has to be a time when they can start emptying these dumpsters. I also fear for the safety of all concerned, especially emergency vehicles, occupants of cars should not be permitted to play excessively loud music with car windows open. I think that they must be so overwhelmed by this noise pollution that they can not pay attention to any kind of traffic rules. God help us if there is any kind of emergency or an ambulance or fire tucks need to go through I think they are oblivious and just don't hear it.

I also fear of people who have dogs, A dog is a pet, a family member that should be treated with kindness and affection. People should not be permitted to have a pet and have their dog outside for hours barking and barking, annoying the poor dog, which is cruelty to animals and also annoying to neighbors. I thank you for listening to me.

Alderman Anglace stated; the comments with respect to the noise ordinance, the noise ordinance has been closed but as a courtesy we will forward your comments to the committee and the members of the police dept. Alderman Anglace asked; does anyone else wished to address the board?

Irving Steiner, 23 Partridge Lane

I'm sorry to make a pest of myself. This is my only prepared speech for this evening and this is my five minutes.

Good evening Chairman and members of the Board of Aldermen. This evening I have a simple request. I would appreciate it if the chairman would entertain a motion during the public portion of this agenda to include any items for discussion or possible action that the chairman is privy to which are not on the present agenda as distributed. I mention this from past experience and since it would improve the involvement of your audience in the matters at hand. It would be appreciated also if the PA system volume was adjusted to a sound level slightly above that found at the city library. After all many of us in the audience are senior citizens and suffer from the same affliction as members of the commission. Therefore the commission should be sympathetic toward our deficiencies. I thank you.

Alderman Papa moved to close the Public portion; seconded by Alderman Lanzi. A voice vote was taken and the motion passed 8-0.

Alderman Papa moved to add the following items to the agenda:
9.2 valley Transit Critical debt Item
Seconded by Alderman Lanzi

Alderman Panek stated; not specific to this item but specific to the entire agenda. There are a couple items on the agenda tonight, one is item 7.3 which there is absolutely no back up to, I've been asking for a week for back up. All it says is Lane St. Update and I don't know what that means or knows what that is referring to. The other item is 10.3 is WPCA waivers. I've been asking for backup since last week and received it 5 minutes before the meeting started. I requested that from the Mayor last week. I know I've asked this in the past but in the future I'd like to have the motion prior to, at least a day , 48 hrs so I know what we'll be voting on. It would be good for the public, it would be good for the public to know what's going to be discussed. Maybe there is something on the agenda that they may want to come to the meeting for. I don't know if anybody else had backup to WPCA waivers prior. I wasn't that aware of that was involving until the Board President sent me an email on what that was about. The motion we didn't get until we walked in here tonight. I know we've discussed this before but if we could try to do better to get those things prior I would appreciate it.

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

Agenda Items

Minutes for Approval

Alderman Papa moved to waive the reading of and accept the following meeting minutes:

Regular Meeting of September 14, 2006
Special Meeting of September 26, 2006
Public Hearing of September 26, 2006
Continuation of Public Hearing of September 26, 2006

Alderman Finn asked; we just concluded the continue the continuation of the public Hearing from September 26 fifteen minutes ago. The minutes are not available so I don't know how we can sit down here and approve those minutes.

Alderman Anglace replied; Let me explain. The reference to continuation of public hearing of September 26th pertains to Sorgum water Main ext. not to the Noise ord.

Seconded by Alderman Finn. A voice vote was taken and the motion passed 8-0.

5.1 Finance Committee

5.1.1 Approval of Minutes

Alderman Kudej moved per the recommendation of the Finance Committee to waive the reading and approve the minutes of the regular Finance Committee Meeting of August 29, 2006; Seconded by Alderman Lanzi. A voice vote was taken and the motion passed 8-0.

5.1.2 September Statutory Refunds

Alderman Kudej moved per the recommendation of the Finance Committee that the report of the tax collector relative to the refund of taxes for a total amount of \$19,928.36 be approved and that the Finance Director be directed to make payments in accordance with the certified list be received from the tax collector funds, with funds to come from the statutory refunds acct 001-0000-311.13-00; seconded by Alderman Lanzi.

Alderman Anglace stated; this would be a more appropriate place for me to bring up the question from Judson Crawford at the Finance Committee meeting. What he observed and noted to the Finance Committee was that the evening the Finance Committee was meeting to approve the statutory refunds, that afternoon, which was prior to our even recommending to the full board that the statutory refunds be made, that afternoon the checks were written from that account and sent out to the people who had these statutory refunds coming.

Mr. Crawford questioned the process. Why are we even bothering to have the Finance Committee review them and recommend to the full board their approval or disapproval if the money is going to be paid before the process is going to be completed. That is a very logical question so I checked with the Finance Office. What I found was that they were laboring under the impression that state law, once identified that the statutory refund, this refund allowed by law, by state statute. Therefore, they felt to expedite the process and not keep the people waiting. Some people pay their taxes twice. Can you imagine paying \$3,000 twice? So in order to expedite the payment of that money back, they felt they had the authority under the law to send the payment and just get the BOA to approve it.

I then checked with Corporation Counsel and we checked the law. I think they were laboring under misinterpretation. The process from now on will be that no checks are written from the account until the statutory refunds are approved by the BOA. The Finance Committee and no other committee has any authority to approve anything. It must come to the full board and then they authorized to send the payments. Mr. Crawford we thank you for your observation. It was timely and very helpful.

Alderman Finn stated; I believe he wanted, on these definitions, moved, sold, etc, etc, It has down here just the letter "s" and "elderly credit"

Alderman Anglace stated: "s" is a type –o it should read sold. "elderly Credit" is the elderly tax ordinance.

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

5.1.3 Legal Bill – Anthem Demutualization

Alderman Kudej moved per the recommendation of the finance Committee that \$134.32 (Shelton's share of the Anthem Demutualization lawsuit) be paid to Sullivan, Schoen, Campana & Connon, LLC with funds to come from professional services account 001-1900-411.30-01; seconded by Alderman Papa.

Alderman Finn asked if they had any indication as to how much longer this lawsuit would be going on?

Alderman Anglace stated; I don't believe that they have any control over the length of the law suit. It's taking its course through the courts.

Attorney Welch replied; I have quarterly had conversations with them as to the status of it. As it is something that we continue to report on. Some municipalities have resolved issues and the majority of the case is ongoing. It's still in the pleading stage.

Alderman Finn asked; how close are we to finalizing it as a community.

Attorney Welch replied; If the matter was to be discussed, since it is an ongoing case you could put it the next agenda to be discussed in executive session and we could have someone come down.

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

Note: Alderman Anglace asked that the Anthem Demutualization be scheduled for discussion at the next full board meeting.

5.1.4 Legal Bill – Pellegrino law Firm –Samarius Wernick

Alderman Kudej moved per the recommendation of the Finance Committee to approve the invoice dated August 4, 2006 to the Pellegrino Law firm for services rendered in the case of Shelton v. Samarius Wernick for an amount not to exceed \$875.00 with funding to come from the legal services account; seconded by Alderman Papa. A voice vote was taken and the motion passed 8-0.

5.1.5 Request for Transfer of Funding

Alderman Kudej moved per the recommendation of the Finance Committee and the assistant Finance Director to approve the transfer of \$1,500.00 from contingency general account 001-0900-900.99-00 to bond registrations fees line account 001-5700-412.50-12; seconded by Alderman Papa. 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 Approval of Minutes July 6, 2006

Alderman Olin moved per the recommendation of the Street Committee to waive the reading and approve the minutes of the regular street committee meeting of July 6, 2006; seconded by Alderman Kudej. A voice vote was taken and the motion passed 8-0.

5.3.2 Request for Sidewalk reimbursement – 330 Howe Ave.

Alderman Olin moved per the recommendation of the Street Committee and the City engineer to approve the sidewalk reimbursement of \$1,423.13 for the replacement of the sidewalk at 330 Howe Ave. as per ordinance #465 with funding to come from the sidewalk reimbursement acct 001-3600-713.80-43.; seconded by Alderman Kudej. A voice vote was taken and the motion passed 8-0.

5.3.3 Request for Sidewalk Reimbursement – Howe Ave.

Alderman Olin moved per the recommendation of the Street Committee and the City Engineer to approve the sidewalk reimbursement of \$412.50 for the replacement of sidewalks at the Canal Street Properties on Howe Ave. as per ordinance #465 with funding to come from the sidewalk reimbursement acct 001-3600-713.80-43; seconded by Alderman Kudej. A voice vote was taken and the motion passed 8-0.

Report of the Mayor

Report of the Chairman

Alderman Anglace noted that Mayor Lauretti was absent because he was a guest of President Bush for lunch.

Tape 1 side 2

Alderman Anglace read a letter from the Faith Foundation.

Our foundation is reaching out to you again this year for a special little girl named Faith Autumn Trembley. Faith is 3 ½ years old and lives in Shelton , CT with her parents Joe & Lisa Tremble and her 3 siblings. Last year you individually made generous donations to the Faith foundation which she has benefited from all this past year. Faith has been diagnosed with a rare brain disease call ventricular perotopia. Please see her website for further information at www.faithsfriends.org. She is only the second child in our state with this condition. As you will see on our website this past April we almost lost Faith. We feel deeply blessed that she is still with us. In October, Faith will undergo genetic testing to determine if the gene that caused her condition is called is philomen a, if so this gene over time will break down her heart and cause life threatening circumstances. We are truly helping that this year you will help Faith by making another monetary donation to the foundation which is listed above. Due to a limited prognosis because her condition is so rare and insurance conflicts of not covering research or genetic testing, her foundation was set up to help cover surprising, overwhelming expenses that arise. We are hoping that Faith's story has stayed in your hearts, still touch's your heart and you will help us help her. All monetary donations are deeply appreciated. We thank you in advance for any help you are willing to make. The continued support from people like you is so very important. If we can work together we can make this year another successful year for Faith. Faith Trembley, her family and the Faith Foundation.

Alderman Anglace continued; another thing I would like to make you aware of, is the Shelton Education Association and the Board of Education Negotiations. They have been completed. They have been ratified by the union and they have been approved by the Board of Education. They are in the process of developing a summary, which according to state statutes will be filed with the city town clerk. Once they have been filed with the city clerk we will be put on notice and we then have 30 days to accept or reject the agreement. Once this has been filed with the city clerk she will provide me with a copy and it will be distributed to everyone and we can start looking it over. That will give you the same information that we get on all of the contract negotiations. It will come from the Board of Education.

Alderman Anglace read the following to the Aldermen;

For several years now Brigitte Plucienik has served the City of Shelton as Clerk for the Board of Aldermen. It took most of us all that time just to learn how to spell her last name and now she is leaving.

Typical of most people her age, she is trying to juggle raising two children and yet provide a good supplementary household income; something most families of my generation did not have to worry about. Her position as Clerk of the Board served her well as it provided much needed schedule flexibility allowing her to juggle a busy and dynamic schedule.

Brigitte has served all members of this and previous Boards in a very professional and exceptionally qualified manner. She has managed each of our personalities as if we were all members of her household and satisfied all eight of her supposed masters.

Brigitte has many good qualities and skills which she brought to this job. She also demonstrated her super psychology traits in managing the affairs of this office.

We are saddened to see her leave. However, we feel gratified that we have fulfilled a need in her life and become her respected friends. We wish her well in her future endeavors but we know she is a person of character who will go on to one success after another. We wish her good health and the enjoyment of the growing years with her family.

The Board of Aldermen cannot thank her enough for all she brought to this job and all she has done for all of us and the City of Shelton.

May God Bless you and your family Brigitte.

Alderman Papa stated; I would just like to thank her for the help she has given me with my Public Health & Safety Committee. I've talked to her every other day to set up agendas and discuss issues. She has always been prepared and always helped me out. I just want to thank her in her new endeavor and God bless her and I hope to see her as much as we can.

Alderman Anglace announced that a new clerk had been hired. I gave her very short notice, she had a conflict, she couldn't get a babysitter for tonight but she would have been here. It was my intent to introduce her to everybody tonight and the public. Her name is Theresa Adcox and I'm sure you'll meet her during the course of the month as she has started. We'll bring her to next months meeting to introduce her to the public.

Alderman Anglace continued; the next thing I would like to share with you is I received from Ed McCreary a tree cutting ordinance proposal from the conservation commission. We will copy it and distribute it to all the aldermen for your review. I would then propose to hold a joint meeting with Conservation, Inland Wetlands and any other Commission that may be involved so that we may discuss it, ask questions, receive comments from the public. We are just going to have to massage this thing. It is very comprehensive. Some of you may have already received a copy of it or participated in its development. It is extremely well done and it is going to take some attention and discussion to go forward with it. I wanted you to be aware that I had received it and that's the plan.

That ends my report.

6.0 Legal Report

6.1 Corporation Counsel Billing

Alderman Papa moved to authorize a total payment of \$2,239.71 to Corporation Counsel Winnick, Vine, Welch & Teodosio, LLC for services rendered per the statement dated October 1, 2006 with funds to come from the following Legal Services accounts;

Legal Fees	001-1900-411.30-03	\$2239.71
------------	--------------------	-----------

Alderman Finn question a couple items on the bill.
Seconded by Alderman Lanzi. A voice vote was taken and the motion passed 8-0.

6.2 Assistant Corporation Counsel

Alderman Papa moved to authorize a total payment of \$2,030.00 to Assistant Corporation Counsel Ramon Sous for services rendered per the statement dated October 1, 2006 with funds to come from the following Legal Services accounts;

Legal Fees	001-1900-411.30-03	\$2030.00
------------	--------------------	-----------

Seconded by Alderman Lanzi. A voice vote was taken and the motion passed 8-0.

7. Legislative Old

7.1 Ordinance from Public Hearing

7.1.A Amendment to Ord. number 787 – Noise Ordinance

Alderman Finn moved to forward this ordinance back to the Public Health & Safety Committee for further review; seconded by Alderman Papa. A voice vote was taken and the motion passed 8-0.

7.2 Request for Water Main Extension – Sorghum Road

Alderman Papa moved to adopt the following resolution for the request of a water main extension on Sorghum Road;

RESOLUTION APPROPRIATING \$118,000 FOR THE SORGHUM
ROAD WATER MAIN EXTENSION AND AUTHORIZING THE

ISSUANCE OF \$118,000 BONDS OF THE CITY TO MEET SAID
APPROPRIATION AND PENDING THE ISSUANCE THEREOF
THE MAKING OF TEMPORARY BORROWINGS FOR SUCH
PURPOSE

Seconded by Alderman Finn. A voice vote was taken and the motion passed 8-0.

RESOLUTION APPROPRIATING \$118,000 FOR THE SORGHUM
ROAD WATER MAIN EXTENSION AND AUTHORIZING THE
ISSUANCE OF \$118,000 BONDS OF THE CITY TO MEET SAID
APPROPRIATION AND PENDING THE ISSUANCE THEREOF
THE MAKING OF TEMPORARY BORROWINGS FOR SUCH
PURPOSE

RESOLVED:

Section 1. The sum of \$118,000 is appropriated for the water main extension between #10 and #42 Sorghum Road inclusive, including, but not limited to, installation of thirteen water service connections and Aquarion Water Company service connection charges, and for administrative, printing, financing and legal costs related thereto.

Section 2. To meet said appropriation \$118,000 bonds of the City may be issued, maturing in substantially equal annual installments not later than the fifth year after their date. Said bonds may be issued in one or more series as determined by the Treasurer and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Treasurer and the Director of Finance, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing, financing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Treasurer and the Director of Finance, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Treasurer and Director of Finance in accordance with the Connecticut General Statutes, as amended.

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

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

extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this Resolution in the maximum amount of and for the capital projects defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of Bonds, and to amend this declaration.

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

Section 7. This Resolution is adopted pursuant to the provisions of Section 7.16 of the City Charter and is within the limitations set forth therein for the fiscal year ended June 30, 2007.

Enacted by the Board of Aldermen: _____

Approved by the Mayor: _____ Date _____

Attest:

City Clerk

Date _____

7.3 Lane Street Update

Alderman Anglace asked if anyone had anything to update on Lane Street.

Alderman Finn stated; I have no idea why this was placed on the agenda. There are a lot of things going on on Lane Street, the water situation, the paving of the roads, the sewers. A number of issues on that one short street.

Alderman Papa asked; wasn't there a committee set up to go investigate, Chris , weren't you supposed to go investigate?

Alderman Panek replied; no, I had asked Cyndee about this. I thought she said that the Mayor had asked for this to be put on.

Alderman Anglace stated; I didn't put this on so I can't speak to it. If anybody has anything they know they can speak. Last I knew the water company had sent notices to the two remaining homeowners who had not connected to city water. The water company told them that they were going to curtail the service. The homeowners spoke to the water company and they were going to extend it. It is coming to the point where the water company is going to take an action to shut them off. They either have to drill a well or connect to city water. They have to do something. What we have to do very shortly, is determine the scope of the project, who benefited from this thing and levy the assessment. Our actions can be delayed until the two remaining homeowners resolve the question, I think that's a fair way to go.

Alderman Panek asked; you're speaking regarding the cost of the water main extension that is going to be assessed and even those two homes that are still involved and hooked up to the hydrant are going to get assessed. Even if they are not hooked up because the water is running by their house.

Alderman Anglace replied; It is within our authority to determine which homes benefit from this water main installation. Obviously to me, its going to take a little discussion and thought here, obviously one lady is so far back apparently. Its going to cost he more to hook up to water in the street. This is not the time to discuss this, but it is going to require some thought and consideration to determine which homes from it and I believe the key word is benefited. You look at the ordinance before we get to that point and start thinking about.

Alderman York stated; could you just take that one step further after we determine who benefited from it, then does that mean we can also determine who gets included or excluded according from our determination?

Alderman Anglace replied; if you would like for me to expand a little bit. When we determine who the properties are that are going to benefit. We are going to get a recommendation from the city engineer. We can agree with that or disagree with it. If we determine the project scope is...I'm just going to pick a number now, it's just for illustration. If the project scope originally was ten homes and the project cost \$15 million then each house would pay its appropriate share. If we then determine that the number of homes that actually benefited was only eight then eight into 15 million is going to be a higher per capita share and you are going to have a lot of unhappy people among the eight who are going to say they got the same benefit we did. That is one of the reasons when we draft up the recommendation we hold a public hearing on it. Believe me we are going to get an ear full on that one.

Attorney Welch stated; just to be clear. Not to temper the comments but the ordinance speaks for itself in the definition of who is benefited and who is not. It is set by case law so its not something that can be arbitrary. The city engineer takes a look at certain things to make his determinations. When it does come before the board you do have the right to make certain decisions but you are guided by parameters.

Alderman Finn stated; I just want to go back to Lane Street. Yo u mentioned the water company extended not turning off the water. The homeowners have to decide what they are going to do. Once the water company turns around and does disconnect the water to those 2 homes, then it becomes a safety issue as far as the health dept. would be concerned. What role as a community will we play if it becomes a public health matter?

Alderman Anglace replied; As a community it seems to me, this has been going on for two years, We've brought in the water, we've made it livable, we've done all the things that we can do. Now, your to find Valley Health taking a position and condemning those properties. It's very possible without water.

I don't know that wee have a rule. This is all supposition, and conjecture. We have to look at the statutes.

8. Financial Business

No Items

9. Financial New

9.1 Contract approval – Upper Elementary School Project 126-0081

Alderman Anglace noted; I received a note that the Board of A&T tonight approved bid #27-60 , the land services for the old Shelton Intermediate School. You should know before we get into it that their action has been completed and the action is now appropriately before us.

Alderman Papa moved to approve the contract between the City of Shelton and Nafis & Young, Inc. for land survey services for the Upper Elementary School project in the amount of \$18,000 with funds to be paid from the Upper elementary School Bonding;
Further, move to authorize Mayor Mark A. Lauretti to execute any and all documents necessary to effectuate same; seconded by Alderman Lanzi. A voice vote was taken and the motion passed 8-0.

9.2 Valley Transit district – Critical Debt items

Alderman Papa moved to authorize an appropriation of \$20,000 to the valley Transit District as Shelton's contribution to help pay off the critical debt items that threaten the continuation of transit service. Funds to come from unappropriated acct. 001-9900-900.99.00 to an account to be determined by the Finance Director; seconded by Alderman Olin.

Alderman Finn asked; my daughter utilizes the valley transit bus on a daily basis to get to work because she is disabled. Would it be conflict for me to vote one way or another on this item?

Attorney Welch replied; no.

Alderman Panek asked; is any part of this contingent on any other community? What if we are the only community that agrees to put the money forward? How many other communities are there?

Attorney Welch replied; there are 4 communities, Shelton Derby, Ansonia, Seymour.

Alderman Finn stated; This is not the first time, years ago this came in front of the Board of Alderman. A lot of communities in the valley have participated in the past. I'm sure that the 4 Mayors that sit on the Board also have this in front of their boards to help out the agency.

Alderman Anglace stated; \$20,000 is our proportionate share based on usage I guess. There is a good explanatory letter accompanying this. I would ask the clerk to include it in the minutes.

Alderman York stated; I did read the letter and I am very much in support of the Valley Transit District so I don't have a problem with this. But the letter is very general and the letter comes from Mayor Mark Lauretti. One thing I would have appreciated is, we're probably going to be getting involved in this over the next couple of months because we're going to see some changes taking place there. I think it would be appropriate to have some fiscal documentation along with this package. When an item like this comes along and we appropriating \$20,000 I don't think it's unreasonable to ask that we get some backup on that. That's in a factual form that we can see

what is going on. This is well written and it tells a story but it also opens up a lot of questions. So for the next time as we get more involved in this I would like to see....

Alderman Anglace replied; It's appropriate. We can request and I'm sure that they will supply an explanation the \$100,000 of critical debt that we are contributing to pay off. I will also state that Shelton has representatives besides the Mayor, 4 people that have probably already examined that. The clerk is so ordered to request documentation for the Board members and distribute it to the board members as soon as received.

Alderman Papa asked; Don't they come to our budget process? Do they still do it? I don't remember if they did it last year or not. I thought that was a prerequisite to get funds.

Alderman Anglace stated; this whole thing, the situation that Valley transit finds itself in now doesn't only impact Shelton, it impacts all communities involved. We'll request the information it's legitimate.

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

October 6, 2006

*Mr. John F. Anglace, President
Board of Aldermen
City of Shelton
54 Hill Street
Shelton, CT 06484*

Dear John:

As you know, there is a major effort going on at this time to straighten out the business affairs of the Valley Transit District. The Board of Directors has a new slate of officers, and a professional management firm has been hired to manage the operation of the District. We are all committed to the task of restoring the transit district to good health.

The biggest problem facing the Valley Transit District has been its finances. The Connecticut Department of Transportation believes that the District owes money to the DOT from overpayments in past years. During the past 12 months, the DOT has been deducting about \$16,000 a month from the state grants to the VTD to pay down this debt. The result has been a cash flow shortfall that has not allowed the District to pay its creditors for ordinary day-to-day expenses.

Several meetings have been held with DOT officials in recent weeks to address concerns that the DOT has had about the VTD's operations and to address the overall financial picture. These meetings have been fruitful, and we now expect the transit district to begin receiving normal funding levels once the overpayment is fully repaid in approximately six months.

The restoration of regular DOT funding, however, will not make up for indebtedness the VTD incurred during the past year. Some of this indebtedness has significant consequences if it is not paid. Included, for example, is money owed for unpaid state payroll taxes, unpaid workers compensation premiums, health insurance, pension obligations, etc. Additionally, many local businesses have not been paid for everyday items such as utilities, fuel, and parts.

To keep the door open while negotiating with the DOT, the transit district entered into a new, expanded line of credit with Naugatuck Valley Savings and Loan. This loan added about \$100,000 to the District's existing credit line but is now rapidly reaching its limit.

With the expectation that regular state funding is about to resume, we must turn our attention to devising a plan to pay off the most serious indebtedness faced by the transit district such as the taxes, insurance, and pensions mentioned above. At this point, we estimate that there is about \$100,000 of critical debt that must be paid off promptly if the transit district is to remain open to serve our citizens. I would like to propose, therefore, that each member town of the transit district agree to pay a sum of \$20,000 into a special debt retirement fund which will be used to pay off the critical debt items that threaten the continuation of transit service in our towns.

As many of you know, the Valley Transit District throughout its entire history has depended almost exclusively on federal and state grants to pay for its operations and for new buses, etc. The state and federal funding agencies are still willing partners in financing the Valley Transit District, but the time has clearly come for the local communities to become participants also in the VTD's financial plan.

In the coming months, the VTD Board will begin a process of evaluating the types of bus services provided by the District. The VTD's service plan has not been updated in over 20 years, while our communities have gone through continuous change. We intend to look now at new and better ways to provide transit service to the member towns. This will be an interesting and exciting opportunity to modernize our transit system in ways that other transit systems in Connecticut have done. We will need each city and town to be an active participant in this renewal program. To get started, I urge you to help out with the debt retirement project at the Valley Transit District. Please feel free to call me about any questions you may have about the Valley Transit District's current status.

Sincerely,

*Mark A. Lauretti
Chairman*

10. Legislative New

10.1 Resolution – Shelton River Walk Extension

Alderman Papa moved to adopt the following resolution:

Resolution

Board of Aldermen

October 4, 2006

Commitment to provide matching funds and maintenance of the Shelton River Walk Extension

Whereas, the City of Shelton has been awarded a \$1,600,000.00 earmark from the Federal Government under the SAFETEA-LU High Priority Projects (HPP) Program to construct a project known as the Shelton River Walk extension project, and

Whereas, the funds will be used to construct the Shelton River Walk extension project in accordance with CT DOT requirements; and

Whereas, the City agrees to maintain the Shelton River walk extension improvements within the defined right-of-way; and

Whereas, this project is a cost reimbursement program, whereby the City must expend the funds first then seek reimbursement; and

Whereas, projects undertaken with HPP funds are eligible for up to 80 % reimbursement of allowable costs, with the City responsible for the other 20%; and

Whereas, the City commits to provide 20% cash match in the amount of \$360,000 to come from general revenues, bond funds or other local sources as may be required for the Shelton River Walk extension, with the \$360,000 match based on the current estimate of project costs; now therefore be it

Resolved, that the Board of Aldermen hereby authorizes the Mayor to commit to provide the 20% non federal match to the SAFETEA-LU HPP funds and to maintain this project;

Seconded by Alderman Panek.

Alderman Finn comments; the resolution indicates a defined right of way. I hope that the defined right of way is going to be along the river and not along the railroad tracks or the canal. We were originally supposed to have our river walk about the Birmingham condominiums on the river side and now for reasons, the river walk is now going to go around the facility instead of along the river. I just want to make sure that SEDC, Planning & Zoning and anyone else involved will negotiate that our defined right of way will be along the river.

Alderman Anglace replied; I don't think that defined right of way is a part of this resolution.

Alderman Finn replied; it's just my comment.

Alderman Anglace stated; I think what the resolution says is 2 things. One, that our share of this cost is going to be \$360,000. We are not approving \$360,000 now, but we are committing that we will approve it so that is a separate action. We are also approving the Mayor to sign it and apply for the grant.

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

10.2 Appointments – Animal Shelter Building Committee

Alderman Papa moved to appoint the following people to the Animal Shelter Building Committee;

Gerry Craig, 12 Christmas Tree Hill Rd., Shelton, CT 225-6162
Irene McCoy, 417 Isinglass Road, Shelton, CT 929-7909
Bill Bures, 224 Division Ave., Shelton CT 924-5500

Seconded by Alderman Lanzi. A voice vote was taken and a motion passed 8-0.

10.3 WPCA Waiver of Bids

Alderman Papa moved to waive bidding for the Lane Street sewer project per the recommendation of the director of Finance (purchasing Agent) and the WPCA and authorize Mayor Mark A. Lauretti to negotiate a price for this project; seconded by Alderman Olin. A voice vote was taken and the motion failed 5 in favor – 3 opposed (Finn, Panek, York).

Alderman Finn stated; there seems to be a lot going on regarding the waiver of bids. The chairman was here tonight saying that it would now be a matter of valley Health getting involved but he's not sure of that. There is no documentation to support that. We also have heard that while we denied the waiver of bids last week it seemed that WPCA, two weeks prior to that, was entering into negotiations with a contractor which reduced the cost of the project. It seems as though the cart was before the horse with the WPCA by negotiating the contract with a contractor 2 weeks prior to this board denying the waiver of bids. Somebody has something mixed up there. I have to agree with Alderman Panek's original comments about waiving the bids. I can see us waiving the bids, in an emergency situations only. When you have comments made by the Mayor the same evening that this would give us the opportunity to sit down and talk to those who are too busy to place a bid because of their work load or didn't have time to submit a bid. I find that wrong.

By stepping the bidding process by sitting down with people who were to busy to submit a bid for that project, even if you are too busy you can submit a bid. I agree with the fact that \$27,000 per household is way out of whack and way to high. I agree with the fact that Dick's wife should have sewers connected to her house and the resident next door. I'm not objecting to that. I think what we did when we denied the bid waiver was to go back out to bid. That's exactly what we should do. But these other people that the Mayor mentioned that we should speak to because they didn't have time to submit bids in the past. If they want to submit bids now and come in lower than what the bids were originally that would be quite a help. I myself I can't see waiving the bids.

Alderman York stated; I also have questions. There was such a difference in the bids. I have a feeling that maybe the project wasn't properly outlined to the companies put in the bids because there was just such a difference. Normally I would think that what would happen when you see that large of a discrepancy that we assume that maybe somebody didn't understand or maybe we didn't make the project parameters clear enough. As Mr. Finn says probably they all should be allowed to take another look at it, take another shot at the whole thing.

I also don't feel comfortable, why we are calling this an emergency situation. I haven't heard an adequate explanation for that. Here again the process, this just happens to be the Lane Street bids. Lane Street just happens to be a very controversial issue at the moment. That aside, the waiving of these bids, we seem to do it quite often. It was a red flag for me, even though I wasn't at the meeting. I did ask some questions because it was a red flag and I'm wondering why we are doing this. So the fact that we had such a discrepancy in the three bids, I would have mentioned that anyway. I think that we should put the bids out again and include the three companies that bid in it originally and give them another chance and find out why one was almost 5 times the amount that the other two were.

Alderman Finn stated; I have another comment to make. As you know that the energy Management Building Committee, we went out to bid for the control systems and we only received one bid which we looked at. We sent it to the Board of Aldermen. The Board of Aldermen denied it and we went back out to bid, this time we used the state bid process I can't remember exactly what it is called. The purchasing agent can go online and advertise the bid and it's all over the United States. We had eleven bidders come in on the project for our Energy Management Building for upgrading the control

systems. You probably could use the same process that we used. The terminology escapes my mind right now, I apologize for that. The purchasing agent could direct you in that. It's a very simple process.

Alderman Panek stated; First of all I feel that it is very unfortunate that the Chairman DeAngelis took something personnel out of the letter that I sent to WPCA. I certainly was not questioning the WPCA in any way in their ability to do their job as a city commission. What I was questioning was the process, legal and proper process was followed. What brought my attention to this matter was on Sept. 26th a motion to this board failed to waive the bids. After that meeting when I read the Sept. 13th minutes of the WPCA. Their motion reads and was unanimously passed, A motion was made to let Tom Sym enter into a contract for a force sewer main for two houses on Lane Street not to exceed \$10,000 less than what was exceed the low bid. They had already put out to the public in a bid that the city had not awarded what the city was willing to pay. Now we have public the amount that one of these bidders can say ok, I'll do it for \$50,000 because the city is willing to pay that. Topped with the fact that we hadn't waived the bids.

Now according to Chairman DeAngelis's comments tonight that DEP and the powers of the WPCA over rides the powers of the Board of Aldermen I ask Corporation Counsel to look into that in terms of the process being followed. Although they maybe haven't had any discussions with a contractor or they haven't actually entered into a contract even though they did pass a motion. Corporation Counsel could rule whether or not they could pass that motion prior to our motion which still tonight hasn't passed yet its back on the agenda tonight. So my question to the WPCA was whether the process was followed for award.

Beyond that, in terms of his comments on my comments to the letter of the editor. I wouldn't stop anyone from recommending anyone on this board to writing a letter on why they are in support of waiving this bid or any other bid. It certainly anyone of our rights up here and everybody in the public to have their opinion and unfortunately we don't get a large audience here at these meetings. If somebody has an opinion on something and they want to write a letter to the editor and show why they are in support of waiving a bid, so be it, that is their right. I encourage them to do that. But as I stated in my letter, and I asked the Mayor this at the Sept, 26th meeting. What is the reason why we are motioning to waive this bid and the sole reasoning was because the bids were higher than expected. I don't agree that is a valid reason to waive the bid and start negotiating one on one with one contractor or all the contractors. If you didn't like the prices then send it out to re-bid and maybe you're get ten companies that are going to bid on it. The process I feel was not followed and tonight we hear now that maybe this is an emergency situation as Alderman York stated, that's the first I've heard of the situation prior to tonight that's why I asked WPCA and Corporation Counsel to look into this and its back on our agenda and its going to voted on tonight. I hope everyone up here states their opinion on why they are waiving this bid because the residents have a right to know why we are waiving the bidding process. We have a bidding process in place. If you are going to waive bids and go out and negotiate with contractors why do we have a bidding process in place? If the Mayor wants to negotiate bids one on one with contractors, why go out to bid? If he can negotiate a lower price, lets just get rid of the whole bidding process. That's how I feel. It went out to bid and these bidders have a right too be treated equally and fairly and I don't think this process does. I agree with the Mayor and his comments at the last meeting. We all want the lowest price for our taxpayers. But the bidding process has to be fair and as I stated in my

letter to the newspaper with all the corruption in the state and municipalities that are right next door to us. People are revising their purchasing and bidding measures and they are not waiving the bids and negotiating and having Municipal figures, whether elected or paid officials negotiate with contractors.

Alderman Anglace commented; one of the things that Alderman Panek said is that everybody should state their opinion publicly. He and I have talked about this indecently and that should be made known to the rest of the board.

I appreciate his comments and his letter to the editor. I don't have a problem with that at all. I tried to make the point, when I saw the letter, I tried to make the point that his investigation went far enough to reveal all the facts and the innuendos and everything to do with this. He and Alderman Finn represent the people on Lane Street and I am sure he would like the people on Lane St. to get the best possible price. I did a little research myself and I put together a letter. Maybe it will help to shed a little light on this. Maybe you might find reason to support the waiver after you hear what I have to say.

There were three votes not to permit the waiver. I'm sorry two votes because not everybody was here. It was hard to understand and I think that the Republican members disagree with the decision not to waive. We think the priority of the Board of Aldermen and the City should be to bring sewers to these homes at the lowest possible price to the home owner and we support the negotiation process suggested by the WPCA, the sewer administrator and the Mayor.

When going out for bid on a project, the City always retains the right to reject any and all bids. Consequently vendors are aware of this "up front". The City has exercised its right and waived bids on occasion when the bids are exceptionally high or not realistically priced. Some times we have gone out for a second round of bids but in this case, we are being asked to authorize negotiations since they want to try to complete this project before winter and the bid process would take too long with no guarantees of a better price. The other compelling reason is that these homes are in the Far Mill River flood plain and their yards are flooded come springtime making their leaching fields almost inoperable.

The Charter provides for waiver of bids and allows the negotiation process which has checks and balances built in because the final price must be approved by the Board of Aldermen.

This process was used in the recent past and it worked well with the Elizabeth Shelton School boiler replacement where \$200,000 was saved. The Board of Aldermen unanimously approved this same waiver / negotiations process in the Elizabeth Shelton case.

This same waiver/ negotiate process worked well with the Rocky Rest / Spoke drive sewer project where taxpayers/homeowners saved \$100,000. The Board of Aldermen unanimously approved this project as well. The point is that after voting for this process and seeing it work well, some members have now changed their priorities and believe that the interest of the vendor should take precedence over the interest of the home owner / taxpayer. Republican members strongly disagree. The current situation to provide sewers to the two homes on Lane Street, if not waived and a new price negotiated would cost each home owner

the \$29,000, almost twice the current cost for sewers, I spoke with these home owners and they are in favor of waiving the bids and negotiating a more realistic price. They also questioned how their Aldermen could place the interest of a vendor over the interest of a home owner that they are elected to represent. I told them to take that up with your Alderman not me. They say the common sense thing to do is to waive the bids and negotiate a realistic price and get the project started before winter arrives and to remind the board that they have a high water table and about the flood plain and are in dire need of these sewers as soon as possible. They reminded me also that this is the second year that they are trying to get these sewers in. A lot of this information wasn't known the first time around. A lot of it wasn't known to Alderman Panek, and a lot wasn't known to the rest of the members of the board. It comes to light as you get into it a little bit more.

I have to tell you that the interest of the homeowner

End of tape side 2

...negotiated and seeing what you can do. I don't agree with some of the remarks that were made tonight from the public portion. I think what it boils down to lets do what is in the best interest of the tax payer homeowner and if we can get the price down lets do it. If the negotiating process doesn't work then let's go out to bid a second time. But do it after negotiations. If you can't make it work through the negotiation process. The negotiation process has worked well in the past. We haven't just put aside the bidding process. We've only exercised where the bids are not very realistic. Imagine yourself as one of the contractors. If I've got all kinds of work, I don't need this job. So I put in \$300,000 to do a \$30,000 job. If I get it, it's a homerun. If I don't get it I don't need the job anyway. That's their mentality. You'll find different things. We're not going to cut off the bidders, the vendors just because this process has taken place many times over the years. The vendors haven't run away. Another thing that is possible here, that I can't determine, is that maybe we didn't have the best circulation of the project. I don't know. We enter into it after the fact.

I think that it deserves the chance to go forward and I think those people have an urgent need for the sewers and like the Chairman of the WPCA said, if it isn't, it sure borders on a health problem. I've been up there in the spring, the back yards are flooded. The leaching fields are saturated.

Alderman Finn stated; I am fully aware that this is in the 50 year flood plain. The chairman of the WPCA indicated that it is a health issue but he hasn't been able to confirm that with Valley Health Dept. So he public ally has stated it's a health issue. There is no question about that. We all heard him tonight. We're not privy to the conversation that took place between you and the residents as Alderman Panek & I were not there with you. So we don't know what comments were made in regards to it. I'm glad to see that the residents approved the bid waivers and I'm glad to see that you are in agreement with me again tonight, that when I made my statement with Alderman Panek that we believe that we should provide sewers to the homeowners in that area. There is no question about that. Also as I indicated that \$27,000 is way too high and should be far lower. So we are in agreement to get the best possible price. But again, Here we are again rejecting bids. You have to go back, you made mention of the Rocky Rest. It seems that the past several projects that the WPCA has had pertain to installation of sewers on roads, according to their minutes have all come in costs way to high. They have requested that the Board of Aldermen reject all

bids, so that we can sit down with others who didn't have the opportunity to bid on the projects. To come in maybe at a possible lower price to the city.

Now again, and I'm sure I can speak for Alderman Panek, were not against the City saving money. We like to see the City save money on their projects. All these projects that the WPCA is requesting waivers of bids cause they're coming in to high. There's got to be something wrong in the they are advertising. It would seem that by them requesting that each job that they have in front of them that they consider to be to high. This is two in a row now. Sending them to us asking for a waiver of bid. Do you realize that between the time of their meetings and the time it's been here, they could have gone back out, re-advertised and we probably could have been in the process of opening up the new bids possibly next week? They have wasted all that time requesting a waiver of bid. When we request a waiver of bid on all these projects, is the WPCA trying to tell us to do away with the bid waivers and just go out and negotiate with people to put the sewers in for the price that we can get? The process is in there for a reason. For them to say that the DEP and the WPCA supercede the Board of Aldermen. But I don't believe they supercede the bidding process.

Alderman Anglace replied; the process that you speak of, you don't go far enough. The process is go out to bid. The process then says if it doesn't work you have another alternative way to go, to negotiate and come back to the Board of Aldermen with your final price. So it is all part of the process.

There is one other thing mentioned that is probably been responsible for a spike in prices over the last year. We're all aware of the oil problem, the oil price going up. That affects the blacktop, the asphalt. There is no doubt the prices are coming down. Some guys are still in the mode of back a year ago at the \$3.20 per gallon price and it should be at the 2.33 price. They are bidding on higher per unit costs, it's possible.

Alderman Papa commented; I just want to make one comment. We saw these contractors who bid. One bid \$231,000 and another bid \$58,000. I guess what the WPCA was talking about was their average was between \$8,000 - \$10,000 to do this same kind of job. In all fairness to the people that who are going to have to pay for this, even though we are going to half to float the bond initially, if we could get a better deal for them and its in our charter. We have the option to do this. Why do we have to accept a higher bid. If we can negotiate, we mentioned the boilers at Elizabeth Shelton School, we saved money with that. We all agreed to that. Why can't we agree to waive the bids on this particular project.

Alderman Finn stated; Elizabeth Shelton School was a different type of situation. The boilers were shut down by the State of Connecticut.

Alderman Papa replied; look at how much we saved, it was \$200,000.

Alderman Finn replied; that was an emergency situation. Why have the kids in the classroom with no heat. This here, I said, between the time that they sent it back to us to waive the bids they could have re-bid this and the bids could have been opened by now.

Alderman Papa replied; if we keep talking the way we are doing right now. We'll have discussion t=for the next couple of months and then we'll have a situation where they won't be able to put the sewers because its going to be winter time. Why don't we just move on this motion, vote on it and where ever it falls it falls.

Alderman Panek asked; Who is the Mayor going to be negotiating with?

Alderman Anglace replied; I have no idea who he is going to talk to and I had no idea in any of the other cases where we waived bids and allowed negotiations.

Alderman Panek asked; the Mayor is going to be calling the contractors and negotiating the price?

Alderman Anglace replied; I would think that the sewer administrator and the Mayor would work on this together.

Alderman Panek continued; also, with regard to the savings, the low bid was \$58,000. The WPCA has already made a motion to enter into a contract to not to exceed \$10,000 less than the low bid. So \$48,000, ...

Alderman Anglace stated; these bids need to come back to us. When he negotiates, they have to come back to us. We are going to send a message to WPCA that it is not an appropriate thing to do in my opinion, to put that message out there. That is not representative of the people.

Everyone talked at once.

Alderman Finn continued; It's just like what I said when first I was speaking on the issue tonight. Even prior to us receiving the request for the waiver of bid, WPCA was entering into negotiations with a contractor for a less amount of money. Two weeks prior.

Alderman Anglace commented; what it boils down to is our interest is in what the homeowners has to pay. That is where I am focusing.

Alderman Finn stated; I believe our interest should also be in making sure that the Boards and Commissions follow the rules and don't start negotiating contracts 2 weeks prior to sending to the Board of Aldermen a request for waiver of bid.

Alderman Panek asked; do they need our waiver or not? Does WPCA need our waiver before they can pass a motion to enter in a contract?

Alderman Anglace responded; according to charter they do, the entire city.

Alderman Panek stated; then this whole process was out of order. They approved a motion to enter into a contract a month ago. That was my question to WPCA last night. That is not being critical of them. I was asking the Chairman of WPCA if he was aware of the process and procedure that is followed. If he is aware then the Board of Aldermen need to approve the waiver prior to WPCA voting to enter into a contract.

Alderman York commented; for me that is the cap on the whole thing. Where would the WPCA be getting the feeling that they had the right to do that is that they know that this board, at least since I've been here seems to regularly waive bids. Many times without a lot of backup. Now that we have pushed this thing back and forth a few times, suddenly more information comes out. But why isn't that information right up front at the very beginning. All that information should have been in the backup the first time the waiver of bids came on the agenda. All I know is that in my job if I want to go out and by myself a computer and I see it on sale down at Staples. I go to my

boss look they've got it for \$2000.00 at Staples, that's where I'm going to go buy it. Absolutely not, no way. I must follow the process. Even if that means, unfortunately paying more on one end here because what the process that the city has set up is that we might be paying more here, but we're saving more here, so we deal within the budgetary process, the purchasing process that the city sets up. I don't have the right to go outside of that process. That is why you have procedures. What if everybody started doing their own thing and started going out to negotiating with contractors, knowing that the Board of Aldermen are just going to waive bids. We have a lot that goes on in this City and that is why you have these processes in place, It is to keep things up front and to keep the information out on the table, to get it out of the back room, and the meetings behind closed doors, and get things out on the table in full view of the public. I would like to know where I can get a copy of the original project and why there was such a discrepancy in the three bids.

Alderman Anglace replied; Let me stop you there. Some of the comments you make get my blood pressure rising, I hope you can tell. When you talk about back room, we just finished talking about the fact that these meetings have to be noticed, they have to be on the board, there is freedom of information, this is not back room. This is all public, this is all said in public.

Alderman York replied; I'm voting on something that I pretty much don't know what I'm doing.

Alderman Anglace continued; they may have poor judgment, and they may not be taking full advantage of their opportunity to ask counsel for advise on how to proceed and getting the best advice that's available to them. Let's not make this thing look like something that it isn't. If they are talking about negotiating, they are going no place. If it's illegal it's going to be stricken.

Alderman Papa commented; Let me say one thing if I can. We are trying to save money for these two homeowners. I don't see the problem that we have here. If there is some innovation where we can save some money in a different way and we are gong by the charter and corporation counsel says what we are doing is proper, what is wrong with that?

In all fairness to you, you work in Waterbury right? The City of Waterbury, talking about finances, has been run by the State for years because their finances they blew in that City , they were running in the red.

Alderman Olin commented; I think we belabored this. I think putting in sewers is more important than water on Lane Street. If valley Health comes in and says you can't live in your house because you don't have sewers. You're in deep trouble, but you can always go out and buy bottled water.

Alderman Anglace commented; the issue here is not one of WPCA's procedures. The issue here before the Board of Aldermen is how can we help these homeowners who are in desperate need of those sewers. Two home owners. If we waive the bids we will help them.

Alderman Lanzi commented; Mr. Chairman, We have kicked this around long enough. To me it's a lot of baloney, a lot of unnecessary discussion. Let the votes fall where they may.

A voice vote was taken Anglace, Papa, Kudej, Lanzi & Olin in favor, opposed York, Finn & Panek (5-3) the motion failed.

10.4 Appointment to BOE 5/6 Building Committee - Fitzgerald

Alderman Papa moved to appoint John Fitzgerald, 318 Meadow St., Shelton, CT to the BOE 5/6 Building Committee; seconded by Alderman Finn. A voice vote was taken and the motion passed 8-0.

Alderman Lanzi left the meeting at this time.

Alderman Papa moved to enter executive session; seconded by Alderman Kudej. A voice vote was taken and the motion passed 8-0

11. Executive Session

11.1 Workers Compensation – Dorso

Alderman Papa moved to approve the permanent partial disability rating in the workers compensation matter of Anthony J. Dorso as presented in the orthopedic Specialty Group's report dated July 31, 2006; seconded by Alderman Finn. A voice vote was taken and the motion passed 7-0.

11.2 Zambelli Fireworks

No action taken

11.3 Shelton Nike Site

No action taken

11.4 Workers Compensation – McPadden

Alderman Papa moved to approve the voluntary agreement in the worker's compensation case of Michael McPadden, which agreement is dated September 18, 2006. Seconded by Alderman Kudej. A voice vote was taken and the motion passed 7-0.

Adjournment

Alderman Papa MOVED to adjourn the Meeting, SECONDED by Alderman Panek. All were in favor, MEETING ADJOURNED at 9:20 PM.

Respectfully submitted,

Brigitte Plucienik
Clerk, Board of Aldermen

MAYOR MARK A. LAURETTI

DATE

Stewardship Report

City of Shelton

June 23, 2005

Prepared by

Miller Agency, Inc.
One Enterprise Drive
Shelton, CT 06484

Table of Contents

- I Overview
- II Current Insurance Program
- III Premium Comparison
- IV Premium and Loss History
- V Premium History**
- VI Claims Over \$10,000
- VII Worker's Compensation
- VIII Recommendations

I Overview

The purpose of this report is to provide the City of Shelton with a current review of its insurance program. The report is intended to give the City an overview of the various activities that have taken place regarding insurance and also to provide historical data regarding premium and claims.

II Current Insurance Program

The City of Shelton is currently insured with Connecticut Interlocal Risk Management Agency (CIRMA). CIRMA was created in 1980 for the express purpose of providing Connecticut Municipalities with a stable and consistent market for Property and Casualty Insurance. The City has been insured by CIRMA for Liability, Auto and Property since July 1, 2002. In July of 2003 CIRMA and The City entered a Three-Year Rate Guarantee agreement.

III Premium Comparison

	<u>2005</u>	<u>2004</u>
CIRMA Package*	\$675,067	\$661,624
<i>Increased Premium due to vehicles added to schedule.</i>		
Excess Worker's Compensation	\$86,331	\$87,241
Safety National Casualty		
Broker Fee	\$54,000	\$52,000
Total	\$815,398	\$800,865

*Package policy includes property, boiler, inland marine, crime, general liability, automobile, law enforcement liability, public official liability, and school leaders E&O and umbrella liability.

IV Premium and Loss History CIRMA Package Premium and losses by policy year valued as of April 30, 2005

<u>Policy Year</u>	<u>Premium</u>	<u>Losses Paid and Reserved</u>
7/1/2004-05	\$661,624	\$150,894
7/1/2003-04	\$661,624	\$159,311
7/1/2002-03	\$565,493	\$100,445
7/1/2001-02	\$493,133	\$67,550
7/1/2000-01	\$287,476	\$151,673
7/1/1999-00	\$260,739	\$370,194
7/1/1998-99	\$262,923	\$82,019

7/1/1997-98 \$361,335 \$257,190

V Premium History including Broker Fee

July 1, 1992/93	\$835,524
July 1, 1993/94	885,809
July 1, 1994/95	882,952
July 1, 1995/96	909,768
July 1, 1996/97	919,457
July 1, 1997/98	411,335
July 1, 1998/99	312,923
July 1, 1999/00	288,739
July 1, 2000/01	315,476
July 1, 2001/02	521,133
July 1, 2002/03	666,768
July 1, 2003/04	791,167
July 1, 2004/05	800,865
July 1, 2005/06	815,398

VI Claims Over \$10,000

<u>Date/ Type</u>	<u>Claimant</u>	<u>Paid</u>	<u>Reserve</u>	<u>Total</u>
1/9/03 AL	Opatrny	21095	0	21095
9/4/02 GL	Graycie	29218	0	29218
10/20/02 GL	Brisson	5530	10308	15838
11/26/02 GL	Paszkowski	349	9652	10001
12/20/03 PR	Shelton	53500	0	53500
7/11/03 GL	Jones	0	75000	75000
7/8/04 GL	Lasky	995	29005	30000
7/5/04 GL	Hill	0	25000	25000
1/10/05 PL PO	Lewis	4263	18237	22500
9/29/04 PL PO	Wiacek Farms	0	14497	14497
2/4/05 GL	Scalenghe	0	12000	12000

AL = Auto Liability, GL = General Liability, PR = Property
PL PO = Public Officials

VII Worker's Compensation

The City of Shelton self-insures its workers compensation insurance. An excess workers compensation policy covers any claim exceeding \$500,000 per occurrence. In June2000 the worker compensation third party administrative (TPA) claim service was put out to bid. Bids were received from CT Health Care WC Trust, CIRMA and Mathog and Moniello. CT Health Care WC Trust offered the most comprehensive services at the lowest cost and was selected as the TPA effective March 1, 2001. They continue to do an outstanding job of case management on Shelton's workers compensation claims and work closely with the Shelton Safety Committee. CT Health Care WC Trust conducts quarterly claim review meetings with the Shelton Safety Committee and City Attorney to review open claims and establish parameters for closing them as soon as possible.

Claim Summary valued as of 5/31/05

Policy period	Payroll	Paid	Reserve	Claims Expense	Total Incurred
7/1/04-05	\$ 45,916,535	\$ 158,670	\$ 180,065	\$ 7,888	\$ 346,623
7/1/03-04	\$ 44,917,660	\$ 509,349	\$ 245,133	\$ 24,882	\$ 779,364
7/1/02-03	\$ 44,477,248	\$ 606,499	\$ 127,558	\$ 19,132	\$ 753,189
7/1/01-02	\$ 40,731,789	\$ 552,431	\$ 68,178	\$ 33,071	\$ 653,680
7/1/00-01	\$ 39,632,992	\$ 793,908	\$ 227,690	\$ 39,814	\$ 1,061,412

Worker's Compensation Claims over \$50,000

Date of Loss	Name	Description	Paid	Reserve	Total Incurred	Open Closed
7/1/04-05 No losses over \$50,000						
11/7/2003	Dutkanicz	twisted l knee	38791	16728	55519	Open
1/3/2004	Schneider	slip and fall	41130	68947	110077	Open
6/4/2004	Hamilton	fractured ankle	31923	23378	55301	Open
8/28/2002	Hoffman	broken hand	161534	27056	188590	Open
11/13/2002	Dirienzo	strained back	134450	64310	198760	Open
1/21/2003	McPadden	strained r. knee	49315	17220	66535	Open
7/28/2002	Adams	strained l knee	55988	0	55988	Closed
2/20/2002	Pelaccia	shoulder strain	79946	16211	96157	Open
6/7/2002	Chambers	shoulder strain	101026	22475	123501	Open
6/9/2002	Verdicchio	multiple strains	67446	13779	81225	Open
9/13/2001	Silva	sprained foot	90248	0	90248	Closed
11/18/2000	Lewis	back injury	141084	104038	245122	Open
12/20/2000	Kowalsky	back injury	223422	93170	316592	Open
4/6/2001	Kowalsky	shoulder injury	89021	36547	125568	Open
7/6/2000	Hazlett	slip and fall	102658	0	102658	Closed
8/26/2000	Eldridge	back injury	53277	0	53277	Closed

VIII Recommendations

1. This being the final year of the CIRMA three year rate guarantee, we will be requesting bids from CIRMA as well as other qualified insurance carriers for the July 1, 2006 renewal. As a hedge against market conditions we will also include deductible options on the General and Auto Liability.

2. During the 2005-2006 Policy year we will be working with CIRMA to ensure that the City's buildings are properly insured to their value. We will be utilizing construction cost estimator Marshall & Swift in order to assess the replacement cost of a number of older school buildings.
3. The City should consider carrying Excess limits at a higher level than the current \$10,000,000 provided by CIRMA.