



BOARD OF ALDERMEN  
SHELTON, CONNECTICUT  
FULL BOARD MEETING  
THURSDAY, SEPTEMBER 10, 2009

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Call to Order / Pledge of Allegiance

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

Roll Call

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

Administration:

Corporation Counsel Tom Welch  
Mayor Mark A. Lauretti

There was a quorum present.

Alderman Lynne Farrell was excused from the meeting as she was representing the Board of Aldermen at the retirement dinner for Superintendent of Schools Robin Willink.

Agenda Items

PUBLIC SESSION

Joseph Knapick, 23 Stonewall Lane

It's time to present another monthly update regarding the snow plow damaged curb situation on Stonewall Lane. The street is 2/10 of a mile long. It had five snow plow hits this winter. Through the intercession of the former Administration Assistant, 50 percent were repaired. Fifty percent still need to be repaired. Repairs should occur in a timely manner as a routine matter without extensive citizen involvement as has been the case. Alderman Olin at the 9/1 Street Committee meeting said he didn't observe the remaining unrepaired damage. So we made an appointment to view it on 9/2. Aldermen Olin and Kudej kept their appointment and did observe last winter's damage. They said they would advocate its repair. The outstanding question is, when? Olin and Kudej's viewing was a positive thing considering that they are unpaid City officials, they use their vehicles and gas to view the situation. This was a positive thing. At the Street Committee meeting, of 9/1, the Superintendent of Highways and Bridges again dissed the committee by having no Superintendent's report, no statistics, accomplishments or concerns. Alderman Olin addressed problems on Walnut Tree Hill Road and Canfield Road; Alderman Kudej addressed problems on Long Hill Avenue and Coram Roads. Third Ward Alderman Farrell missed the public portion of the meeting. First Ward Alderman Finn was present at the meeting, not as a member of the Street Committee but to advocate for constituents. He had concerns with problems facing residents on Lane Street, Longfellow Road, School Street, Martinka Drive and Beardsley Road. It was brought out at the Street Committee meeting that two situations in the City have been repaired and one was in progress. Well, this was the movement forward since the July meeting, so optimistically I guess one can say of Public Works, where there is life, although be it a faint pulse, there is hope. Thank you.

Attorney Dominick Thomas

I'm speaking on agenda items regarding Access Road and Middle Avenue.

Middle Avenue is a piece of property, I represent JNT, LLC which is the owner of the abutter along one whole side of Middle Avenue. Middle Avenue has been sent to the Planning and Zoning Commission for an 8-24 and has reported out favorably. My client has already received approval from the Zoning Board of Appeals for two lots. One lot is a single-family home that would be a new property to the rear, and the existing lot has a two-family home on it. This property was deeded to the City by Mr. Vargas when he built, I'm not sure of the name of the subdivision that extends down toward Constitution Boulevard. Constitution Boulevard. It is never going to be used as a road. Of the 50 feet, the 25 feet that is alongside my client's property is a hillside. If he gets that property, he's able to eliminate all of the variances but one, and we promised the Zoning Board of Appeals we would ask. Give us the property. It has no impact - he already has his two lots approved. He doesn't get any more lots; he has it. It's certainly under your regulation; it's a hillside so it's not going to be valued anywhere near \$10,000. It has no value other than to remove the variances. We are not looking for all of it. We believe that the policy that should be followed is the common-law policy on roads, which is, whenever a right of way is abandoned, half goes to the abutters on one side, half to the abutters on the other side. I am not speaking to the other side. There are three property owners abutting it. My client is the only one on this side. The only reason we would like it deeded to him is to remove the variances. It allows us to remove the variances and in one more substantial impact, the new house would then move forward and remove any possibility of any requirement of blasting. That is my request I would make to you with respect to Middle Avenue.

Alderman Anglace stated, just so we're moving in the right direction - I think we're all on the same page with this as far as you're going. I think that we're going to want to sit down and talk with you, your client, and the other abutting property owners. That is what I foresee.

Attorney Thomas stated, okay. Whenever the call comes, I'll be there.

The second issue is the more substantial issue of Access Road. Attorney Sous and I have both been in calls over the last two days to the State of Connecticut. I called Attorney Sous at the end of the day today because I did manage to contact with Christie LaBella of State DOT Rights of Way. They have, as expected, received all of their clearances from traffic, engineering, drainage and everything. Basically saying, "We don't need it." In other words, they have to pass, make sure traffic doesn't need it as part of Bridgeport Avenue. I've been working on Access Road for 14 years, since I did WalMart. It's no doubt in my mind, the State's interest is to get rid of Access Road. They would like the whole thing gone.

Pursuant to the request, because the town got the deed in 1948, for a road, the issue is now before her supervisor as to whether or not they can sever out and sell - I underline the word "sell," to the town, that portion that is in front of our client's property, 714, LLC - the old Crabtree site. What she thinks is that they would have to have the town buy out the restriction, which is to use as a road, of the entire deed. The entire deed encompasses 3.2 acres. It encompasses Access Road and Todd Road.

Attorney Sous said to her, "No, the town's not interested in buying out, you know, paying money to the State for that entire amount; we're only interest in that portion," which hopefully we believe the Board of Aldermen and everybody, the Planning and Zoning has already approved the 8-24, "wants to discontinue and then at that point allow to be improved as part of a development on that corner." So, I said to her, what the status of that is, and her response was that Attorney Sous and I were rushing her. But it's with her supervisor to determine if they can just isolate the .9 acres in front of our property.

Assuming they do that, what they are doing is they are valuing the property as assemblage. The State has a policy that has language in it that is not in your ordinance. You need to look at this. The State's language is, there are two types of property. One is property that is able to be zoned; one is property that is not able to be zoned. Zonable

property is by and of itself, it can have something on it under your Zoning Regulations. The minute that happens, it's an entirely different thing. The State gets an appraisal and puts it out to auction, because anybody who buys it can do something on it under the Zoning Regs. Non-zonable property, the State refers to in the slang as "spite strips." In other words, you can't do anything with it. They are required by Statute if it's excess right of way after they appraise it as assemblage to the abutters, they are required to offer it to the town to see if the town wants to buy it, and then they offer it to the abutter at the appraised price, subject to negotiation. I have represented clients that have purchased about a half a dozen pieces on Bridgeport Avenue in this fashion.

I am asking, on behalf of my client, for the Board of Aldermen to separate the two issues. You have sent an 8-24 to the Planning and Zoning Commission. They have approved both the disposition of the property, if you owned it, and the discontinuance of the road. You, as I was before you two months ago, I showed you the plans. All my client wants is at its own risk, let us go forward with our development proposal. The only reason we wouldn't is if it was your decision as the Board of Aldermen to, 1) Want to keep Access Road the way it is – the intersection with Nells Rock; or 2) If you wanted to buy it from the State and put a giant bocce court on it for the town. Other than that, if you want to get rid of it, the understanding of everybody over the last five years is, whoever develops the Crabtree Property is going to bear the enormous cost of bringing that road frontage out to Bridgeport Avenue, improving State drainage, City drainage, City utilities, all these things have to be improved. The engineer who recommended against it because of all these things...

[Mayor Laretti entered the meeting at this point, and assumed the Chair.]

...the understanding is that we never anticipated we would get it for nothing. The client never did that. We knew that we would have to sit down and negotiate. We are willing to take the risk because we know, whether the City buys it from the State and sells it to us, and I normally don't expect the City to be in the land-flipping business, but that's what would happen, or the State is going to sell it to us as excess right of way. We are willing to take the risk to go forward.

We know that there are certain conditions. Planning and Zoning wants us to address several issues. We know that. The State does not want that cut through there any more. They want a traffic signal to take the property out. We're handcuffed; we can't go forward, we have to do something. Based on the opinion of Corporation Counsel, "Well, without permission of either the State or the City, we can't go forward." We were forced to waste, well, they asked to withdraw but they denied it without prejudice. We know that the State will sell it to us. We know we're going to have to pay for it. We assume if you purchase title, you would negotiate with us. We're not asking you to give it to us. All we're saying is, while the financial end is going forward, let us go forward with the development. We've already addressed Wetlands; they've already given us an approval. We've already addressed your Street Committee. We've already presented it to your Highways and Bridges Superintendent. Let us go forward with the development, because the end result is, we are going to abandon it. We are going to discontinue it, so go forward with the development and we will admit on the record as I'm doing now, that we are doing it at our own risk. If you were to change your mind, we're screwed. We know that. We just want to go forward.

I have been asked by one Alderman, who is not here tonight, "Why aren't we going forward so that we could begin the process of the exchange?" Alderman Anglace and Aldermen Perillo and Farrell also participated. We had a public session here with 150 people here. I was never asked the question of why you were going away. I mean, there were a lot of people opposing it; I have my ideas as to who is supporting opposition at the Planning and Zoning. We had the public session, and I had 30 people asking the same question, "Who are the tenants?" That was the concern. There are issues about widening roads, traffic improvements. We're willing to discuss them, but we can't discuss any of them without being able to make the application. That's the update from the State. Attorney Sous and I are pushing them to please make sure you focus only on the .9 acres. I am asking you to separate the financial issue – the issue of whether the State's going to make you buy it. From the, say, planning issue of abandoning that portion of the road, you don't have to abandon it. You can just say, "It is our intention as

part of the development to abandon it.” The only thing that’s going on there is parking, landscaping, a wall and trees. And then, of course, the exit. Let us go forward and let us deal with those technical aspects while we’re dealing with the State. Thank you very much.

Mayor Lauretti asked if any member of the public wished to address the Board.

Thomas Harbinson, 15 Soundcrest Drive

I have a similar vein of comments as to the previous speaker regarding the disposition of certain properties, specifically the portion on 279 Soundview Avenue. The attorney spoke about separating the financial issues versus the planning aspects and the other technical aspects. On that particular parcel, there was a letter in the Connecticut Post regarding the opinion that there’s significant financial aspects to it, and that it would be a business decision. The Conservation Commission as commented on the disposition of it in terms of the ecological value or environmental value to the community, Parks & Rec has commented in terms of the recreational aspects to the community, and the Planning and Zoning has commented in response to the Board of Aldermen’s request in terms of the planning aspects to the community. I would suggest that the Board of Aldermen move forward promptly rather than delaying it further, to ascertain what the financial aspects of it would be. You could do that very promptly by having a 2/3 vote to override the negative referral from Planning and Zoning and proceed to getting an appraisal of the property and scheduling a public hearing regarding that. The process that we have in place for disposing or selling of City property is really not an arduous process, it’s a transparent, thorough and non-politicized process, and I would encourage you to continue following it. Thank you.

Mayor Lauretti asked if any other member of the public wished to speak. Being none, he declared the public session closed.

**MINUTES FOR APPROVAL**

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**1. MINUTES FOR APPROVAL**

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

- Regular Meeting of August 13, 2009
- Public Hearing on Ordinances – August 25, 2009
- Public Hearing on Water Main Extensions – August 25, 2009

SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

**5.1 FINANCE COMMITTEE**

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**5.1.1 FUNDING FOR CRACK SEALING OF CITY STREETS**

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to appropriate the sum of \$100,000 for crack sealing of City streets with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

**5.2 PUBLIC HEALTH & SAFETY COMMITTEE**

No items.

**5.3 STREET COMMITTEE**

**5.3.1 SIDEWALK REIMBURSEMENT REQUEST – 7 LITTLE FAWN DRIVE**

Alderman Kudej MOVED, per the recommendation of the Street Committee, to approve the sidewalk reimbursement of \$221.67 to Jean-Paul Garceau of 7 Little Fawn Drive, per Ordinance No. 465 with funding to come from Engineering Account #001-3600-713.80-43; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

**REPORT OF THE MAYOR**

None presented.

**REPORT OF THE PRESIDENT**

Alderman Anglace stated, I have two items to report. The Regional Mental Health Board vacancy, created by Public Act 17A-483, it's a position appointed by the Mayor with no compensation to evaluate mental health services for the INAUDIBLE Council #5, and if you have anybody you want to recommend, send their resumes to the Mayor.

With respect to the depository review, I've reviewed and discussed it with Counsel, the process. It resulted in the recommendation to address this issue at the organizational meeting of the next Board of Aldermen, where incorporating procedures would be more appropriate than to do it now.

**6.0 LEGAL REPORT**

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**6.1 CORPORATION COUNSEL BILLING**

Alderman Anglace MOVED to authorize a total payment of \$2,402.40 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated September 2, 2009 with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-01	\$1,993.90
Foreclosure Fees	001-1900-411.50-01	408.50

SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

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**6.2 ASSISTANT CORPORATION COUNSEL BILLING**

Alderman Anglace MOVED to authorize a total payment of \$640 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated September 1, 2009 with funds to come from the Legal Fees account #001-1900-411.30-01; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

**7 LEGISLATIVE - OLD**

**7. ITEMS FROM PUBLIC HEARING**

**7.1.A ANTI-BLIGHT ORDINANCE**

Alderman Anglace MOVED to adopt the Anti-Blight Ordinance as amended and provided by Corporation Counsel which is included by reference; and further,

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

Alderman Papa stated, the Public Health and Safety Committee did a lot of work on this, but special thanks to Aldermen McPherson and Finn for their work on this. They contacted other cities and checked with their Anti-Blight Ordinances to try to make this tighter, so there would be more accountability. Also, Charlene DeFilippo, the Director of

Community Development, will be responsible for enforcing a lot of this. I just wanted to make those comments.

Alderman Anglace stated, on page 2 you'll see in red the suggestions made by the Zoning Enforcement Officer who deals with these situations day in and day out. I think they're very practical comments and appropriate to adopt.

Alderman McPherson stated, there is a change added in at the request of INAUDIBLE where it has the notification to be done by a City Sheriff. Those changes are in there as requested and I met with the Clerk this morning on that. They are in there.

A voice vote was taken and the MOTION PASSED 6-0.

(Public hearing was held on August 25, 2009)

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

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON TO AMEND ORDINANCE #714, #757 AND #823 ENTITLED "ANTI-BLIGHT ORDINANCE" AS FOLLOWS:

*DECLARATION OF POLICY:*

THIS SECTION IS AUTHORIZED PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION (C)(7)(H)(XV) AND SECTION 7-148aa, IT IS HEREBY FOUND AND DECLARED THAT THERE EXIST WITHIN THE CITY OF SHELTON A NUMBER OF TAXABLE AND TAX-EXEMPT REAL PROPERTIES CONTAINING VACANT AND BLIGHTED BUILDINGS AND THAT THE EXISTENCE OF SUCH VACANT AND BLIGHTED BUILDINGS ADVERSELY AFFECTS THE ECONOMIC WELL-BEING OF THE CITY AND IS INIMICAL TO THE HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY. IT IS FURTHER FOUND THAT MANY OF THE VACANT AND BLIGHTED BUILDINGS CAN BE REHABILITATED, RECONSTRUCTED, AND REUSED SO AS TO PROVIDE DECENT, SAFE, SANITARY HOUSING OR COMMERCIAL FACILITIES, AND THAT SUCH REHABILITATION, RECONSTRUCTION, AND REUSE WOULD ELIMINATE, REMEDY, AND PREVENT THE ADVERSE CONDITIONS DESCRIBED ABOVE.

(a) **DEFINITIONS**

FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING WORDS AND TERMS SHALL HAVE MEANINGS ASCRIBED AS FOLLOWS:

(1) BLIGHTED PREMISES SHALL MEAN ANY BUILDING OR ANY PART OF A BUILDING OR STRUCTURE THAT IS A SEPARATE UNIT, OR A PARCEL OF LAND IN WHICH AT LEAST ONE (1) OF THE FOLLOWING CONDITIONS EXIST:

(a) IT IS DETERMINED BY THE CITY BUILDING OFFICIAL, ZONING ENFORCEMENT OFFICER, ANTI-BLIGHT OFFICER, OR BY HEALTH DEPARTMENT REPORTS THAT EXISTING CONDITIONS POSE A SERIOUS OR IMMEDIATE DANGER TO THE COMMUNITY, I.E. A LIFE-THREATENING CONDITION OR A CONDITION WHICH PUTS AT RISK THE HEALTH OR SAFETY OF THE CITIZENS OF THE CITY.

(b) IT IS NOT BEING ADEQUATELY MAINTAINED, THE FOLLOWING FACTORS MAY BE CONSIDERED IN DETERMINING WHETHER A STRUCTURE OR BUILDING IS NOT

BEING ADEQUATELY MAINTAINED; MISSING OR BOARDED WINDOWS OR DOORS; COLLAPSING OR MISSING WALLS, ROOF OR FLOOR; SIDING THAT IS SERIOUSLY DAMAGED OR MISSING; FIRE DAMAGES; A FOUNDATION THAT IS STRUCTURALLY FAULTY; GARBAGE, TRASH, RUBBISH, BOXES, PAPER, PLASTIC OR REFUSE OF ANY KIND, OLD FURNITURE, BEDDING, APPLIANCES OR ANYTHING OF THE LIKE, OR ABANDONED CARS, BOATS, OR ANY MOTORIZED VEHICLE OR OTHER INOPERABLE MACHINERY SITUATED ON THE PREMISES OR THE PUBLIC RIGHT OF WAY (UNLESS THE PREMISES IS A JUNKYARD LEGALLY LICENSED BY THE STATE OF CONNECTICUT), RODENT HARBORAGE AND/OR INFESTATION, OVERGROWN BRUSH, SHRUBS, WEEDS OR GRASS MORE THAN TEN (10) INCHES HIGH (SPECIFICALLY EXCLUDING LAND WHICH IS FARMLAND), DUMPSTERS/STEEL STORAGE CONTAINERS ON A NON-CONSTRUCTION SITE FOR A PERIOD EXCEEDING NINETY (90) DAYS, UNAUTHORIZED EQUIPMENT ON SITE (BACKHOES, BULLDOZERS, DUMPTRUCKS, ETC.), STOCKPILE OF WOOD OR STONE FOR A PERIOD EXCEEDING NINETY (90) DAYS AND UNFINISHED EXTERIOR RESIDENTIAL CONSTRUCTION PROJECTS WHICH SHALL INCLUDE THE INSTALLATION OF DOORS, WINDOWS, SIDING AND ROOFING FOR A PERIOD EXCEEDING NINETY (90) DAYS.

- (c) IT HAS BEEN CITIED FOR CODE VIOLATIONS AS DOCUMENTED IN THE OFFICE OF BUILDING INSPECTION AND ENFORCEMENT, HOUSING CODE INSPECTION, ZONING ENFORCEMENT OFFICER'S AND ANTI-BLIGHT OFFICER'S REPORTS.
- (d) IT HAS BECOME A PLACE WHERE CRIMINAL ACTIVITY HAS TAKEN PLACE AS DOCUMENTED BY POLICE DEPARTMENT REPORTS.
- (e) IT IS A FIRE HAZARD AS DETERMINED BY THE FIRE MARSHAL OR AS DOCUMENTED IN FIRE DEPARTMENT REPORTS.
- (f) IT IS A FACTOR CREATING A SUBSTANTIAL AND UNREASONABLE INTERFERENCE WITH THE REASONABLE AND LAWFUL USE AND ENJOYMENT OF OTHER SPACE WITHIN THE BUILDING OR OF OTHER PREMISES WITHIN THE NEIGHBORHOOD AS CANCELLATION OF INSURANCE ON PROXIMATE PROPERTIES.

- (2) BUILDING OFFICIAL SHALL MEAN BUILDING OFFICIAL AS DEFINED IN CONNECTICUT GENERAL STATUTE SECTION 29-260.
- (3) DILAPIDATED SHALL MEAN A BUILDING OR STRUCTURE OR PART THEREOF THAT WOULD NOT RECEIVE A CERTIFICATE OF OCCUPANCY IF APPLIED FOR.
- (4) DIRECTOR SHALL MEAN THE DIRECTOR OF THE OFFICE OF COMMUNITY DEVELOPMENT FOR THE CITY OF SHELTON.
- (5) VACANT SHALL MEAN A PERIOD OF SIXTY (60) DAYS OR LONGER DURING WHICH A BUILDING OR STRUCTURE OR PART THEREOF, OR LAND IS NOT LEGALLY OCCUPIED.

- (6) APPEALS BOARD AND/OR HEARING OFFICER SHALL MEAN THE BUILDING BOARD OF APPEALS.
- (7) LEGAL OCCUPANCY SHALL MEAN OCCUPANCY THAT IS LEGAL BY VIRTUE OF COMPLIANCE WITH STATE BUILDING, STATE FIRE SAFETY, LOCAL ZONING, LOCAL HOUSING, AND ALL OTHER PERTINENT CODES, WHICH HABITATION MUST BE SUBSTANTIATED BY A BONA FIDE LEASE AGREEMENT, A RENT RECEIPT OR A UTILITY STATEMENT.
- (8) NEIGHBORHOOD SHALL MEAN AN AREA OF THE CITY COMPRISED OF ALL PREMISES OR PARCELS OF LAND ANY PART OF WHICH IS WITHIN A RADIUS OF FOUR HUNDRED (400) FEET OF ANY PART OF ANY OTHER PARCEL OR LOT WITHIN THE CITY.
- (9) VACANT SHALL MEAN A PARCEL OF LAND WITH NO STRUCTURES THEREON.
- (10) UNIT SHALL MEAN ANY SPACE WITHIN A BUILDING THAT IS OR CAN BE RENTED BY OR TO A SINGLE PERSON OR ENTITY FOR HIS OR ITS SOLE USE, AND IS INTENDED TO BE A SINGLE AND DISTINCT SPACE.

(b) **PROHIBITION OF CREATING OR MAINTAINING BLIGHTED PREMISES**

NO PERSON, FIRM, OR CORPORATION SHALL CAUSE OR PERMIT BLIGHTED PREMISES, AS DEFINED HEREIN, TO BE CREATED OR THE EXISTENCE THEREOF CONTINUED ON ANY REAL PROPERTY LOCATED IN THE CITY OF SHELTON.

(c) **CERTIFICATION OF LIST OF BLIGHTED PREMISES**

- (1) **THE DIRECTOR SHALL REQUIRE MEMBERS OF THE BUILDING DEPARTMENT, POLICE DEPARTMENT, HOUSING DEPARTMENT, ZONING ENFORCEMENT OFFICERS, AND THE FIRE MARSHAL'S OFFICE TO REPORT ANY REAL PROPERTY THAT THEY ARE AWARE OF THAT APPEARS TO BE BLIGHTED TO THE OFFICE OF BUILDING INSPECTION/ HOUSING CODE ENFORCEMENT OFFICER; THE CITY OFFICIALS SHALL SUBMIT THEIR REPORTS TO THE OFFICE OF BUILDING INSPECTION/ HOUSING CODE ENFORCEMENT OFFICER; THE CITY OFFICIALS SHALL SUBMIT THEIR REPORTS TO THE OFFICE OF BUILDING INSPECTION/HOUSING CODE ENFORCEMENT OFFICER WITHIN TEN (10) DAYS OF THE DIRECTOR'S REQUEST.**
- (2) THE OFFICE OF THE BUILDING INSPECTION/ HOUSING CODE ENFORCEMENT OFFICER SHALL USE THIS INFORMATION AND ANY OTHER INFORMATION ON BLIGHTED PREMISES THAT MAY BE AVAILABLE TO COMPLETE A LIST OF BLIGHTED PREMISES.
- (3) THE BUILDING OFFICIAL SHALL REVIEW AND CERTIFY A LIST OF BLIGHTED PREMISES. SAID DIRECTOR SHALL EITHER APPROVE, DISAPPROVE OR MODIFY SAID LIST.
- (4) THE BUILDING OFFICIAL AND DIRECTOR SHALL INFORM THE BOARD OF ALDERMEN'S PUBLIC HEALTH AND SAFETY COMMITTEE AT A MEETING AND AT SUCH OTHER TIMES AS THE

DIRECTOR DEEMS APPROPRIATE, OF SAID LIST.

- (5) ON OR ABOUT THE FIRST OF EACH MONTH, ALL CITY DEPARTMENT HEADS SHALL REPORT ANY REAL PROPERTY THEY ARE AWARE OF THAT APPEARS TO BE BLIGHTED TO THE DIRECTOR. THE DIRECTOR SHALL CONDUCT INSPECTIONS AND PREPARE AND UPDATE ON A MONTHLY BASIS A LIST OF BLIGHTED PREMISES. A COPY OF THE UPDATED LIST SHALL BE PROVIDED MONTHLY TO THE ALDERMANIC SUBCOMMITTEE.

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

- (1) THE DIRECTOR OF COMMUNITY DEVELOPMENT IS CHARGED WITH ENFORCING THIS CHAPTER. THE DIRECTOR OR ITS DESIGNEES SHALL UNDERTAKE REGULAR INSPECTIONS OF BLIGHTED PREMISES FOR THE PURPOSE OF DOCUMENTING CONTINUING BLIGHT. THE DIRECTOR, OR ITS DESIGNEE, SHALL IMPOSE A FINE OF NOT LESS THAN \$10 NOR MORE THAN \$100 FOR EACH DAY THAT A BUILDING, STRUCTURE OR ANY PART THEREOF OR A PARCEL OF LAND VIOLATES THIS CHAPTER. THE FINE SHALL BE RETROACTIVE TO THE DATE THAT THE DIRECTOR, OR ITS DESIGNEE, SERVES THE NOTICE OF CITATION TO THE OWNER. EACH DAY THAT THE BUILDING OR STRUCTURE OR THE PARCEL OF LAND IS IN VIOLATION OF THIS CHAPTER SHALL CONSTITUTE A SEPARATE OFFENSE. THE DIRECTOR SHALL IMPOSE FINES FOR BLIGHT BY SERVING A NOTICE OF CITATION ON THE OWNER IN ACCORDANCE WITH THIS SECTION AND SHALL NOTIFY THE BOARD OF ALDERMEN OF THE CITATION AND AMOUNT OF THE FINE IMPOSED.
- (2) THE DIRECTOR MAY PRESCRIBE ADMINISTRATION PROCEDURES FOR THE PURPOSE OF EFFECTUATING THIS SECTION.
- (3) HEARING PROCEDURE FOR CITATIONS.
  - (a) ONCE A BLIGHTED PROPERTY IS ON THE LIST OF BLIGHTED PROPERTIES APPROVED BY THE DIRECTOR, THE DIRECTOR SHALL SERVE A NOTICE OF CITATION ON EACH OWNER OF SUCH BLIGHTED PROPERTY BY A CITY SHERIFF OR A STATE MARSHAL OR, IN THE CASE OF AN OWNER WHO CANNOT BE IDENTIFIED OR ONE WHOSE ADDRESS IS UNKNOWN, BY PUBLISHING A COPY OF SUCH NOTICE OF CITATION IN A DAILY OR WEEKLY NEWSPAPER HAVING GENERAL CIRCULATION IN THE CITY OF SHELTON. THE NOTICE OF CITATION (HEREINAFTER "CITATION") SHALL STATE THAT THE PROPERTY IS CITED FOR VIOLATING THIS SECTION, LIST THE SPECIFIC VIOLATION OR VIOLATIONS, SET FORTH THE SPECIFIC AMOUNT OF THE DAILY FINE LEVIED AND STATE THAT SUCH FINE SHALL BE LEVIED FROM THE DATE OF THE CITATION FOR EACH DAY THAT ANY LISTED VIOLATION CONTINUES UNLESS ALL VIOLATIONS ARE CORRECTED BY A DESIGNATED DATE, AND STATE THAT, IF THE FINE IS UNCONTESTED, IT MUST BE PAID IN FULL NO LATER THAN 10 DAYS FROM THE EXPIRATION OF THE DESIGNATED DEADLINE FOR CORRECTING VIOLATIONS BY MUTUAL AGREEMENT WITH THE OWNER, PROVIDED THAT THE EXTENDED

DEADLINE MUST BE CONTAINED IN A WRITING SIGNED BY THE OWNER AND THE DIRECTOR, AND FURTHER PROVIDED THAT NO DATE FOR CORRECTING VIOLATIONS SHALL BE MORE THAN 30 CALENDAR DAYS FROM THE DATE OF THE CITATION. FOR THE PURPOSES OF THIS SECTION, A FACSIMILE SIGNATURE SHALL BE DEEMED A SIGNATURE.

(b) IF ALL OF THE VIOLATIONS LISTED IN THE CITATION ARE NOT CORRECTED WITHIN THE INITIAL OR EXTENDED DESIGNATED PERIOD, AS THE CASE MAY BE, AND THE FINE IS NOT PAID BY THE DEADLINE FOR UNCONTESTED PAYMENT, THEN, WITHIN 60 DAYS FROM THE EXPIRATION OF THE FINAL PERIOD FOR THE UNCONTESTED PAYMENT OF THE FINE FOR ANY CITATION ISSUED UNDER THIS SECTION, THE DIRECTOR SHALL SEND WRITTEN NOTICE TO THE PERSON CITED. SUCH NOTICE SHALL INFORM THE PERSON CITED:

- (1) OF THE ALLEGED VIOLATION(S) OF THIS SECTION THAT HAVE NOT BEEN CORRECTED AND THE AMOUNT OF THE FINES DUE;
- (2) THAT HE MAY CONTEST HIS LIABILITY BEFORE THE BUILDING BOARD OF APPEALS BY DELIVERING IN PERSON OR BY MAIL TO THE DIRECTOR A WRITTEN DEMAND FOR SUCH A HEARING WITHIN 10 DAYS OF THE DATE OF SAID NOTICE;
- (3) THAT, IF HE DOES NOT TIMELY DEMAND SUCH A HEARING, AN ASSESSMENT AND JUDGMENT SHALL BE ENTERED AGAINST HIM; AND
- (4) THAT SUCH JUDGMENT MAY ISSUE WITHOUT FURTHER NOTICE.

(c) IF THE PROPERTY OWNER WHO WAS SENT NOTICE PURSUANT TO SUBSECTION B OF THIS SECTION WISHES TO ADMIT LIABILITY FOR ANY ALLEGED VIOLATION, HE MAY, WITHOUT REQUESTING A HEARING, PAY THE FULL AMOUNT OF THE FINES ADMITTED TO, IN PERSON OR BY MAIL TO THE DIRECTOR. SUCH PAYMENT SHALL BE INADMISSIBLE IN ANY CIVIL OR CRIMINAL PROCEEDING TO ESTABLISH THE CONDUCT OF SUCH PERSON OR OTHER PERSON MAKING THE PAYMENT. ANY OWNER SERVED WITH A NOTICE PURSUANT TO SUBSECTION B OF THIS SECTION WHO DOES NOT DELIVER OR MAIL WRITTEN DEMAND FOR A HEARING WITHIN 10 DAYS OF THE DATE OF SAID NOTICE SHALL BE DEEMED TO HAVE ADMITTED LIABILITY, AND THE DIRECTOR SHALL CERTIFY TO THE HEARING OFFICER SUCH OWNER'S FAILURE TO DEMAND A HEARING. THE HEARING OFFICER SHALL THEREUPON ENTER AND ASSESS THE FINES PROVIDED FOR BY THIS SECTION AND SHALL FOLLOW THE PROCEDURES SET FORTH IN SUBSECTION E OF THIS SECTION.

(d) ANY PROPERTY OWNER WHO REQUESTS A HEARING SHALL BE GIVEN WRITTEN NOTICE OF THE DATE, TIME

AND PLACE FOR THE HEARING. SUCH HEARING SHALL BE HELD NOT LESS THAN 15 DAYS NOR MORE THAN 30 DAYS FROM THE DATE OF THE MAILING THE NOTICE OF HEARING, PROVIDED THE HEARING OFFICER SHALL GRANT, UPON GOOD CAUSE SHOWN, ANY REASONABLE REQUEST BY ANY INTERESTED PARTY FOR POSTPONEMENT OR CONTINUANCE. AN ORIGINAL OR CERTIFIED COPY OF THE INITIAL CITATION ISSUED BY THE DIRECTOR SHALL BE FILED AND RETAINED BY THE MUNICIPALITY AND SHALL BE DEEMED TO BE A BUSINESS RECORD WITHIN THE SCOPE OF THE CONNECTICUT GENERAL STATUTES SECTION 51-180 AND EVIDENCE OF THE FACTS CONTAINED THEREIN. THE PRESENCE OF THE DIRECTOR SHALL BE REQUIRED AT THE HEARING IF THE OWNER SO REQUESTS. AN OWNER WISHING TO CONTEST LIABILITY SHALL APPEAR AT THE HEARING IN PERSON OR BY COUNSEL AND MAY PRESENT EVIDENCE IN HIS/ITS BEHALF. THE DIRECTOR, OR HIS DESIGNEE, MAY PRESENT EVIDENCE ON BEHALF OF THE MUNICIPALITY. IF THE OWNER FAILS TO APPEAR IN PERSON OR BY COUNSEL, THE HEARING OFFICER MAY ENTER AN ASSESSMENT BY DEFAULT AGAINST HIM UPON A FINDING OF PROPER NOTICE AND LIABILITY UNDER THE APPLICABLE STATUTES AND THIS SECTION. THE HEARING OFFICER MAY ACCEPT FROM THE OWNER COPIES OF ANY INVESTIGATORY AND CITATION REPORTS AND OTHER OFFICIAL DOCUMENTS BY MAIL AND MAY DETERMINE THEREBY THAT THE APPEARANCE OF SUCH PERSON IS UNNECESSARY. THE HEARING OFFICER SHALL CONDUCT THE HEARING IN THE ORDER AND FORM AND WITH SUCH METHODS OF PROOF AS HE/SHE DEEMS FAIR AND APPROPRIATE. THE RULES REGARDING THE ADMISSIBILITY OF EVIDENCE SHALL NOT BE STRICTLY APPLIED, BUT ALL TESTIMONY SHALL BE GIVEN UNDER OATH OR AFFIRMATION. THE HEARING OFFICER SHALL ANNOUNCE HIS DECISION AT THE END OF THE HEARING, IF HE DETERMINES THAT THE OWNER IS NOT LIABLE, THE HEARING OFFICER SHALL DISMISS THE MATTER AND ENTER HIS/HER DETERMINATION IN WRITING ACCORDINGLY. IF THE HEARING OFFICER DETERMINES THAT THE OWNER IS LIABLE FOR THE VIOLATION(S), HE SHALL FORTHWITH ENTER AND ASSESS THE FINES AGAINST SUCH OWNER.

- (e) IF SUCH ASSESSED FINE IS NOT PAID ON THE DATE OF ITS ENTRY, THE HEARING OFFICER SHALL SEND, BY FIRST-CLASS MAIL, A NOTICE OF THE ASSESSMENT TO THE OWNER FOUND LIABLE AND SHALL FILE, NOT LESS THAN 30 DAYS NOR MORE THAN 12 MONTHS AFTER SUCH MAILING, A CERTIFIED COPY OF THE NOTICE OF ASSESSMENT WITH THE CLERK OF THE SUPERIOR COURT FACILITY DESIGNATED BY THE CHIEF COURT ADMINISTRATOR WITHIN THE BOUNDARIES OF THE JUDICIAL DISTRICT IN WHICH THE MUNICIPALITY IS LOCATED, TOGETHER WITH AN ENTRY FEE OF \$8. THE CERTIFIED COPY OF THE NOTICE OF ASSESSMENT SHALL CONSTITUTE A RECORD OF ASSESSMENT. WITHIN SUCH TWELVE-MONTH PERIOD, ASSESSMENTS

AGAINST THE SAME PERSON MAY BE ACCRUED AND FILED AS ONE RECORD OF ASSESSMENT. THE CLERK SHALL ENTER JUDGMENT, IN THE AMOUNT OF SUCH RECORD OF ASSESSMENT AND COURT COSTS OF \$8, AGAINST SUCH PERSON IN FAVOR OF THE MUNICIPALITY. NOTWITHSTANDING ANY OTHER PROVISION OF THE GENERAL STATUTES, THE HEARING OFFICER'S ASSESSMENT, WHEN SO ENTERED AS A JUDGMENT, SHALL HAVE THE EFFECT OF A CIVIL MONEY JUDGMENT AND A LEVY OF EXECUTION ON SUCH JUDGMENT MAY ISSUE WITHOUT FURTHER NOTICE TO SUCH PERSON.

(f) A PERSON AGAINST WHOM AN ASSESSMENT HAS BEEN ENTERED PURSUANT TO THIS SECTION IS ENTITLED TO JUDICIAL REVIEW BY WAY OF APPEAL. AN APPEAL SHALL BE INSTITUTED WITHIN 30 DAYS OF THE MAILING OF NOTICE OF SUCH ASSESSMENT BY FILING A PETITION TO REOPEN ASSESSMENT, TOGETHER WITH AN ENTRY FEE IN AN AMOUNT EQUAL TO THE ENTRY FEE FOR A SMALL CLAIMS CASE PURSUANT TO GENERAL STATUTES SECTION 52-259, IN THE SUPERIOR COURT FOR THE GEOGRAPHICAL AREA IN WHICH THE MUNICIPALITY IS LOCATED, WHICH SHALL ENTITLE SUCH OWNER TO A HEARING IN ACCORDANCE WITH THE RULES OF THE JUDGES OF THE SUPERIOR COURT.

(5) UNPAID FINES CONSTITUTE A LIEN UPON THE REAL ESTATE; PAYMENT AND RELEASE OF FINES.

(a) ANY UNPAID FINE IMPOSED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE AGAINST WHICH THE FINE WAS IMPOSED FROM THE DATE OF SUCH FINE. EACH SUCH LIEN MAY BE CONTINUED, RECORDED AND RELEASED IN THE MANNER PROVIDED BY THE GENERAL STATUTES FOR CONTINUING, RECORDING AND RELEASING PROPERTY TAX LIENS. EACH SUCH LIEN SHALL TAKE PRECEDENCE OVER ALL OTHER LIENS FILED AFTER JULY 1, 1997, AND ENCUMBRANCES, EXCEPT TAXES, AND MAY BE ENFORCED IN THE SAME MANNER AS PROPERTY TAX LIENS. THE FINE SHALL BE RETROACTIVE TO THE DATE OF SERVICE OF THE DIRECTOR'S INITIAL NOTICE OF CITATION TO THE OWNER.

(b) ALL FUNDS SHALL BE DEPOSITED INTO A TRUST IN AGENCY ACCOUNT TO BE ADMINISTERED BY THE BOARD OF ALDERMEN TO BE USED FOR ASSOCIATED COSTS IN ENFORCING AND ADMINISTERING THIS ORDINANCE (I.E. LEGAL FEES, COURT COSTS, SERVING OF PAPERS, ETC.) WHICH SHALL BE A CONTINUING ACCOUNT.

(c) THE BOARD OF ALDERMEN MAY WAIVE AND RELEASE BLIGHT FINES AND LIENS OF THE CITY OF SHELTON. IF IN THE BOARD'S OPINION, A BUYER HAS THE FINANCIAL ABILITY AND INTENTION TO IMMEDIATELY REHABILITATE THE BLIGHTED PREMISES, OR THE

BOARD MAY HOLD ALL PENALTIES AND LIENS UNTIL ALL REHABILITATION IS COMPLETED TO THE SATISFACTION OF THE DIRECTOR.

(e) **SEVERABILITY**

IF ANY PROVISION OF THIS SECTION OR THE APPLICATION THEREOF SHALL BE HELD INVALID OR UNENFORCEABLE, THE REMAINDER OF THIS SECTION, OR THE APPLICATION OF SUCH TERMS AND PROVISIONS TO PERSONS OR CIRCUMSTANCES OTHER THAN THOSE AS TO WHICH IT IS HELD INVALID OR UNENFORCEABLE, SHALL NOT BE AFFECTED THEREBY; AND EACH REMAINING TERM AND PROVISION HEREOF SHALL BE DEEMED VALID AND BE ENFORCED TO THE FULLEST EXTENT PERMITTED BY LAW.

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***7.1.B REQUEST FOR WATER MAIN EXTENSION – TREELAND ROAD, BROWNSON DRIVE AND MARK DRIVE – UPDATE***

A PUBLIC HEARING WAS HELD AUGUST 25, 2009 AT SHELTON CITY HALL.

Alderman Anglace stated, the Board of Aldermen ordered a ballot to be conducted. The City Engineer is doing that. The return date on that ballot is September 25, 2009, and the City Engineer will advise us of the results.

**7.2 YANKEEGAS LEASE AMENDMENT – WHITE HILLS**

Alderman Anglace MOVED to approve the amendment between YankeeGas and the City of Shelton regarding the White Hills Tower; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign all documents necessary to effectuate said agreement. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

**8 FINANCIAL BUSINESS OLD**

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***8.1 SALE OF CITY PROPERTY***

A. PORTION OF 270 SOUNDVIEW AVENUE

Alderman Anglace stated, the 8-24 requested by the Board of Aldermen resulted in an unfavorable Planning and Zoning recommendation. Subsequently, for whatever reason, Planning and Zoning took up the question at its September 8<sup>th</sup> meeting and rendered a favorable recommendation.

My thought is that the Board of Aldermen should act to override the unfavorable Planning and Zoning 8-24 referral, and if this passes, then order a confidential appraisal of the property and schedule the public hearing. This will eliminate any process ambiguity that may have crept in. I'm not recommending that we do that tonight because we have members that are absent and I'd like to give everybody proper notice.

Alderman Papa stated, I just want to make a comment. When Parks and Recreation voted on it, we had a map that was not up to date. I went down to see the Engineer and he gave me an updated map, which shows that we can't access the property without interfering where the acre is and the home is. The main reason why Parks and Recreation didn't want to sell it was because we didn't think we could get on the property unless we had to go through the acre that you were going to sell. All I want to do is bring this information back to Parks and Recreation and I want to make the new map available to the people on the Parks and Recreation Commission so they can have another vote.

Alderman Finn stated, on 279 Soundview Avenue, the map that Alderman Papa is referring to is the new map that was handed out to the Planning and Zoning

Commission on Tuesday evening. It's the first time they saw the map as well. It's been moved to have access onto the property. Again, the 279 Soundview was placed on the agenda by yourself, Mr. Mayor, at the beckoning of the Chairman of the department, the Planning and Zoning Commission, he placed it on the agenda for you. The Board of Aldermen, as you're aware by procedure, you could request, there's no argument with that, you can request an 8-24 referral. But when it comes to the procedure in place for the sale of City property, it clearly states only the Board of Aldermen can request an 8-24 referral as far as the sale of City property. I just want to point that out.

Mayor Lauretti asked, what's the relevance?

Alderman Finn stated, it should never have been placed on the agenda for Tuesday night.

Mayor Lauretti asked, what is your point? Why are you telling me?

Alderman Anglace stated, getting back to the map business, Conservation Commission acted on this, I think it was in May. They had the correct map. The correct map has been made available. I just don't understand what has gone wrong.

Mayor Lauretti stated, for the life of me I don't understand how these boards and commissions can't figure this out. They have access to all this information. Their staff is supposed to provide it to them.

Alderman Papa stated, as I said, this is the map that was sent to Parks and Recreation. After we questioned it, we had some comments. People were talking about, how do we egress the property? So I went down to see the Engineer and I was presented with this map, which is more detailed. It shows that there's no problem for the City to enter or exit the property.

Alderman Finn stated, that's a revised map.

Mayor Lauretti stated, that is not a revised map; it's a map that was approved by the Planning and Zoning Commission a year or two ago. It's not new.

Alderman Papa stated, this is what I got initially; and then when I went back to Engineering, this is what they gave me the second time. I just want to go back to Parks and Recreation and show them that we shouldn't have any problem to enter or exit the property, that's all.

Alderman Finn stated, when you do go back to them, I hope you can stress the point that the Conservation Commission has looked into the State of Connecticut for a Want to be Farmers program. Underneath the Want to be Farmers program, the structure itself, plus the property, plus the Summerfield Gardens property in the rear and the Wiacek property could be part of that Want to be Farmers land where he would lease the home and also lease the property just for the sole purpose of farming. Very similar to what we just did with Mr. Maybeck, we're leasing part of the property to him for farming. This way, the land will stay intact forever as open space. You also have to remember back in January when we paid \$799,000 of the \$2 million for the property, Ray Sous sent me an e-mail because I was concerned about the tall grass, and who was supposed to maintain it. He indicated to me upon the closure of the property that we were supposed to be demolishing the building so it would be open space forever and there would be no structure or building on the property whatsoever. One of two things, go along with what we're supposed to have done back in January when we made the final payment, or we could look into and accept the Conservation Commission's proposal for the property.

Mayor Lauretti asked, what makes you think that that is what we were supposed to do just because Ray Sous said it?

Alderman Finn stated, it's an e-mail.

Mayor Lauretti continued, what we're supposed to do, by formal action of this board approves or disapproves, not what someone's opinion is or what someone says. So don't say that we were "supposed to" do that.

Alderman Finn stated, because I got a black and white e-mail.

Mayor Lauretti stated, you know, if the Conservation Commission wanted to have a farmer's program on that property, where were they the last two years? Where were they? And why that piece? Why not Wiacek? Why not Tall? Why not Klapick? Why not French's Farm? Why not the other 15 pieces that we bought over the last 18 years? This just kills me. All of a sudden we want to put somebody in the house and have a farm there, a community garden there. We could have a community garden in 15 other places. All of a sudden this is a dynamic piece of property that we've got to keep forever and ever. This really defies logic in my mind. It is an economic decision, at least for me. You've got a house that has been there for 75 years. What is the difference if it's there for another 50 years?

Alderman Anglace stated, one 13 acres.

Mayor Lauretti stated, one 13 acres. You know, the Conservation Commission never recommended that we buy that property.

Alderman Anglace stated, we bought that property primarily because it was contiguous with the Wiacek Property and all the properties. It's a future thinking down the road about other properties that are available in that same block. We didn't buy it to give it away to the State for farms for people to come in and for them to run it.

Alderman Finn stated, as I recall, Conservation Commission did indicate to us that they did want to purchase the property, and that was before Mr. Silva did purchase the property. They wanted to have it as a continuance of the open space we had in the immediate area at that time.

#### B. 58 PERRY HILL ROAD

Alderman Anglace stated, the Planning and Zoning 8-24 referral was unfavorable. The Board of Aldermen options are to override it or let it die. In discussions with most of the Aldermen, I believe we have a consensus not to sell this property. I would recommend no formal action at this time, and let it die on the vine.

#### C. 470 HOWE AVENUE

Alderman Anglace stated, at it's August 13<sup>th</sup> meeting the Board of Aldermen acted to reconsider and rescind its earlier action not to ask for an 8-24 referral. On 9/8, Planning and Zoning voted favorably to recommend disposition of this property. The next step would be for the Board of Aldermen to order a confidential appraisal and schedule the public hearing. A motion would be in order to order a confidential appraisal of 470 Howe Avenue and schedule a public hearing.

Alderman Anglace MOVED that the Board of Aldermen order a confidential appraisal of 470 Howe Avenue and schedule it for a public hearing; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION FAILED 4 Yes, 2 No (Finn, Simonetti).

Mayor Lauretti stated, this makes no sense at all. The building has become nothing but an economic liability for us, sitting there vacant for years and years. I just don't understand why you sit there and don't want to do anything with it.

#### D. MIDDLE AVENUE

Alderman Anglace stated, the appraisal has been ordered and is in the works. A public hearing would be required, Public Act 7-215, if the property is to be sold, leased or transferred. The next step would be to review the results of the appraisal and then schedule a public hearing if it's required. As I said earlier, no formal action is required

at this time. There may be some informal discussions taking place down the road with the abutting property owners.

#### E. ACCESS ROAD

Access Road, in 2007, the City proposed to close off Access Road at its intersection with Nells Rock Road. The State approved of this request. In 2009, it was conveyed to the State that the City wanted to sell Access Road. Now, the City awaits a response from the State as pointed out during the public portion. My recommendation is that the City position to close off Access Road as requested in 2007, subject to State approved conditions, be reconfirmed and the City proceed to finalize the State's required actions. They approved it subject to stipulated positions. That was our interest in 2007, and somehow we got sidetracked. I think we've got to get back on track with what we want to do. Anything else, sale of the property and so forth, can be handled separately.

Mayor Lauretti stated, there may not be a sale of the property. The property may revert back to the State.

Alderman Anglace stated, that's possible, too. What our interest is, the City's interest was in controlling the traffic. In talking to the Chief of Police, he agreed, and everybody agreed, that was the good way to go, the fact that the neighborhood all agreed. I think we got sidetracked.

Mayor Lauretti stated, that has nothing to do with how the item is listed on the agenda for tonight. The issue at hand is, the disposal of Access Road. Let's keep moving with it. That, in effect, will accomplish what you wanted to do in 2007.

Alderman Anglace stated, I'm not suggesting that we curtail Access to proceed with the sale. What I'm saying is that we have been derailed with our approach to close off Access Road. What the State told us we could do, we haven't done. We should get that back up on the front burner and do it.

Mayor Lauretti stated, but it is. The City Engineer is handling that. We don't need an action of the Board of Aldermen to do what we wanted to do there. That's the Traffic Authority. That's in progress. The City Engineer stopped moving on that.

Alderman Anglace stated, the City Engineer submitted to the State the maps, and they approved them if you recall, and they told us the three things we had to do.

Mayor Lauretti stated, yes, they approved it conceptually.

Alderman Anglace stated, conceptually, yes, subject to our coming back to them. And we haven't come back to them. I think we have to get that back on.

Mayor Lauretti stated, it's in progress. That's probably going to be a foregone conclusion.

## **9 FINANCIAL BUSINESS NEW**

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### **9.1 LONG HILL SCHOOL ALL-PURPOSE FIELD PROJECT**

#### **9.1.A - DESIGN CHANGE ORDER - TATE & ASSOCIATES**

Alderman Kudej MOVED to approve the Change Order between the City of Shelton and Tate & Associates, LLC in the amount of \$7,750 for contract administration services for the Long Hill School All-Purpose Field Renovation Project with funding to come from Contingency General Account #001-9900-900.99-00; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign all documents necessary to effectuate said agreement; SECONDED by Alderman Anglace. A voice vote was taken and the MOTION PASSED 6-0.

9.1.B – PAYMENT OF INVOICE – A & M WOOD RECYCLING AND MULCH SALES

Alderman Kudej MOVED to approve Invoice #6891 dated August 21, 2009 from A & M Wood Recycling and Mulch Sales Inc. for the removal of trees for the Long Hill School All-Purpose Field Renovation Project in the amount of \$2,200 to come from the Contingency General Account #001-9900-900.99-00; SECONDED by Alderman Anglace. A voice vote was taken and the MOTION PASSED 6-0.

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**9.2 SEPTEMBER STATUTORY REFUNDS**

Alderman Anglace MOVED to approve the report of the Tax Collector relative to the refund of taxes for a total amount of \$18,711.62 and that the Finance Director be directed to make payments in accordance with the certified list received from the Tax Collector with funds to come from the Statutory Refunds Account 001-0000-311.13.00; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

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**9.3 PERRY HILL SCHOOL CHANGE ORDERS**9.3.A CHANGE ORDER PCO #82 – NORTH WALL DEMO AND NEW BRICK

Alderman Anglace MOVED, per the recommendation of the Perry Hill School Building Committee, to approve Change Order PCO-82 North Wall Demo and New Brick between the City of Shelton and KBE Building Corporation in the amount of \$68,893.61 with funding to come from Perry Hill School Referendum Bond; and further,

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

Alderman Anglace stated, further to our discussion with the Chairman of the Perry Hill School Building Committee, all documents were received in a timely manner and contained exceptional detail. I thank him and the Committee for doing that, and for all the work they are doing at the school.

A voice vote was taken and the MOTION PASSED 6-0.

9.3.B CHANGE ORDER #147 – REPLACING SPRAWLED BRICK

Alderman Anglace MOVED, per the recommendation of the Perry Hill School Building Committee, to approve Change Order PCO-147 Replacement of Sprawled Brick between the City of Shelton and KBE Building Corporation in the amount of \$232,722.93 with funding to come from Perry Hill School Referendum Bond; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate said agreement; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

9.3.C CHANGE ORDER #67 – T & M SANITARY LINE REPLACEMENT

Alderman Anglace MOVED, per the recommendation of the Perry Hill School Building Committee, to approve Change Order PCO-#67 Sanitary Line Replacement between the City of Shelton and KBE Building Corporation in the amount of \$78,158.85 with funding to come from the Perry Hill School Referendum Bond; and further,

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

I would like to commend Building Committee member John Fitzgerald for being here tonight to answer any questions the Board might have.

A voice vote was taken and the MOTION PASSED 6-0.

**10. - LEGISLATIVE - NEW**

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**10. 1 ITEMS TO PUBLIC HEARING****10.1.A SALE OF CITY PROPERTY – PORTION OF 279 SOUNDVIEW AVENUE, 58 PERRY HILL ROAD, ACCESS ROAD AND MIDDLE AVENUE**

Alderman Anglace stated, this is on here for clarification purposes. When the Board sends anything to public hearing, it is on the regular Board meeting. Then it goes to public hearing at the end of the month. In this case, Soundview Avenue property was on last month's agenda and did get referred, but some of the Aldermen later indicated to the Clerk that it was their understanding that it wasn't going to public hearing. So in order to clarify any ambiguity or any misunderstanding – we'll take an action, take it off, and make sure it's positively done – we are not going to public hearing on this, this month.

Alderman Anglace MOVED to rescind the referral from the August 13<sup>th</sup> meeting to send the above properties to public hearing on September 22, 2009; SECONDED by Alderman Papa.

Mayor Lauretti stated, Corporation Counsel makes a point that there's really nothing to rescind. I tend to agree with him.

Alderman Anglace stated, the process is, when you're going to send something to public hearing, it appears on the agenda of the Board of Aldermen the regular meeting of the month. Then it goes to the predetermined public hearing date at the end of the month to be heard. This item appeared on last month's regular agenda. It was technically referred to public hearing on September 22<sup>nd</sup>. It appeared on last month's agenda and was supposed to go to public hearing at the end of August.

Corporation Counsel Welch stated, as long as the understanding of the Board was correct that it appeared there in error.

Alderman Anglace stated, it wasn't an error. What it was, the day after we took this action at the regular Board meeting, some of the Aldermen told the Clerk that it wasn't going. So rather than cause confusion, we said we won't hold it. But we should take an action positively and make a statement that we intended for it not to go to public hearing.

Corporation Counsel Welch stated, because it was never a vote, just a process?

Alderman Anglace stated, that's right.

A voice vote was taken and the MOTION PASSED 6-0.

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**10.2 CHANGE ORDER #4 – BID 29-12 WEST CANAL – HOWE SANITARY SYSTEM IMPROVEMENTS**

Alderman Anglace MOVED to approve Change Order No. 4 between the City of Shelton and Gherlone Excavating, Inc. in the amount of \$61,046.98 for time and material work to resolve unforeseen field conditions for Sanitary Sewer System Improvements at West Canal Street and Howe Avenue. Funding to come from the Wastewater Collection Systems Referendum Bond. And further,

MOVED to authorize Mayor Mark A. Lauretti to sign all documents necessary to effectuate said agreement; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 6-0.

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**10.3 CONVEYANCE OF LAND FROM STATE – CORNER OF BRIDGEPORT AVENUE AND PLATT ROAD**

Alderman Anglace MOVED to accept from the State of Connecticut the property located at the corner of Platt Road and Bridgeport Avenue as set forth in the attached; and further,

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

Alderman Anglace stated, I want to discuss this. I question the logic of accepting this. The State says, the City would like the Department to proceed with the conveyance. They want us to notify them to proceed. Two choices. Proceed with the conveyance of this parcel with the existing drainage encroachment, or, would the City like the Department to resolve this matter before the conveyance? I'd say, why do we want to accept ownership of it with the existing drainage encroachment?

Mayor Lauretti stated, we already responded to them that we want them to try to resolve it.

Corporation Counsel Welch stated, INAUDIBLE.

Mayor Lauretti stated, how could they not be able to reach a resolution? If it were a municipality, they'd fine you. How can they just say that they can't find a resolution? You've got to be kidding me. This is an issue for us and the State to solve.

Alderman Anglace asked if this should be tabled.

Mayor Lauretti stated, either that or revise the motion to reflect that the State resolve the issue before conveying it.

Alderman Anglace WITHDREW the MOTION; Alderman Papa WITHDREW the SECOND.

Alderman Anglace MOVED that the City of Shelton would like the State of Connecticut Department of Transportation to resolve the matter of drainage encroachment prior to the conveyance of this parcel to the City of Shelton; and further,

MOVED to authorize Mayor Mark A. Lauretti to sign any and all documents necessary to effectuate said agreement. SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

**11 EXECUTIVE SESSION**

At approximately 7:52 p.m. Alderman Papa MOVED to enter into Executive Session to discuss the following items:

- 11.1 Mills – Workers Compensation
- 11.2 City of Shelton v. Buono, LLC
- 11.3 City of Shelton v. Pagliaro
- 11.4 Roach v. City of Shelton
- 11.5 Cacchillo v. City of Shelton

and invited Mayor Lauretti and Corporation Counsel Welch to remain in the Auditorium; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 6-0.

***Return to Regular Session***

At approximately 8:10 p.m., Alderman Simonetti MOVED to return to Regular Session; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

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

**MOTIONS FROM EXECUTIVE SESSION**

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**11.1 MILLS – WORKERS COMPENSATION**

No action.

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**11.2 CITY OF SHELTON V. BUONO, LLC**

Alderman Anglace MOVED to accept payment of one-half of the delinquency as full and final payment; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

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**11.3 CITY OF SHELTON V. PAGLIARO**

No action.

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**11.4 ROACH V. CITY OF SHELTON**

Alderman Anglace MOVED to approve the permanent partial disability in the Workers Compensation case of Brian Roach as set forth in the medical report of Dr. Kwock dated July 6, 2009; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

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**11.5 CACCHILLO V. CITY OF SHELTON**

No action.

**ADJOURNMENT**

Alderman McPherson MOVED to adjourn; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

The meeting adjourned at approximately 8:15 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk  
Board of Aldermen

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

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

Mark A. Lauretti  
Mayor, City of Shelton