



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
FULL BOARD MEETING
THURSDAY, JANUARY 12, 2012

Call to Order / Pledge of Allegiance

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

Roll Call

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

Administration: Mayor Mark A. Lauretti
Corporation Counsel Tom Welch
Administrative Assistant Tom Taylor

Agenda Items

PRESENTATION –

Jim Ryan, Executive Director, Shelton Economic Development Corporation –
Celebrate Connecticut Award

Congratulations to all of the Board members upon your reelection to office.

As you know, I had the privilege of updating you before the election, along with Ruth Parkins, on our progress on downtown and our plans for future development. I thank many of you that have been on board for so many years, up to 30, John, it's been 20-something years, many others. You've witnessed the incredible, slow at times, but incredible progress that's happening downtown and you know what it takes. You know the type of personal and political capital you have to invest in persuading people that any neighborhood or any public investment should be a priority. You've been spectacular at that. You might say I'm pandering you. I'm not. Others have found great value in the work that the City of Shelton and the Board of Aldermen and our Corporation, our Citizens Advisory Committee have done, and recently the Connecticut Economic Resource Center has selected Shelton along with eight other communities, as top performing projects in the State of Connecticut. Both Mayor Lauretti, myself, Ruth

Parkins, two people from my Board, Aleta Miner, Ed Kisluk, attended a ceremony in Hartford at the Theater and received an award. The Mayor received it on your behalf, and he asked that I bring it back to you to thank you for your work. So I have three things I want to do. I have a resolution to read from the Governor. It's nice to have an independent authority recognize your good work. I'm going to read that for the record. This is an official statement from his Excellency, Dannel P. Malloy, Governor.

On behalf of the State of Connecticut, I, Dannel P. Malloy, Governor, take great pleasure in recognizing the City of Shelton, Canal Street Revitalization Program, as it is honored by the Connecticut Economic Resource Center as a 2011 Celebrate Connecticut honoree. This recognition is testament to your outstanding service and commitment to the State of Connecticut. The City of Shelton Canal Street Revitalization Program has contributed to the growth of the local, regional, and State economy through hard work and diligence. Your city has invested in the success of the State of Connecticut and is an appreciated and valued component of our State's economy. This recognition celebrates the City of Shelton Canal Revitalization Program's many achievements and its devotion to the State of Connecticut. I congratulate you on this honor and wish you the very best in your future endeavors. Therefore I, Dannel P. Malloy, Governor of the State of Connecticut, do hereby officially convey honor and recognition to the City of Shelton Canal Street Revitalization Program in the State of Connecticut.

And it's signed, of course, by the Governor. I have duplicates of the original and we're asking Mayor Lauretti to see if that can be displayed in the front lobby and in the Mayor's Office and at the Community Center so others in Shelton can recognize that your achievement is significant and is based on devotion and leadership and patience and tolerance and vision and all the good things that make government what we want to involve ourselves with.

At the same time there was a plaque that was given that the Mayor received, which I will show you. We would like you, if you could, please come down to the floor for a photograph where we will re-present this to you and put this in Shelton Life so all of our businesses and residents can see what your hard work means to us and means to the rest of the State of Connecticut.

Alderman Anglace thanked Mr. Ryan.

PUBLIC SESSION

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

Chris Panek, 19 Megan Lane

Good evening members of the Board. I would also like to congratulate all of you on your re-election.

Tonight I want to address an issue that was brought up at the December Board meeting under the President's Report involving the recent appointment to the Board of Ethics.

My concern is with the actions that have occurred in recent months and involves interpreting the real meaning of our City Charter and the political breakdown of the members of our Board of Ethics. As you know, the Charter calls for one Republican, one Democrat, and one Unaffiliated member on the Board of Ethics to make the Board non-political and avoid having politics play into the important work that an Ethics Board needs to accomplish. Last June, you approved the Mayor's appointment of a new member to the Board of Ethics to replace the unaffiliated member, Ms. Robinson, who had stepped down. The Mayor recommended a Republican, Mr. Winnick, even though there was already a Republican, Mr. Peterson, sitting on the Board. So the Board ended up with two Republicans and one Democrat, not conforming to the requirements of the Charter. Mr. Peterson's been the sitting Republican member of the Board of Ethics for many years. To rectify the situation, Mr. Peterson changed his party affiliation to Unaffiliated. While there is nothing illegal about someone changing their party affiliation, when it is done after the fact in this fashion, it understandably raises concern. Having a sitting member of the Board of Ethics who has represented one party for all these years suddenly change their affiliation for the sole purpose of meeting the requirements of our City Charter seems to be a stretch of what I would view as the real meaning behind this section of the Charter. It makes it appear that politics are invading our Board of Ethics, which I am sure none of you want and certainly does not serve the public's best interests. My concern is not with the political parties involved or the actual people involved. I commend anyone who is willing to volunteer as a member of a City board. To me the intent of the non-political breakdown of our Board of Ethics is clearly stated in the Charter, and using this method to bypass it, while not illegal, certainly seems to violate the public's trust on the Board that is in place to ensure that trust is never broken. It comes down to right versus wrong in upholding the true meaning of ethics and being ethical. Changing political parties after the fact just doesn't seem to fit that meaning to me. The Mayor could easily fix the problem by finding an unaffiliated person to replace the vacated position on the Board of Ethics. Two members of any party should not be allowed to serve on the Board of Ethics regardless if one decides to change their party affiliation.

Although my initial concern was just with the changing of the party affiliation, I also would like to address the issue of whether or not the City Charter was in fact violated, not in reference to the party change, but by the meetings that took place. I'll give you a timeline of events as I understand them from what I got off of the City website and visiting City Hall. The Mayor appointed and the Aldermen approved Mr. Winnick at the June 9, 2011 Board of Aldermen meeting. The Board of Ethics met on August 31, 2011. Chairman Maria Davis was excused from the meeting. Mr. Peterson, still registered a Republican, acted as the Chairman, and Mr. Winnick, also registered Republican, were in attendance. Minutes for the meeting, including motions and votes, are posted on the City website. The Board of Ethics again met on October 6, 2011, Chairman Davis was present as well as Mr. Winnick and Mr. Peterson, both still registered Republican. Minutes for this meeting, including motions and votes, are also posted on the City website. Mr. Peterson changed his party affiliation on November 30, 2011 according to the Registrar's Office. So following this timeline, the Board of Ethics met twice with two registered Republicans being present. While I'm sure the Ethics members had no intention, it appears that the two meetings they had in August and October were in

violation of the City Charter. I will leave that for Counsel to determine and if all the facts are accurate, whether or not those two meetings in fact violated the Charter, and if any action needs to be taken as a result. Thank you.

Alderman Anglace asked if any member of the public wished to address the Board. Being none, he declared the public session closed.

MINUTES FOR APPROVAL

Alderman Papa MOVED to waive the reading and approve the minutes of the Regular Meeting of December 8, and the Special Meetings of December 15 and December 19, 2011; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

5.1 FINANCE COMMITTEE

5.1.1 Sole Source Resolution

Alderman Kudej MOVED, per the recommendation of the Finance Committee to adopt the following resolution:

Whereas, Section 7.14(c) of the Charter of the City of Shelton requires a Waiver of Bids, whenever the Purchasing Agent shall determine that bidding for any particular goods or services would be impractical, impossible or unwise; and

Whereas, the Purchasing Agent is then required to recommend to the Board of Aldermen that bids be waived;

Whereas, the Purchasing Agent has found that on occasion a Waiver of Bids has been requested for the reason that the item to be purchased is only provided from one specific vendor, i.e. Sole Source;

Whereas, the Purchasing Agent is required to request a Waiver of Bids when a product is only offered by "one vendor" or from a "Sole Source" and same is required to be acted upon by the Board of Aldermen;

Whereas, the Purchasing Agent and the Board of Aldermen agree that in those instances where a product or item is offered only by a "Sole Source" that a Waiver of Bids pursuant to said Charter is appropriate as bidding would be unwise, impractical or impossible.

Therefore, be it resolved by the Board of Aldermen of the City of Shelton that where the Purchasing Agent determines that any purchase of any item, service or combination of item or services which are only provided by a single vendor, i.e. "Sole Source", said bids shall be waived pursuant to the City of Shelton Charter 7.14 (c).

Further, the Board of Aldermen hereby requires that the Purchasing Agent provide the Board of Aldermen, within thirty (30) days of any purchase pursuant to this Section, with a copy of the "Sole Source with Written Justification Form", a copy of which is attached hereto.

SECONDED by Alderman Simonetti.

This was discussed at the Finance Committee and the minutes reflect that.

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

Mayor Lauretti arrived at this point, approximately 7:20 p.m. Alderman Anglace turned the meeting over to the Mayor.

5.1.2 Lisa Low & Associates Agreement

Alderman Kudej MOVED, per the recommendation of the Finance Committee, that the contract between the City of Shelton and Lisa Low & Associates relative to Small Cities Block Grant Writing, Administration, and Project Management Services for Community Development projects as of April 15, 2011 to April 15, 2013 be approved.

Further authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate said agreement.

[Alderman Simonetti left the meeting at this point, approximately 7:22 p.m. – 7 present]

SECONDED by Alderman McPherson.

Alderman Anglace stated, you'll notice that the motion, "subject to revised Exhibit B" has been taken out. The reason for that is because after looking at it, we had Exhibit B, the reference to \$100 charge for any other services, we didn't feel they were related and we should strike that and we should take it out altogether. Counsel says that for the life of the contract that you can control that another way. We don't want to give anybody an unlimited carte blanche to come in and be assigned to a service and then just run up a bill. He's going to do it by letter when he conveys this approval to Lisa Low by putting on the necessary restrictions.

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

5.1.3 January 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 \$28,476.37 be approved and that the Finance Director be directed to make payments in accordance with the certified list received from the Tax Collector with funds to come from the Statutory Refunds Account 001-0000-311.13.00; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

5.1.4 Funding for Irrigation Services for Long Hill All-Purpose Field - LOCIP

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to add irrigation services for Long Hill All Purpose Field to the Capital Improvement Plan with funding in the amount of \$6,480 to come from LOCIP; SECONDED by Alderman Anglace.

Mayor Lauretti stated, I believe this will be the final.

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

5.1.5 Funding for Nike Site Little League Backstop - LOCIP

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to add the backstop for the Nike Site Little League Baseball Field to the Capital Improvement Plan with funding in the amount of \$2,400 to come from LOCIP; SECONDED by Alderman Papa. 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

Back on December 19th the action we took to fix the Beast at the Transfer Station, the motor, we found as of today, we heard that it is not LOCIP eligible. If you recall, the action we took was to approve it either as LOCIP eligible or as Board of Aldermen bonding with LOCIP eligibility taking precedence. Now that we've found it is not LOCIP eligible, we've already taken care of it, so no further action needs to be done on this. It was \$21,000 for the motor.

6.0 LEGAL REPORT

6.1 Corporation Counsel Billing

Alderman Anglace MOVED to authorize a total payment of \$762.50 to Corporation Counsel Welch, Teodosio, Stanek and Blake, LLC, for services rendered per statement dated January 4, 2012 with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-03	\$662.50
Foreclosure Fees	001-1900-411.50-01	\$100.00

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

6.2 Assistant Corporation Counsel Billing

Alderman Anglace MOVED to authorize a total payment of \$1,215 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated December 1, 2011 with funds to come from the from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 7-0.

7 LEGISLATIVE - OLD

8 FINANCIAL BUSINESS OLD

No items.

9 FINANCIAL BUSINESS NEW

9.1 Echo Hose Ambulance Corps Lease

Alderman Anglace MOVED to approve a lease agreement between the City of Shelton and Echo Hose Hook and Ladder Ambulance Corps, Inc. for a portion of property on Meadow Street in accordance with the attached lease; and further,

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

Alderman McGorty asked, is this for the same property they have now?

Mayor Lauretti replied yes, 100 Meadow.

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

9.2 Smart Bus Cooperative Agreement

Alderman Anglace MOVED TO TABLE this to send it back to Finance Committee for further review.

Mayor Lauretti asked, why?

Alderman Anglace replied, Corporation Counsel Welch has requested it. He has a few things he wants to look at. He doesn't think we're ready to move on it.

Mayor Lauretti stated, this has no financial impact on the City.

Alderman Anglace stated, I think his concerns are not financial. I think they are other than financial. He just talked to me a couple of minutes before I came in. We can hold this in abeyance until he returns. He is upstairs in an executive session but will be down before our meeting is over.

Alderman Finn stated, I know there are cameras in New Haven and there were concerns with the traffic lights taking pictures of license plates. But I see nothing wrong with that. If we can stop a car from running a school bus with the flashing red lights, this is something we should do.

[Corporation Counsel Welch entered the meeting at this point].

Alderman Anglace stated, it's not being held up on the merits of the proposal.

Corporation Counsel Welch stated, there were a number of changes that I discussed briefly, and I indicated that it may be sent back to committee. One of the issues, if you look, I don't do a lot of misdemeanor type work, and they've addressed it through an amendment today, but it has to do with how they get paid. Currently it says for every violation, if someone violates a bus signal, it's \$450. The question was here, there were two items having to do with a minimum amount of violations and for every violation, they would get \$200. We had discussed the correlation between, as you know, oftentimes if you go and argue that mitigation circumstances and the court may reduce the fine from \$450 to \$300 or to \$100. The way it was written, they were responsive to that change to say that they would take the percentage of the actual money received, so that is something that you don't have in front of you at this point, that I received today. Those were some of the issues that I had. To make sure, from a cost perspective, that we were not required to pay them money that we did not receive, or that the percentage would be greater if we did not receive the whole amount. So they had indicated that they would be receptive to that change.

Alderman Papa stated, it says that 52 percent of the fine the City would get, is that right?

Corporation Counsel Welch stated, that report in paragraph and subparagraph e, the last sentence, says at no time shall SBL receive less than \$200 per violation processed for the municipality. My concern was that if a fine was reduced from \$450 to a nominal \$100, that we would owe money.

Alderman Finn asked, what would be the reason that the courts would reduce the fine if a vehicle ran a school bus that stopped with the flashing lights?

Mayor Laretti stated, there is any number of reasons why the courts do what they do.

Corporation Counsel Welch stated, for example, you're always looking at if there were mitigating circumstances as to the reason why. If I was in an emergency, my wife is pregnant, the sun was in my eyes and I couldn't see it, there were trees, I was coming

around a corner, bad bus stop... any thing. Oftentimes you'll see that fines can get reduced, based upon mitigating circumstances. My concern was if the court did that, and the City only received \$200, we'd owe \$200. So it wasn't based upon money received. So the contractor in this particular instance was receptive to that and sent it to me. I talked to the president earlier in terms of sending it to committee if that's appropriate.

Mayor Lauretti asked, why does it have to go to committee if that's the only change?

Corporation Counsel Welch stated, I haven't seen the total. They did send it to me this morning; I did not have the opportunity through the course of the day to look at it. They indicated in an e-mail to me that they were going to do that.

Mayor Lauretti stated, so you haven't finished looking at the agreement.

Corporation Counsel Welch stated, that is correct.

[Alderman Simonetti returns at this point, 7:34 p.m. – 8 present]

SECONDED by Alderman McPherson.

Alderman Anglace stated, refer it to Finance Committee.

Mayor Lauretti stated, you don't have to refer it to Finance Committee. You can just send it there.

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

Mayor Lauretti stated, you can always send it to Finance Committee; it doesn't have to be part of the motion.

Alderman Anglace stated, the motion to table brings it up next month, whether we're ready or not.

9.3 Agreement for General Gas Service Rate for Police Department

Alderman Anglace MOVED to approve the agreement between the City of Shelton and YankeeGas Services Company for natural gas services to be supplied to the Police Department located at 85 Wheeler Street; and further,

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

Alderman Simonetti asked, does the City go out to bid for the gas prices? When I buy my gas, YankeeGas delivers it through their lines, obviously, but I buy it through another company, and it's less expensive that way. I don't know if we do that.

Mayor Lauretti stated, this agreement is for the installation of a gas line. It's not for the purpose of gas. That's handles through Purchasing like the purchase of gasoline or diesel or anything else. The next agreement is identical to it.

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

9.4 Agreement for General Gas Service Rate for City Hall

Alderman Anglace MOVED to approve the agreement between the City of Shelton and YankeeGas Services Company for natural gas services to be supplied to City Hall located at 54 Hill Street; and further,

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

9.5 Funding for Riverwalk Pavilion

Alderman Anglace MOVED to add the Riverwalk Pavilion to the Capital Improvement Plan with funding in the amount of \$290,000 to come from LOCIP; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate such Riverwalk Pavilion Project Completion. SECONDED by Alderman Kudej.

Alderman Anglace stated, we had notification today – unbelievable - the State has already approved this under LOCIP. This is the first time ever that I can remember them doing that.

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

10. - LEGISLATIVE - NEW**10. 1 ITEMS TO PUBLIC HEARING**

10.1.A Proposed Ordinance Prohibiting the Blocking of an Intersection

A public hearing is scheduled for January 24, 2012

10.1.B Amendment to Chapter 16, Section 16-34 Winter Parking Restrictions

A public hearing is scheduled for January 24, 2012

10.2 Amendment to Chapter 16, Section 16-34 Winter Parking Restrictions Ordinance

Alderman Anglace MOVED to not override the Mayor's veto regarding the amendments to Chapter 16, Section 16-34 Winter Parking Restrictions which were passed by the

Board of Aldermen at the December 8, 2011 Regular Full Board Meeting; SECONDED by Alderman McPherson.

The Street Committee has discussed this and has come up with a new approach.

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

11 EXECUTIVE SESSION

At approximately 7:40 p.m., Alderman McPherson MOVED to enter Executive Session to discuss Item 11.1 – Adams Worker’s Compensation, and invited Mayor Lauretti and Corporation Counsel Welch to remain in the Auditorium; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

At approximately 7:45 p.m., Alderman Papa MOVED to return to regular session; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

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

11.1 Adams – Worker’s Compensation

Alderman Anglace MOVED to approve the permanent partial disability rating as set forth in Dr. Saffir’s report dated October 3, 2011; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

ADJOURNMENT

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

The meeting adjourned at approximately 7:46 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____ BY: _____

Mark A. Lauretti
Mayor, City of Shelton