



BOARD OF ALDERMEN  
SHELTON, CONNECTICUT  
REGULAR MEETING  
THURSDAY, MARCH 13, 2008

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**Call to Order / Pledge of Allegiance**

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

**Roll Call**

Alderman John F. Anglace, Jr., President – present  
Alderman Lynne Farrell - present  
Alderman John "Jack" Finn – present  
Alderman Stanley Kudej – present  
Alderman Kenneth Olin - present  
Alderman John P. Papa – present  
Alderman Jason Perillo - present  
Alderman Anthony Simonetti - present

Administration:

Mayor Mark A. Lauretti  
Assistant Corporation Counsel Ramon Sous

There was a quorum present.

**Public Session**

**Rob Passander, 101 Maple Avenue**

I have a few items, a few things going on at my house that I'd like to inform the Board of. I moved to my location where I'm living now on 101 Maple Avenue August 10<sup>th</sup> of last year. October, I think 15<sup>th</sup>, I have to refer to my file, there was someone that came by and destroyed a vehicle while it was parked in the driveway. I was forced to get another truck to replace that truck. My fiancée Theresa is here, she's called Mark several times to try to talk to the Mayor about getting a remedy there, whether it be, whatever the remedy is, additional guardrail, I don't know. That was to no avail. She's had no conversa, there has been negative contact there.

The situation escalated after that, soon thereafter. I own two pickup trucks and a dump truck. I'm a self-employed building contractor. The other pickup truck was damaged by a large stone. I notified the Police Department and at that time the Police Department said to me, "gee, it's unfortunate that it happened, but there is nothing we can do about it, because there's only four of us that work in the evening." I was taken back by that quite honestly because, I just, I don't know if every resident that's living in Shelton knows that or is aware of that, but in any event, that Officer advised me to do what I had to do to protect my property, and he didn't care if that meant shooting the person. It's my opinion, but I bet that they would probably have a different position if I were to do that when they came to the house to get me to take me to jail.

It escalated again, referencing the truck that replaced the one that got damaged. That truck was stoned I think Tuesday morning is when I noticed

it. Again, I have the documents here, I can give you dates and times if you care to know. I called an Officer, documented. The Officer then, it was redundant information, said, you know, "we don't blame you, here is why we can't," or "why this is happening, we can't, there are only four of us. Take matters into your own hands."

Um, to say that I'm upset about this is an understatement. I don't know why I have to go to elevate this to you guys to take up your valuable time, quite honestly, and why this couldn't be resolved a couple of steps lower in the food chain, perhaps in the Mayor's Office or whatever. I'm just trying to tell you that these things have occurred. More importantly, there have been some, this is quite a long story.

I understand the City bought this house when the intersection was reconfigured there.

Alderman Papa asked, can you give us your address?

Mr. Passander replied, it's 101 Maple.

Alderman Simonetti stated, it's at the corner of Maple and Constitution Boulevard North.

Mr. Passander continued, I guess subsequent to the subdivision on North Constitution, that perhaps with traffic engineers, that intersection was reconfigured sometime in the early 2000s. And I guess, from the information that I have, the old owner that was told, which was the original owner, when the City purchased the house from her that the house was going to be knocked down because the City needed to do what they needed to do with the property. Somehow or another the house got sold, reentered the public market – that's okay, I'm not questioning that at this point – what I am asking you to do is, respectfully, I'm putting you guys on notice. Can you, there is a safety issue there regarding, and there's been a safety issue there historically because I've checked into that as well. There's been lots of accidents there and lots of people banging into the guardrail. And every snow event that we've had since I lived in the house since August 10<sup>th</sup>, someone has hit the guardrail. So, I'd like to put you on notice about the unsafe condition as far as the rail goes, and I'd appreciate any help you can give me in remedying that situation more immediately than the others, and I don't know if you're going to be of any help to me with the others.

I appreciate that you listen to me, and I hope that I articulated my problem as best as, you know, that you'll understand it.

Alderman Anglace stated, a couple of the Aldermen want to ask questions.

Alderman Finn asked, the evening that your truck was damaged by another vehicle in your driveway, is that same evening they wiped out the guardrail in front of your house?

Mr. Passander replied, yes, sir. May I say something? The evening that that happened, we had to prove ownership to the Police Department. We had to find a deed to prove to them that we owned the house, which I don't know what that had to do with the accident. I had to hire an attorney five days later to get a copy of my Police report, because I left that guard rail where it was severed, it was 22 feet long and it stopped at the red maple tree that's in the front yard. That crossed the path of my driveway, disabling the truck that I had, the other pickup that I had left that worked, on the other side of it, and I couldn't exit the driveway. When no one showed up from the City to

remove it, and I couldn't find, I didn't know at the time, at that point in time, five days later whether or not the individual that was responsible for the crash was insured, and was not getting any cooperation from the Police Department, I took the guard rail down, saw cut it and took it out, and hired an attorney to get the Police report. And after I called him, I had the Police report in less than 24 hours later. I don't know why they were not being helpful with allowing me to have it, because there was no criminal activity it turns out, with the individuals involved, so it was not, there was no investigation necessary.

Alderman Finn stated, I believe that accident occurred on a Monday evening. And if I'm correct, the next day I did report that guard rail to Highways and Bridges so they'd move it away from the roadway.

Alderman Simonetti stated, I did too.

Alderman Finn stated, and nobody picked it up. It took several days for someone to go out there and remove it from the road.

Mr. Passander stated, that's after I saw cut it, that's correct. And whoever assigned the job from the Public Works Department to have corrective action, you know, when they went up and put back the broken piece, the broken pieces that they, that were left behind that I didn't remove, were left on my front lawn. And when I called the Public Works Department and asked to have it removed, I was met with a condescending attitude, which, if I may, and I wasn't going to bring this up, I was going to thank you for your time and exit, but that's another issue.

I got a big problem with my driveway. It's been damaged repeatedly, again, with every snow event. The second time it happened I called, just to report it, the third time it happened, he took some more of my driveway out, I have that documented on CD-Rom. It took six phone calls to speak to Mr. Mooney. He, in my opinion, has a very grandiose type of position or attitude. He was not very pleasant. I called him up and I'm speaking to him, I tried to speak to him the same way I'm speaking to you now. I identified myself, told him where I lived, I said I have something that I'd like to make you aware of, can you come by and take a look at it, and when I started to tell him, quite simply, that hunks of my driveway have been taken away, he didn't even allow me to complete my sentence, my statement, and snapped at me and said, "It will get repaired. They're not making asphalt." And I said, okay, Mr. Mooney, I know you understand about the curb, I want you to understand about the driveway. He said, "I'm not repairing your driveway." And I said, well sir, then we have a problem there, because the curb, the line of the apron, does not and did not project past the curb into the road. It would be an impossibility then for a guy in a plow truck not to hit it. I said, but if you come up, you can see what it is that I'm telling you, and that it's truthful. He never came up to look at it, and he never came up to remove the material.

Alderman Anglace stated, I think you've stated the problem. We're going to give you a couple of choices. Would you like to handle this with your two Aldermen or would you like to handle it with the Mayor. Now, if you want to handle it with the Mayor, we'll make an appointment for you so you can go in and see him. One of the two. Either the two Aldermen will handle it for you, or the Mayor.

Mr. Passander replied, Mr. Anglace, with all due respect sir, I don't know. I'll do whatever, I'll take whatever direction you give me. I've tried that four times already, I mean I'd like to respectfully submit that to you. It's been more than six times.

Alderman Finn stated, I would say, try the Mayor's Office again.

Alderman Anglace stated, we will make an appointment for you with the Mayor. Leave your name and your phone number with the Clerk. We will make an appointment for you with the Mayor. You come in, are you available during the day?

Mr. Passander replied, yes, sir. And please, on bended knee can I say something to you at this point? Theresa has made those phone calls and tried to do that through his Administrative Aide. In other words, I'm not trying to say your idea isn't going to work, however, I don't know how much harder we can try as public citizens to go through his Public Aide or his Administrative Assistant and, I don't know.

Theresa stated, I don't know how much that's going to work, because,

Alderman Anglace stated, let us handle it for you.

Mr. Passander replied, okay.

Alderman Anglace continued, we'll set up the appointment and we'll call you.

Alderman Simonetti stated, you said rocks are hitting your truck. You mean, someone is tossing the rocks? They're not rocks thrown by the plow are they?

Mr. Passander replied, no, sir.

Alderman Simonetti stated, you mean someone is throwing the rocks?

Mr. Passander replied, yes, sir.

Alderman Simonetti asked, between what times? Eight at night and four in the morning? Or, you don't know?

Mr. Passander replied, well, this last incident with the brand new truck happened sometime after 11 p.m., was the last time that I saw the truck, and it was fine.

Alderman Simonetti asked, are they hitting the side that faces Constitution Boulevard, or from the other side? Where are they, the back of it? The front of it?

Mr. Passander replied, it's always the side that faces the road. The roadway. Whether it be Constitution, depending on how you're looking at the intersection, I know you understand it because you live up the street. So it would be more correctly said, I think that side would mostly be facing Maple Avenue.

Alderman Simonetti stated, so it's not when there's there a snow truck or plow kicking up the stones.

Mr. Passander replied, no sir. No.

Alderman Anglace stated, alright. We'll take care of it.

Mr. Passander stated, okay, thank you guys for your time.

Alderman Anglace stated, leave your name and phone number with the clerk. Thank you.

Richard Widomski, 49 Christine Drive

For the past number of years, I've been speaking to the issue of a City Planner. Normally I don't ask, answer too many questions, but I do have some answers to questions that I've seen in the newspaper, and have been asked of me personally.

Some time ago, I have the minutes from a meeting going back to, I think it's 2006. It doesn't matter. It's the same Charter Revision Commission. It was a joint meeting between the Board of Aldermen and the Charter Revision Commission. At that time it was John Anglace that mentioned, had he had the information on a Planner, that he would look into it. Okay. I have the minutes available right with me. It was with Paul DiMauro and that same crew that you have now. I did submit that information I believe last year and the year before. There was plenty of information on the Planner, there was information explaining how the money could be saved, and at that same Charter Revision Commission, most people on the Charter Revision Commission agreed that it should not be in the Charter, that it should be by Ordinance. I know the Mayor some time ago asked me why it shouldn't be in the Charter, and I asked him to ask Paul DiMauro and the Charter Revision Commission why they do not want to put it in the Charter, that it should be by Ordinance. Corporation Counsel is here, maybe he can answer that tonight or after the meeting or give you the information on why or where a City Planner really belongs.

At that same meeting, it was mentioned that we do not have a City Planner. Panico Associates is a consultant that was mentioned as a hired hand, one very good consultant that does what he does in a good way. As far as planning is concerned, that, I don't believe, is his forte, and I don't believe that is the reason that he was hired or retained professionally.

Secondly, I was asked by Jason Perillo after a meeting of the Downtown Subcommittee, why I should, perhaps I should talk to some of the Aldermen, and I agreed with him, about the Planner. Back in, I'm going to say a year ago, I did mention to the Board of Aldermen that I was open to meeting with the Board of Aldermen. Of course, I couldn't meet with them privately because that's against Freedom of Information. But one on one, I can do that, and I have the information, and I can explain the information as to the Charter and the Ordinance and the reason why I would like to see a full-time City Planner.

The third question was in The Huntington Herald the other day. Where can I find \$1.4 million? I have an answer for that. I know where you could have found \$724,000. Right on Soundview Avenue. Right on Soundview Avenue. One-half of where the \$1.4 million was asked for in The Huntington Herald in, I believe, Thursday's paper. Now it wouldn't be too difficult to find the other \$700,000 in perhaps other land use deals, or perhaps the one on Long Hill Avenue. There was one where the condominium development, and I think the City could have negotiated something with the developer at that time, and I don't know what happened to that property, whether the City finally bought it, but there is money available.

Lastly, my five minutes is probably close to being up, is I am disappointed at the statement in the newspaper that said that we're not going to raise taxes to give money to children because of senior citizens. I happen to be a senior citizen. I'm willing, perhaps, to spend some of the money. Don't put me

between a political fight between the Board of Education and the Administration; between my choosing about lowering taxes, and the welfare of my grandchildren. Don't do that. Don't play little games between the Board of Education and the Administration. I don't like it, and I certainly don't think that the rest of the people like it. Settle your differences, straighten out the Board of Education with the budget and the money, and straighten out the Administration. Keep the taxes low, and keep the children educated, and keep the senior citizens in town. Thank you.

### **Agenda Items**

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#### ***Minutes for Approval***

Alderman Papa MOVED to waive the reading of and accept the minutes of the Regular Meeting of February 14, 2008, the Special Meeting of February 21, 2008, and the Public Hearings on Ordinances of February 26, 2008; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

### **5.1 FINANCE COMMITTEE**

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#### ***5.1.1 MARCH STATUTORY REFUNDS***

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to approve the report of the Tax Collector relative to the refund of taxes for a total amount of \$31,374.75 and that the Finance Director be directed to make payments in accordance with the certified list received from the Tax Collector with funds to come from the Statutory Refunds Account 001-0000-311.13.00; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

#### ***5.1.2 SHELTON SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS AMENDMENT #8 CWF 165-C***

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to authorize the Water Pollution Control Authority to approve and pay, on a monthly basis, the amount of the "out of scope" engineering work incurred for each month of the Waste Water Treatment Facility contract extension, and that the Board of Aldermen approve up to a total of \$174,000 from the Waste Water Treatment Facility bond issue, subject to monthly review and approval by the Water Pollution Control Authority of the submitted engineering invoices; and further,

MOVED to authorize Mayor Mark A. Laretti to sign all documents and effectuate said agreement. SECONDED by Alderman Finn.

Alderman Anglace stated, the Mayor has asked us, because he is not here, to recognize Sewer Administrator Tom Sym for the purpose of making a presentation to the Board on this.

#### **Tom Sym, Water Pollution Control Authority**

I have had a couple of discussions with the Mayor about Amendment #8, for the Sewage Treatment Plant, for the invoices from Maguire Group.

He is recommending that this motion be made – 'move to amend the motion to approve \$86,000 for work already performed by Maguire Associates, funds to come from the Waste Water Treatment Facility Bond Issue; and further to

approve up to \$63,000 subject to the approval of the Mayor and Sewer Administrator based on weekly project reports, funds to come from the Waste Water Treatment Facility Bond Issue.'

Alderman Simonetti MOVED TO AMEND THE MOTION to approve \$86,000 for work already performed by Maguire Associates, funds to come from the Waste Water Treatment Facility Bond Issue; and further,

MOVED to approve up to \$63,000 subject to the approval of the Mayor and Sewer Administrator based on weekly project reports, funds to come from the Waste Water Treatment Facility Bond Issue; SECONDED by Alderman Papa.

Mr. Sym stated, this will amount to \$25,000 less than the \$177,000.

In response to questions from the Aldermen, Mr. Sym explained, the \$86,000 is work that has already been done. The \$63,000 that is remaining is work that has to be done. We will get a weekly report of what actually gets done. It will be based on their monthly invoicing, the same as they're doing now. This represents a reduction of \$25,000 off of that \$177,000. The money is all coming from the bond issue.

Alderman Anglace stated, Regis told me that the work being performed by Maguire is the same work that Maguire performed during the building of the Waste Water Treatment Facility. There's a six-month extension for punch list jobs and so he's contracted to continue on, and we approved that. So he's not going to do anything different.

Mr. Sym stated, it's less of an engineering issue. They're not going to have a full-time resident inspector down there. It's going to cut back significantly on their work hours down there.

Alderman Perillo stated, just to clarify, the motion before us, is this substitute language replacing what we have as the original motion, or is this additional language?

Alderman Anglace replied, this is an amendment.

Alderman Perillo stated, I understand that it's an amendment, but

Alderman Anglace stated, it is language to eliminate the original, and do it a different way. What happened at the Finance Committee, we brought in Maguire and we brought in a representative from Water Pollution Control Authority, Regis Dognin, and we went over this and said, it looks like a blank check and we don't want to do that. We would much rather pay for what was performed to date and let them submit a bill that is subject to review and payment as they go. That is the way we approved it, and we approved up to \$174,000 for the whole thing, and we're not changing the money as I understand it.

Corporation Counsel Sous stated, if I may, you made a motion and you made an amendment. I suggest you rescind both, or withdraw them, and just go with the motion as stated here, because it's a different amount of money involved. It's a different motion involving two different things. I would suggest you withdraw the original motion and second, and the amendment and second, and then make this motion, however, I believe the numbers are changed from what had been handed out here. I understand it's \$86,000 and then \$63,000. So my suggestion would be to withdraw the motion and amendment and then move this, move to approve, the monies as so set forth here. I think it's cleaner that way.

Aldermen Kudej and Finn withdrew the MOTION and SECOND.

Aldermen Simonetti and Papa withdrew the MOTION TO AMEND and SECOND.

**Alderman Kudej MOVED to approve \$86,000 for work already performed by Maguire Associates with funds to come from the Waste Water Treatment Facility Bond Issue; and further,**

**MOVED to approve up to \$63,000 subject to the approval of the Mayor and the Sewer Administrator based on a weekly progress report, with funds to come from the Waste Water Treatment Facility Bond Issue; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.**

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**5.1.3 ANNUAL SALARY INCREASES – NON-UNION  
MERIT SYSTEM EMPLOYEES**

[Alderman Finn excused himself from discussion and action on Item 5.1.3 as his daughter is a Merit System Employee.]

Alderman Kudej MOVED, per the recommendation of the Finance Committee and pursuant to Section 5.6 of the Merit System and Personnel Rules, to increase the total compensation for non-union Merit System Employees by 3.6 percent effective July 1, 2008; and further,

MOVED to amend the salary schedule for non-union employees with a recommended increase for Classes 5 through 14 of five percent, effective July 1, 2008; SECONDED by Alderman Papa.

Alderman Anglace explained, these are two separate issues. The 3.6 percent is a cost-of-living adjustment that pertains to the salaries, and we will have to include in our budget for next year \$48,061 to accomplish that. The second part of the motion simply changes the rate ranges for the jobs and moves them over and up so that anybody who gets an increase who is currently at the top of the rate range for their job will have room for that raise to fit.

A voice vote was taken and the MOTION PASSED 7 Yes, 0 No, 1 Abstention (Finn).

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**5.1.4 CONNECTICUT COALITION FOR JUSTICE IN EDUCATION  
FUNDING (CCJEF) MEMBERSHIP DUES**

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to approve invoices from the Connecticut Coalition for Justice in Education Funding (CCJEF) for membership dues for fiscal years 06-07 and 07-08 in the amount of \$10,000 to be transferred from Contingency General Account #001-9900-900.99-00 to an account to be determined by the Finance Director; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

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

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### **5.2.1 REPORT ON EASTON COURT AND EMERGENCY RESPONSE SYSTEM**

Alderman Papa reported, we had a Public Health & Safety meeting last week and the situation was brought up where EMS had a problem finding a certain street, it was delayed 'x' amount of minutes and a citizen was concerned. I have a report from the Chief, and I'll read it, and Alderman Perillo is going to make a statement also. This is from Chief Hurliman:

*"A thorough review of the information that the Police Department has in its computer aided dispatch and records management system was conducted regarding this address and complaint.*

*While some paper maps may have incorrect information or depiction regarding this street, our system does not. After a discussion wit EMS, we are quite satisfied that this situation has been rectified."*

Alderman Perillo, Chief of Echo Ambulance, stated, this actually had the potential to be a significant issue if things turned out the way we thought they could. The resident was concerned that perhaps her street was not actually included in, specifically, the Police Department dispatching software, that it didn't exist. That is not the case, and if that were the case, it would have been significant. The issue here quite frankly is still an interesting one. The resident's street is not reflected on any GPS software. At EMS, we use that as a backup. Our first course is actually a paper map because they tend to be more accurate. Interestingly, her street is represented, though accurately on a paper map, it is represented in a manner that could make it appear that the cross street is different than it actually is.

[Mayor Lauretti arrived at this point - 7:39 p.m.]

Our crew acted rightly and continued to follow up with dispatch to make sure they were going to the right place. There was a slight delay in the response time. I submitted to you folks the report given to me by my operations manager. The issue is resolved. We have inserted in the CAD software that exists for us, in our CMED dispatching center a flag that will come up for any of these addresses on Easton Court that will notify the dispatcher that there could be confusion about the address and they should be prepared to offer specific instructions to the crew.

I concur with Chief Hurliman that this is an item that is not a significant matter going forward, and we've dealt with it quickly.

Alderman Anglace thanked Aldermen Papa and Perillo for the report.

Mayor Lauretti assumed the Chair at this point.

**5.3 STREET COMMITTEE****5.3.1 SIDEWALK REIMBURSEMENT – PRIMROSE DEVELOPMENT**

Alderman Olin stated, the Street Committee talked about it. The present Ordinance states that they'll only cover if a sidewalk is already in there. So we need a new Ordinance stating that new sidewalks being put in are covered, if we want them to be.

Mayor Lauretti stated, you need to amend the Ordinance; is the Street Committee going to propose it?

Alderman Olin replied, no.

Alderman Simonetti stated, in reading it, I don't know why we would want to change it. For existing curbs we would reimburse a certain amount of money for repair of the asphalt or concrete. But for new sidewalks, we're not reimbursing.

Mayor Lauretti asked, so what's the question?

Alderman Kudej stated, the individuals were looking for the City to pick up the cost of new sidewalks. We don't think it's right because it's not covered in our Ordinance.

Alderman Simonetti stated, Primrose is saying they should be reimbursed for their new sidewalks.

Alderman Finn stated, the Ordinance covers repairs, to the homeowner or a business, not the construction of new sidewalks.

Alderman Anglace read the following statement into the record:

"The Ordinance is clear and not in need of change. City reimbursement is available for owners of land abutting a public sidewalk which fronts their property. It applies to existing sidewalks to keep them in good condition for public use. It does not apply to new sidewalk construction. Therefore, nothing has to be done."

**REPORT OF THE MAYOR**

None presented.

**REPORT OF THE PRESIDENT**

Alderman Anglace stated, the Board was concerned when we talked about acceptance of the Bluestone open space. We were at the tail end of the process. The Board's concern is that we up in the beginning of the process so if we don't want to take the land as open space and we want to take the fee in lieu of we would have a chance to so state that before the process went through and everything was settled. I set it up and wrote an e-mail to the Planning and Zoning Administrator, and he has agreed that he will notify the Board up front on all future subdivisions where open space dedication may be possible.

Mayor Lauretti stated, I must say that we have already been through this issue some years ago. At least 10 years ago we had this. We enacted a fee

in lieu of for the purposes of not taking these wasteful pieces of property that developers give to us just because they have to meet their requirements under the ordinance or under the regulations. And we were taking rock and water and property that had no value except a nuisance to us, property that became a dumping ground. We addressed this years ago. I can't recall when the first phase of Bluestone was approved. I don't think it came before this Board. That was part of what my point was about, not adding insult to injury, and continuing to take this property. They can't build on it anyway, and they can't do anything to harm it, so it's going to stay in its natural state under their ownership, they're paying taxes on it, under their maintenance. Again, I have to say it for the third time. This was not a good selection.

Alderman Finn stated, Ivy Brook, the first piece of property came about when Mr. Bargas was putting in Constitution Boulevard South, back in 1985 or 1986. We only had the Open Space Ordinance at that time, we did not have 'in lieu of.' At that time it went to the Conservation Commission, Harriet Wilber and Terry Jones made the recommendation to the Board of Aldermen to take the property.

Mayor Lauretti stated, I don't recall it coming through during my time.

Alderman Finn stated, no, not during your time.

Mayor Lauretti stated, but fee in lieu of was, fee in lieu of was a State regulation.

Alderman Anglace stated, at least now we're going to be at the front of the process versus the rear.

Mayor Lauretti stated, just as a reminder, we had already established this with Planning and Zoning that before they committed to the subdivision approval, any open space had to be approved by the Board of Aldermen. I remember that specifically with Old Dairy Estates, when we got the easement and the right-of-way for Constitution Boulevard. It was that many years ago that we had this discussion.

**6 – LEGAL REPORT**

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**6.1 CORPORATION COUNSEL BILLING**

Alderman Anglace MOVED to authorize a total payment of \$1,160.01 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated March 6, 2008 with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-03	\$654.80
Foreclosure Fees	001-1900-411.50-01	\$500.00
Miscellaneous Fees	001-1900-411.80-03	\$ 5.21

SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

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**6.2 ASSISTANT CORPORATION COUNSEL BILLING**

Alderman Anglace MOVED to authorize a total payment of \$461.82 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated March 1, 2008 with funds to come from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.

**7- LEGISLATIVE – OLD****7.1 ITEMS FROM PUBLIC HEARING**

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**7.1 A. AMENDMENT TO ORDINANCE SECTION 2-134  
CORPORATION COUNSEL SALARY**

Alderman Anglace MOVED to adopt as proposed the amendment to Ordinance Section 2-134 Corporation Counsel Salary as presented at the Public Hearing on Ordinances held on February 26, 2008; 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 Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

BE IT ORDAINED BY THE BOARD OF ALDERMEN THAT:

Amendment to Ordinance Section 2-134  
Corporation Counsel Salary

- a) Commencing on July 1, 2008 the annual compensation for general matters for the Corporation Counsel shall be Forty One Thousand Four Hundred Eighty Five (\$41,485) Dollars to be paid in monthly increments during the fiscal year. The salary for the Assistant Corporation Counsel shall be Twenty Nine Thousand Fifteen (\$29,015) Dollars, payable in monthly increments during the fiscal year.
- b) The Corporation Counsel shall receive, in addition to such sum, the sum of Six Hundred Fifty (\$650) Dollars per month in lieu of secretarial assistance and the Assistant Corporation Counsel shall receive a payment of Five Hundred Thirty (\$530) Dollars per month in lieu of secretarial assistance.
- c) For those matters which are not included within the above referenced items of compensation, specifically litigation, contested matters and labor work, and such other matters as historically have not been included within the annual compensation of the Corporation Counsel, the hourly rate shall be as approved by the Board of Aldermen from time to time.

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**7.1 B WATER MAIN ASSESSMENT – LANE STREET**

Alderman Anglace MOVED to approve the water main assessments as set forth by the City Engineer for Lane Street in his memo to the Board of Aldermen dated January 16, 2008; and further,

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

Alderman Anglace stated, I want to read into the record. I sent a letter to Counsel, and Counsel isn't here tonight, but I got a response back from the City Engineer. During the public hearing, let me read what I asked him. Let me read everything.

*I refer you to the minutes of the public hearing held on February 26, 2008 where three residents affected by the Lane Street Water Main Assessments cited reasons why they should be exempted from these assessments. In addition, it is my understanding that Mr. Shepard at 103 Lane Street noted costs incurred to repair the water line from blasting that occurred later in the installation process and suggested that these repair costs should not be included in the cost associated with the water main installation to be shared amongst those residents benefitting from the line. Rather, he suggests that the contractor should pay for these repair costs from his bond. Since the Board of Aldermen is poised to act on these water main assessments, I would appreciate if you could review the matter and advise us accordingly as to 1) validity of their exemption request; and 2) evaluation of the total project cost to be assessed.*

I received a response back from the City Engineer who was copied on this.

*Please be advised that Ordinance #473 and 478 do not provide for any exemptions from water assessments, nor any deferrals. In regard to the claim of Mr. Shepard, our assessments do not include any repair costs for the two water main breaks which occurred in the vicinity of this project. There were no charges to the City for the repairs. One repair was made by the contractor and the other by Aquarion Water. The construction cost for the assessments were solely for the water main and water service connection installations, just like all other main installation projects. No other or hidden charges were included.*

I thought the Board should be aware of that.

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

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**7.2 AMENDMENT TO COST SHARING AGREEMENT  
EMERGENCY VEHICLE PRE-EMPTION SYSTEM EQUIPMENT  
ROUTE 108 (NICHOLS AVENUE) AT CHURCH STREET STATE  
PROJECT NO. STPA-000R (516)**

Alderman Anglace MOVED to amend the Cost Sharing Agreement - Emergency Vehicle Pre-emption System Equipment Route 108 (Nichols Avenue) at Church Street State Project No. 170-2661 Federal-Aid Project No. STPA-000R(516) as presented, and further,

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

Alderman Anglace stated, I asked the Clerk to follow up with a call to the State. I realized the Board is being asked to approve this agreement once again because the State has made some changes to it. The first question on everybody's mind is, what was changed? She received a response.

The response is this - regarding Item 7-2. I called the Connecticut Department of Transportation and spoke with Joseph Oulette. He said there were only three changes to the contract:

- 1) Page 1 - the name was changed on Page 1 of the agreement to reflect the new Commissioner.
- 2) Page 3 – item 12 – that paragraph was rewritten. That paragraph constitutes the save harmless clause for the State. They added a few more things that they wanted to be saved harmless from.
- 3) Page 13 – again on this page the name of the Commissioner was changed to reflect the new Commissioner.

That's it. Essentially no substantive change.

Mayor Lauretti asked, so the dollar amount is the same?

Alderman Anglace replied yes.

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

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**7.3 MAYOR'S VETO - AMENDMENT TO COMP. ORDINANCES  
REMOVAL OF ICE AND SNOW ON SIDEWALKS REQUIRED –**

The Clerk read aloud the Mayor's veto as follows:

*February 28, 2008*

*Ms. Theresa Adcox, Clerk of the Board  
Board of Aldermen, City of Shelton  
54 Hill Street, Shelton, CT 06484*

*Dear Ms. Adcox:*

*Per Section 4.8.3 of the Charter of the City of Shelton, I hereby veto the action of the Board of Aldermen taken at its regular meeting of February 14, 2008 regarding Item 7.1.A – Amendment to Compiled Ordinances, Removal of Ice and Snow on Sidewalks Required, for the following reason.*

*I believe more discussion is necessary to consider the impact of the increased fine for handicapped or elderly property owners and to consider alternate provisions.*

*Sincerely,*

*Mark A. Lauretti, Mayor*

Mayor Lauretti stated, as I had been thinking about that, perhaps the way to go is to override the veto, and to reintroduce the Ordinance to discuss whether there is a vehicle in place or not that would accommodate a hardship situation or a special consideration. Override the veto because at least we have something in place going forward. We are at the end of the winter season. I really would like the Board to consider an amendment or change to this Ordinance.

Alderman Finn asked, are you recommending that it go back to Public Health & Safety?

Mayor Lauretti replied, that's where it came from.

Alderman Perillo stated, I think that's a reasonable approach. I know there are some extenuating circumstances for some folks, particularly the elderly and handicapped where they have a hard time getting out. But at the same

time, there is an equal hardship for those handicapped and elderly who want to walk on the sidewalk. So it's kind of a catch 22. I have no problem revisiting this and trying to find a solution that works for all, but at the same time we need to remember not just the property owners, but the people who want to walk across the sidewalks.

Mayor Lauretti stated, we also have to keep in mind, too, that this is not a perfect world we live in. There are situations that sometimes just cannot be accommodated. The intent here is good and appropriate. I just didn't want to see someone become, well, you know how the elderly get when they get fines and things like that.

Alderman Finn stated, we also have to look at, as Jason said, it's a catch 22. We only had one person that came in front of us that evening during the public hearing on this, and he was disabled, and he lives in the Ripton Building, and he couldn't get down to the corner deli because none of the sidewalks in downtown Shelton were shoveled.

Mayor Lauretti stated, let me give you another hypothetical, just so we can all be rounded. You can have a situation where you get a couple of inches of snow, and it's very cold, and then overnight the temperature drops, or it rains, and then it refreezes, and you could put a bulldozer down there and you are not going to get that snow and ice off of that sidewalk until the temperature rises. We have that same problem with the roads. Nobody understands it, or they don't want to understand it, or a combination of both.

Alderman Simonetti stated, as I remember, you do have the opportunity to go before a hearing officer and if you feel you've been unjustly fined, the hearing officer can waive the fine.

Mayor Lauretti stated, I didn't see that when I looked at it. I know that there's a hearing officer because we just appointed someone. But the hearing officer takes different kinds of complaints. I'm not sure that this one is included.

Alderman Anglace stated, before you take this back, I want to remind you that you don't have the luxury of a great deal of time because by Charter you only have seven days for the Board of Aldermen to make its decision to override this veto. The veto is vetoed. There is a veto. If we don't override that veto tonight or within seven days, the veto stands. But beyond that, look at the merits, or the reason for the fine. We're trying to get the attention, but I'm a property owner. I have a sidewalk. I have a liability. So for no other reason, I have to get that sidewalk clear. If I'm elderly or I'm disabled, or no matter what I am, as long as I own it I have that liability. And I've got to make arrangements to clear it, or else people will have a great case against me if they should fall. So we're trying to be helpful and tell people that there are too many cases around town where we're not paying attention to keeping the streets clean within 12 hours when the snow stops falling.

Mayor Lauretti stated, why don't you just override the veto and send it back to Public Health & Safety.

Assistant Corporation Counsel Sous stated, if you want the ordinance to stand and go back into effect you need six affirmative votes to override the veto, and you have to move to override the veto.

Alderman Finn MOVED to override the Mayoral veto of Item 7.1A - Amendment to Compiled Ordinances Removal of Ice and Snow on Sidewalks Required - passed at the Regular Board of Aldermen Meeting of February 14, 2008; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.

## **8 – FINANCIAL BUSINESS – OLD**

### **8.1 NO ITEMS**

## **9. – FINANCIAL BUSINESS – NEW**

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### **9.1 APPROPRIATION OF FUNDS FOR BIG BELLY TRASH COMPACTORS/RECEPTACLES – WAIVER OF BIDS**

Mayor Lauretti stated, I would ask that we take no action on this item tonight, and ask the Purchasing Agent to put the item out to bid so that a waiver is not required.

No action.

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### **9.2 LONG HILL SCHOOL BASEBALL RENOVATION BUILDING COMMITTEE RECOMMENDATION**

Alderman Kudej MOVED, per the recommendation of the Long Hill School Baseball Renovation Building Committee to approve the contract between the City of Shelton and Tate Associates, LLC for pre-design investigation, wetland mapping, property survey, soil testing, preliminary design and engineering, field layout, preliminary drainage improvements and probable cost statements for the field renovation and expansion alternates for Long Hill School field improvements in an amount not to exceed \$15,000 to be transferred from the Contingency General Account #001-9900-900.99-00 to an account to be determined by the Finance Director; and further,

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

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### **9.3 APPROPRIATION OF FUNDS FOR RESTORATION OF THE NIKE SITE ROOF**

Alderman Anglace stated, this is another one that I would recommended no action on, and refer it back to the Mayor. \$142,100 to do this roof just seems like it is too much money, and there have to be some other ways to do it. Look at the age of the building. I could put the motion on the floor, but I won't support it.

No action.

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### **9.4 RELEASE OF CONSTRUCTION CONTINGENCY FUNDS FOR SHELTON HIGH SCHOOL RENOVATION BUILDING COMMITTEE**

Alderman Anglace MOVED to authorize the Shelton High School Renovation Building Committee to expend \$295,571.32 for the Shelton High School Renovation Building Project from the Shelton High School Fusco Corporation Construction Contingency Account in accordance with the attached list of projects recommended by the Shelton High School Renovation Building Committee and listed in the February 14, 2008 letter from the Project

Manager, Fusco Corporation; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

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**9.5 TRIBUTE TO STATE REPRESENTATIVE RICHARD BELDEN - JUNE 14, 2008 - BUDGET**

Alderman Anglace MOVED to appropriate the sum of up to \$7,500 to SEDC for costs associated with the Tribute to State Representative Richard Belden event to be held on June 14, 2008, with funds to come from Contingency General Account #001-9900-900.99-00 and paid to SEDC with the understanding that any unused funds be returned to the City; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.

**10 – LEGISLATIVE – NEW**

**10.1 ITEMS TO PUBLIC HEARING**

10.1 A. NO ITEMS

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**10.2 APPOINTMENT TO THE ANTI-LITTER COMMITTEE**

Alderman Anglace MOVED, per the recommendation of the Mayor, to appoint Allison Menendez, U, of 18 Sportsman Drive to the Anti-Litter Committee effective immediately; SECONDED by Alderman Papa.

Mayor Lauretti stated, you see that they have a nice initiative going along with the Trails Committee – the Shelton Clean Sweep. Very good. I've got the Superintendent of Schools on board, we'll get the kids up at Shelton High School engaged, clean that place up a little bit.

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

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**10.3 APPOINTMENT TO THE BOARD OF EDUCATION TECHNOLOGY BUILDING COMMITTEE (BOETBC)**

Alderman Anglace MOVED to appoint the following people to the Board of Education Technology Building Committee (BOETC) effective immediately.

Tim Walsh –D  
42 L Hermitage Drive

Ed Conklin - R  
60 Gray Street

SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

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**10.4 APPOINTMENT OF A CIVIL WAR MEMORIAL AD HOC COMMITTEE**

Pursuant to the City Charter 5.3.2, Alderman Anglace MOVED to appoint the following members to the Civil War Memorial Ad Hoc Committee effective immediately, with Martin Coughlin appointed as temporary Chairman:

Alphonse Sabetta – R  
77 Coram Road

Guy Beardsley - R  
276 Leavenworth Road

John Formanek – U  
61 Country Ridge Drive

Martin Coughlin - D  
10 Cayer Circle

Edward Witkofski - R  
62 Ten Coat Lane

Philip Jones – D  
272 Israel Hill Road

Jim Connery - R  
15 Treeland Road

Augustus Firgau – R  
14 Abbey Lane

Carolyn Ivanoff – R (Ex-officio Member)  
21 Tibbets Road  
Seymour CT 06483

And further, MOVED to appropriate \$1,000 to the Civil War Memorial Ad Hoc Committee for costs associated with clerical services to be transferred from Contingency General Account #001-9900-900.99-00 to Clerical Steno Fee Account #001-0300-412-50-03; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

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**10.5 DISCONTINUE AND ABANDON A PORTION OF BRIDGE STREET  
BETWEEN HOWE AVENUE AND CANAL STREET WEST**

Alderman Anglace stated, I recommend no action on this. I understand that Planning and Zoning has petitioned the State for permission to do this, and unless and until the State approves it, we should take no action, because otherwise, can you just see us having approved it, we abandon it, and the State doesn't agree?

Mayor Lauretti stated, they're still waiting for the State to respond back. The request is already in.

Alderman Perillo stated, I would say though, that the State's considerations on this are somewhat different than ours. It is appropriate that we should have an opinion of our own.

Alderman Anglace stated, we can have an opinion, but what do we do if we abandon the street, and then the State doesn't agree with it and doesn't let us do it?

Alderman Perillo stated, we can do it subject to the approval of the State.

Mayor Lauretti stated, subject to the favorable remarks or action by DOT.

Alderman Anglace MOVED to discontinue and abandon a portion of Bridge Street between Howe Avenue and Canal Street West as described in a letter by the Planning and Zoning Administrator dated February 6, 2008, endorsed by the City Engineer in a letter dated February 1, 2008 and as seen on an untitled and undated map since designated as Schedule A, Bridge Street closure map, subject to the favorable action by the State of Connecticut Department of Transportation; SECONDED by Alderman Papa.

Alderman Anglace distributed a copy of a study\* that he asked the Chief of Police to do to verify some of the information that was put forward, and to get an opinion from the Police Department.

*To: Aldermanic President John F. Anglace*

*From: Chief Joel W. Hurliman*

*Date: February 14, 2008*

*Subject: Proposed Bridge Street Road Closure*

*A careful analysis of the existing conditions of the intersection of Bridge Street (State Route 712) and Howe Avenue (State Route 110) has been completed.*

*The pedestrian crosswalk across Bridge Street is controlled with a walk signal that is available to pedestrians and allows more than sufficient time than is required by both State and Federal guidelines. The closure of a portion of Bridge Street and conversion to a pedestrian walkway would result in a decrease in the crossing distance of approximately 35 feet, thereby resulting in an additional margin of safety. This will also line up with the proposed pedestrian rail crossing at the train tracks.*

*The cycling of the light at this intersection was observed at different traffic times and it was found that the sensor loops are functioning normally. This means that the traffic entering from Bridge Street (State Route 712) should not interfere with traffic exiting from adjacent to the Post Office unless the Bridge Street traffic is running the red light. It is my intention to request the State review the light cycle to see if a separate cycle would be feasible for this location.*

*The closure of the road as proposed should result in increased traffic safety although there is not a great number of accidents at this intersection (they are primarily caused by disregard of the light).*

*The loss of the parking spaces could be mediated by the creation of new spaces nearby.*

*The timing of the light has again been adjusted by the State and after observing the light, it was found that the cycling of it is affected by pedestrians who push the walk button and then do not wait for the walk light. This results in a red light for about 25 seconds when the traffic lights at Center Street or White Street are green.*

*Based upon all of the above information, the proposed road closure should improve traffic and pedestrian safety.*

A voice vote was taken and the MOTION PASSED 6 yes, 2 No (Kudej, Finn).

## **11 Executive Session**

At approximately 8:15 p.m. Alderman Anglace MOVED to enter into Executive Session to discuss the following items:

- 11.1 Todd Mills – Workers Compensation
- 11.2 EPA

and invited Labor Counsel Attorney Kevin Blake, Assistant Corporation Counsel Sous, and Sewer Administrator Tom Sym to remain in the Auditorium; SECONDED by Alderman Perillo. A voice vote was taken and the MOTION PASSED 8-0.

***Return to Regular Session***

At approximately 8:50 p.m. Alderman Kudej MOVED to return to Regular Session; SECONDED by Alderman Farrell. A voice vote was taken and the MOTION PASSED 8-0.

Alderman Anglace noted that there were no votes taken in Executive Session.

***Motions from Executive Session***

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***11.1 Todd Mills – Worker’s Compensation***

No action.

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***11.2 EPA***

No action.

***Adjournment***

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

The meeting adjourned at approximately 8:50 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk  
Board of Aldermen

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

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

Mark A. Lauretti  
Mayor, City of Shelton