



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
FULL BOARD MEETING
THURSDAY, AUGUST 13, 2009

Call to Order / Pledge of Allegiance

Aldermanic President John Anglace called the meeting of the Board of Aldermen to order at 7:10 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 Eric McPherson - present
Alderman Anthony Simonetti - present

Administration:

Corporation Counsel Tom Welch
Mayor Mark A. Lauretti

There was a quorum present.

Agenda Items

PUBLIC SESSION

John Babina, 9 Freedom Way

I live at 9 Freedom Way, that's off of Buddington. I'd like to make a few comments about the project down at, or known as the Crabtree Project. I'm not for or against any of the development on that, I just wanted to discuss the issue of Access Road and bring up a couple of points to the Board of Aldermen. I had filed a letter with the Planning and Zoning Commission, I don't know if it got over to you folks, but I do realize that you play a role in that too in terms of the Access Road issue, and I know it's complex. So I brought copies here and of course I've never been to one of your meetings before. I brought 8 copies and I see 9 people up there on the dais. I'll just hand them up. There are some diagrams in the back. These are the ones I gave to Planning and Zoning, and these are courtesy copies for you folks.

A couple of important points about this is that the Access Road piece of land obviously makes that project valuable in that it's probably a key turning point in terms of the area. The second important point is, the thing that you see as the paved road is not the total right of way; there is more to that right of way than goes just with the paved portion. It includes part of the grass strip and part of where the utilities are on the other side.

My concern is Buddington Road. As most of you know, many of these old farm roads by default become cross-town roads, just as Nells Rock does too, and both of those join together. Buddington is extremely narrow behind the former Crabtree property and the rock cliffs. As a result, I went up and I measured the lanes, and in several places the lanes with the yellow stripe on each side are only 9 feet wide. Many times when I travel on that road, folks with large SUVs have their wheel two to three feet over the yellow line, not because of bad driving all of the time, but out of necessity. In some cases the mailboxes are against the telephone poles, against the rock ledge; whatever.

If you have any kind of opportunity to decide what to do with that road and however the legal issues work out, I would like to see you trade some of that for some of the land up at the top.

The proposal by the developer, and it was only a proposal, gave the impression that he was going to cut the rock so that there was a 25 to 35-foot cliff, and you can see that on the back sheets of your diagrams there, very close to the road. In future world, if you decide to make it a legal City road, which I don't think it is now because I think it's 50 feet that you demand for right of ways, you're going to have to start cutting some very expensive rock on the other side of that road. I think this is a very good opportunity to work out some kind of barter with that road should you get the proper control and consent to convey that piece of property. Otherwise, the town would really be stuck.

There are other issues with Buddington Road, and further down the line, and that won't be addressed entirely by this project but at least it would save the City quite a bit of money in that sense.

I did note that in several projects including mine, when they went in, the road was widened and paved so that you'll see Buddington jog in and out to at least 12 to 14 feet in each lane on each side by those developments. So there was some consideration to do that in the past. There is a historic precedence if you will that when places like Buddington Park went in, some of the other development project and including mine at Heritage Pointe, the road did widen.

If you want to look way off into the future, where the very severe bend is, if that house ever became available right down in that corner there, that could allow that road to go straight down and filled in through the property, and also relieve some serious traffic issues there.

That's all I wanted to say. I just wanted to point out what some of these key issues are that go beyond just that project. It's one of those things that will cost a fortune if you later on had to widen that road by condemning and taking off the rock ledge on the other side.

John Todice

I'm here on the parcel of land on Middle Avenue which is being abandoned, which should have been abandoned in 2001 but I assume the town has title to it. What I'm trying to get at here is, the two abutting neighbors that own alongside of this paper road, which it is a paper road which has been abandoned in 2001, is myself and Mr. Belden. I'm wondering why the town is pushing this property out for sale versus giving both adjoining property owners 25 or 50 feet of the road which is 50 feet wide and going out to sale.

The property is useless in my eyes. You've got a drainage ditch that runs through the entire property. The Army Corps of Engineers will probably have to be called in, in order for a build on this property to be done. In my particular case I'm trying to put a house in the rear of this property on 15 Birch Street, which is the adjacent property. I have approvals from the town, Planning and Zoning, ZBA to build a house in the rear of this 15 Birch Street. If the town does not give me and Mr. Belden, myself in particular, the 25 feet of road frontage on Birch Street and Middle Avenue, I'm going to have to take the woods down in the rear of this property in order to put this house on location. And I really don't want to disturb the surrounding environment of this property; I want to keep the aesthetics as it is.

So my point is, if we're going to sell this, how would you set a dollar factor on a piece of property that is water drainage going in it, that's going to affect me and Mr. Belden who maintained this property for the last 10 years and kept it up to snuff. I come in and I buy the piece of property alongside of it with the assumption that the paper road has been abandoned in 2001. But it has not gone anywhere;, it's been in limbo.

I want to thank the Board of Aldermen members who came when I requested their presence to take a look at what I have, Eric, Mr. Anglace, thank you. And Stan, I spoke to you, too.

I'd like a decision to be made if possible to make this thing expedient so I can get it underway. With the economy that we have and the building that I'm trying to do, if I don't

meet the windows, number one is the financing of the property in order to put it together. Number two is the weather conditions that are going to come into play now. If I have to wait another two months for the Board to come back and say, "Hey John, you gotta pay ten thousand bucks for this piece of property," which is worth nothing, me and Mr. Belden are going to be adversaries. And I would rather not do that. I'd rather keep us real good neighbors.

So what I'm asking the Board is to alleviate the property, it's not good to anybody besides me and Mr. Belden. My deal is, the property as it sits now will not be changed, which is the 25 foot of right of way on both sides. Nothing will be disturbed; my back lot will remain intact, the woods will stay intact as open space.

I'd like to have a decision made as soon as I can if I could. You know, I don't want to push anybody, but I'm kind of fighting the environment, I'm fighting the economy, and we need work.

Thank you for your time.

Joseph Knapik, Stonewall Lane

I have some continuing and ongoing concerns about Shelton's most mismanaged and inept and under-performing department, which is the Department of Highways and Bridges. Finally, mark this date, August 13th. Four months after the last sand was dumped on Stonewall Lane in the 4th Ward, the road was finally swept. We've had to look at the sand on that road for four months. In another four months all that stuff will be dumped back there again. Why does it take so long? It bespeaks some severe management problems in this department.

I have two other concerns that haven't been addressed as of yet, although I've appeared at two Board of Aldermen meetings, a Street Committee meeting, and I have something to say about the lack of a Street Committee meeting last month, is that the City came in this winter, smashed up curbs, came back after special request and remedied 50 percent of the problem. Why not 100 percent? What is the problem? Why is there no support to repair what's been damaged. So something was done. Yes, they did clean up the sand on the road and well, they did repair 50 percent of what they damaged. But that performance is only marginal. In the 40 years that I've lived in Shelton, this past year has been the bottom of the barrel as far as delivery of City services is concerned.

I was disappointed at the sudden cancellation of the Street Committee meeting last month because, besides myself, there were numerous people there who had continuing concerns that weren't being addressed by the Street Committee. There is one individual who vowed to keep appearing before the Street Committee as long as he had to, to get an answer to his problem. And then the meeting is suddenly canceled. Well, my view in that regard is, for the people on the Street Committee, if you don't want to conduct the people's business, why seek election? If you don't want to conduct the people's business then the alternative is to resign. You know, let's get on the ball here, let's give taxpayers some value for their money, not this mediocre, marginal performance by the City's worst and most under-performing, mismanaged department, the Department of Highways and Bridges. Thank you.

Art Gaughran, 40 Woodland Park

I want to talk about the Access Road. We, on three occasions our 150-family community has been propagandized by the group opposed to the expansion of the sorting station and this renovation of the two obsolete dealerships.

My only concern is for the people working in those buildings just south of the project. Those going southbound on Bridgeport Avenue will have no problem; but those going northbound will have a problem. I do not want a traffic light at the Access Road. These people should be able to use the project's exit lanes for safety. Thank you.

Fire Chief Francis Jones, 199 River Road

Good evening. Tonight I would like to speak on Agenda item 9.3 – Funding for Air Compressor System for Station #5, the White Hills Fire Company, within the Shelton Fire Department. First and foremost I'd like to thank the Board of Aldermen for their past, current and future support of the Shelton Fire Department.

Just to give a little history on the air compressor system, I would like to encourage approval of this system. It's required for our self-contained breathing apparatus (SCBA). The system is 34 years old – the one in place now. Approximately three months ago I had to take the system out of service because of its age and inability to buy replacement parts for the current system that's in the White Hills Fire Station.

Over the last 5-6 years the department has been trying to maintain it, an old, antiquated system with aftermarket parts which, their reliability and their efficiency are not up to today's standards for air quality. The air quality that the firefighters need to put into their SCBA needs to be air quality grade E due to humidity and concentrations in air purity that's required for the air packs. In addition to filling air packs to fill our SCBA, this system has been used in the past to fill our SCUBA tanks for our Police Department Dive Team.

As I stated, this system is 34 years old. We have three other systems; two systems are mobile. Both of those systems are on the rescue trucks and just like this current system in White Hills, their reliability has been fair at best. Each of those systems are 25 years old and are due for replacement in the near future. Our newest system is 12 years old and that's located at Station 4.

We have over 250 firefighters and about 180 air packs and spare air bottles. So it's important to have air stations at each of our four companies, because otherwise it hinders operations. So over the past couple months since the air system was taken out of service, the Chief's Office as well as the Board of Fire Commissioners have worked diligently to solicit bids, to get a new air compressor system for our SCBA that will not only benefit that one particular company, but as we go forward in the future, we could piggy back on the bids to purchase standardized equipment throughout the four fire companies to make our department a more efficient and safer department.

So again, I'd like the support of the Board of Aldermen on this endeavor tonight. Thank you.

Wanda DeJesus, 17 Brewster Lane and Thomas Gato, 15 Brewster Lane

DeJesus: I definitely don't have enough maps for all of you. We're here tonight over the concern with the Animal Shelter. It has been brought to our attention that the City is looking to move that Shelter over from where it is further down, building a new site. Our homes on Brewster Lane do not face the street; they face the City lot – they face the river. When you come down the road, what you see is the side of our homes; not the front of our homes. Placing the dog pound over, if that is what is intended, would put that dog pound as our view outside our front window.

Gato: Yes, because we're the last two houses at the bottom of Brewster Lane and Riverdale. And if that dog pound comes over there, it will actually be in front of us, and we're going to be overlooking it. We're more concerned about that.

DeJesus: I think also what it would do to our property value of our homes. You know, we are two property owners; I've been there for over 15 years.

Gato: And I've got 17 years.

DeJesus: We take very good care of our properties. I would hate to think, you know, what putting that dog pound in front of our properties would do to our value of our homes. I don't think we would be able to give away our homes if we ever intended on selling them, not that we do.

Gato: Right. And the other thing we would like to do, too, is, whatever meetings that come up on this committee, if somehow we can get involved, you know, with these meetings, and some of these decisions they're making for this animal shelter.

DeJesus: I mean, it wasn't like anybody sent us a letter in the mail, you know. It's the City's property - the City can pretty much choose what it does with its property, but from our perspective, it's really going to bring us major concerns and major damage to the value of our properties. We are the only two residential homes down there, and like I said, that would be the view out of our front window. I really appreciate the Board of Aldermen listening to our plea and taking it into deep consideration. We're animal lovers, we both have pets. The dog shelter where it is now hasn't bothered either one of us. Why not just rebuild it right where it is as a possible solution? I don't know what is open. We just recently found out about this. We had no idea. We just found out a few days ago. So it's very concerning to us as property owners and the value of our homes and dealing with animal smells all day, and you know, the value of our property would really be of concern to us. Thank you.

Gato: Thank you.

John Belden, 25 Birch Street

I just want to add a couple comments on that abandoned portion of Middle Avenue. When it was abandoned, there were also some stipulations put in place that the Aldermen agreed to. The City should retain an easement for any and all public utilities across the abandonment and also the City shall retain the right to discharge the water onto the paper street in the two present locations. Also, at the Planning and Zoning meeting the other night, they voted unanimously in favor of it, which I just wanted to make a note that the Planning and Zoning Administrator and also the City Engineer did not, they gave a negative report. Thank you. I just wanted to add that.

Hank Lauriat, 28 Tahmore Place

I'm talking tonight about the sale of the property at 279 Soundview. My seatmate, Tom [Harbinson] went into great detail in the newspaper some months back explaining what I'm going to try to explain tonight. He dealt with a much larger number of homes; I'm just dealing with one. But one could be 101. It's interesting arithmetic and something that should be applied, I think, by Planning and Zoning and yourselves when these things come around.

If you sell the property to the developer, the developer will probably knock the old house down and build a nice new home. That's what it's all about. And into that home will go a family, and a standard family according to statistics will have 2.3 automobiles and 2.1 children. In our town there's a \$50 million school budget and 5,000 kids. That's \$10,000 a kid per year, every year. This house would generate \$20,000 worth of kids every year. Now, this house would also generate a fraction, and a small one at that thanks to Mayor Lauretti's tax arrangements, of property taxes. So the City will lose money in the long run by selling the property.

Now, Planning and Zoning, I heard tonight that Planning and Zoning isn't terribly in favor of selling the property, and maybe they don't have the big picture in mind. My narrow thought process says in the long run we're all going to lose money doing this, and Planning and Zoning ought to produce a plan, it seems, for the City to recoup the losses that you incur by selling the property. Thanks.

ADD-ONS

Alderman Papa MOVED to add the following items to the agenda:

- 9.4 Shelton Riverwalk Extension – Contract Amendment
- 9.5 Perry Hill School Change Orders
- 10.7 Connecticut Justice Assistance Grant (JAG) – Police Department

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

MINUTES FOR APPROVAL

1. MINUTES FOR APPROVAL

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

Public Hearing on Ordinances of June 23, 2009
Regular Meeting of July 9, 2009
Special Meeting of July 28, 2009

And further, MOVED to approve the Special Meeting of July 27, 2009 with the following amendment: Item #3 - Waiver of RFP Process for Professional Services for Industrial Hygienist – Perry Hill School. (There is a typo.) The motion should enter into contract with Facility Support Services, not Faculty Support Services.

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

5.1 FINANCE COMMITTEE

5.1.1 2008 GRAUSTEIN REGIONAL DISCOVERY GRANT MATCH INVOICE

Alderman Kudej MOVED, per the recommendation of the Finance Committee to approve the 2008 Graustein Regional Discovery Grant Match invoice dated July 9, 2009 in the amount of \$1,250 with funding to come from Contingency General Account #001-9900-900.99-00; SECONDED by Alderman Simonetti.

Alderman Anglace stated, everybody should understand that this is part of a Valley-wide project for pre-school children.

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

5.1.2 BANK DEPOSITORY TRANSFER RESOLUTION

No action.

Alderman Anglace stated, since we just received today the information and the suggested procedure, I think we should take no action on this tonight and give the members a chance to read it. It's much larger than I thought it was going to be; it's about 20 pages long. I haven't had a chance to read it and I don't think anybody else has. I would suggest we take no action and take it up next month.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

5.2.1 APPOINTMENT OF ANIMAL CONTROL BOARD (APPEALS BOARD)

Alderman Papa MOVED, per the recommendation of the Public Health & Safety Committee, to appoint the following people to the Animal Control Board effective immediately.

Joel Hurliman – Chief of Police
Shelton Police Department

Laura Wells – Dog Behaviorist
Mohegan Road, Shelton

Dr. Jim Micinilio – Licensed Veterinarian
Countryside Veterinary Hospital LLC
374 Leavenworth Road, Route 110, Shelton

And further, MOVED to appropriate the sum of \$1,000 to the Animal Control Board 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.

Alderman Anglace stated, Counsel has advised us that there is no need under this appointment for minority representation. We thank those people that volunteered to help us in this regard.

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

5.3 STREET COMMITTEE

No items.

REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

Alderman Anglace stated, next month on the regular Board of Aldermen meeting date, September 10th, there is a retirement party for the Superintendent of Schools. I polled the members of the Board to find out what your pleasure was, whether you wanted to postpone or change our date. Several good ideas came up. I think what I'd like to settle on is that we go ahead with our regular meeting as scheduled and we appoint Alderman Lynne Farrell, who is an educator herself, to represent the Board at that meeting and to convey to the Superintendent of Schools our best regards upon her retirement and our thanks for her many years of service to the City of Shelton. I believe it's well deserved and I think the Board should be represented. We also have City business that we have to take care of. That's the way I'd like to handle it.

Alderman Farrell stated, thank you, I'd be happy to do that, Mr. President.

6.0 LEGAL REPORT

6.1 CORPORATION COUNSEL BILLING

Alderman Papa MOVED to authorize a total payment of \$2,509.50 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated August 6, 2009 with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-01	\$1,424.50
Foreclosure Fees	001-1900-411.50-01	1,085.00

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

7 LEGISLATIVE - OLD

No items.

8 FINANCIAL BUSINESS OLD

8.1 NEW GRATE SYSTEM FOR COMMUNITY CENTER POOL – LOCIP ELIGIBLE

Alderman Papa MOVED to add the installation of a new grate system for the Community Center pool to the Capital Improvement Plan with funding in the amount of \$6,320 to come from LOCIP; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

8.2 SALE OF CITY PROPERTY

Alderman Anglace stated, we received today from Planning and Zoning the results of their meeting last night. Some of this may have to be modified just to adopt our terminology to theirs.

If the 8-24 referrals from Planning and Zoning are favorable:

A. PORTION OF 279 SOUNDVIEW AVENUE

Alderman Anglace stated, we received an unfavorable 8-24 from Planning and Zoning. You have the option to override that unfavorable 8-24 and you would need a 2/3 vote to do so, or you could, and I would suggest that you wait until the minutes are received from Planning and Zoning so you can see the rationale that they employed in making their recommendation. Then we can put it back on the agenda.

Alderman Finn stated, just so you know, the 8-24 referrals are not on our agenda tonight so we cannot take any action to override the 8-24 referrals. The only thing on our agenda is to request an appraisal on the property at 279 Soundview Avenue, so that would be the only decision we could make pertaining to that property.

Alderman Anglace asked Corporation Counsel Welch if that is so.

Alderman Finn stated, under FOI it should have been on the agenda, or added onto the agenda at the beginning of the meeting, or part of the meeting prior to tonight.

Alderman Anglace stated, the agenda says, specifically, under Sale of City Property, under A. Portion of 279 Soundview Avenue, and the suggested motion is to MOVE to request a confidential appraisal on the property. Now, you can't move to request a confidential appraisal of the property if, it also says here at the top, it says, "If the 8-24 referrals from Planning and Zoning are favorable," then you go on to these other steps. This one was unfavorable. Any that are unfavorable, you can't move to go for an appraisal of the property. You can't take that step.

My recommendation anyway, I want to debate the issue in that I think we should wait, and I'm saying the same thing Alderman Finn is but we're saying it in different ways, I think we should wait and get the minutes, see what the discussion was because we weren't there, and then you'll be better informed and we can come back to this. That's what I would do.

Alderman Finn stated so there should be no action on 279 Soundview.

Alderman Anglace stated, and the same with 58 Perry Hill Road, which also received an unfavorable 8-24. The other two, C and D, received a favorable 8-24, so we can act on them if you wish. Or, if you would like you can hold that off until we can move on the other two - we can wait and move them all at once. Do you want to go out independently, one by one, for appraisals, or do you want to get them all together and then go at one time?

Alderman Finn stated, there's no sense in holding up the two projects that are in front of Planning and Zoning, or even the developers. They have the right to know what we're going to do instead of holding them up another month. I see no reason why we can't as a Board go out and get the appraisals on Access Road and Middle Avenue. That is on our agenda tonight, so we can take action on those two.

Alderman Papa stated, I concur with Alderman Finn that we should go out and try to get appraisals for the properties of Access Road and Middle Avenue, just to get that ball rolling.

Alderman McPherson asked, do we know how long it takes to get an appraisal?

Corporation Counsel Welch replied, you should be able to get an appraisal back within 30 days. If you ordered an appraisal now you should have it back before your next meeting.

B. 58 PERRY HILL ROAD

Alderman

MOVED to request a confidential appraisal on the property; SECONDED by Alderman A voice vote was taken and the MOTION PASSED

C. ACCESS ROAD

D. MIDDLE AVENUE

Alderman Finn MOVED to request a confidential appraisal on the Access Road and Middle Avenue properties; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

E. 470 HOWE AVENUE - Reconsideration

Alderman Olin MOVED to rescind the action taken at the July 9, 2009 Regular Meeting under agenda item 8.1b; and further,

MOVED to request an 8-24 referral from Planning and Zoning; SECONDED by Alderman Papa.

Alderman Finn stated, it looks like somebody's changed everybody's minds that we're moving on now to try to sell a historic building in downtown Shelton.

A show of hands vote was taken and the MOTION PASSED 5 Yes, 3 No.

In favor: Farrell, McPherson, Papa, Anglace, Olin

Opposed: Simonetti, Kudej, Finn

Note: 8-24 referral requests were sent to Planning and Zoning and are scheduled for a vote at the August 11th P&Z Meeting.

9 FINANCIAL BUSINESS NEW

9.1 WAIVER OF BIDS – SHS FIRE REHABILITATION INVOICES

Alderman Papa MOVED to waive the bids for payment of bills approved by the Shelton High School Fire Rehabilitation Building Committee at their June 22nd and July 27th, 2009 meetings for the replacement of materials at Shelton High School for the emergency cleanup project as recommended by the Purchasing Agent; SECONDED by Alderman Simonetti.

Alderman Anglace stated, this is the third time that we've done this, and this total amount was \$31,461.10.

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

Note: Minutes/motions for Shelton High School Fire Rehabilitation Committee can be found online. Copies of invoices are on file with the minutes in the Town Clerk's office or the Board of Aldermen office.

9.2 BUILDING BOARD OF APPEALS COMMITTEE START-UP FUNDS

Alderman Papa MOVED to appropriate \$1,000 to the Building Board of Appeals 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 Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

9.3 FUNDING FOR AIR COMPRESSOR SYSTEM FOR STATION 5 (WHITE HILLS)

Alderman Papa MOVED to appropriate a sum of \$51,359 for the purchase and installation of a new air compressor system for Station 5 (White Hills) with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter. SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

9.4 SHELTON RIVERWALK EXTENSION – CONTRACT AMENDMENT

Alderman Papa MOVED to approve the contract amendment between the City of Shelton and Rotondo Engineering, LLC for Schedule B Scope of Services Shelton Riverwalk Phase 2 as revised April 24, 2009 and appropriate a sum of \$204,809.53 with funds to come from the following accounts: \$163,847.62 from General Funds Surplus (which sum will be reimbursed by CT DOT) and \$40,961.91 to be provided by bonding, pursuant to Section 7.16 of the City Charter; and further,

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

9.5 PERRY HILL SCHOOL CHANGE ORDERS

Alderman Papa MOVED, per the recommendation of the Perry Hill School Building Committee, to approve Change Order PCO-77 Riser Drawings in the amount of \$118,302.36 and Change Order PCO 61 – Footing Drain 2nd Option in the amount of \$88,120.02 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 Finn stated, we only received this tonight and it's about 25 pages of change orders. I had the opportunity prior to the meeting as well as some of the other Aldermen to go through it. I noticed this committee voted on it on July 21, 2009. Today is August 13th and we get it dumped in front of us two minutes before the meeting. There has got to be some way of getting this information prior to our deadline.

Alderman Anglace stated, the Chairman of the Committee, Sean Sullivan, is here and I'd like to ask him to come up to the microphone. Sean Sullivan works in New York City and puts in countless hours on this committee along with members John Fitzgerald who is in the audience as well. Sean and I met two or three times to try and address the issues that Alderman Finn just brought up. There's a lot going on and we have to promote a better understanding between the committee and the Board of Aldermen because the Mayor is on top of this, but we're not. We get the information, we have to read it. We met to talk about better ways to communicate. Sean, please take a minute and help us out, tell the Board what we've done and how we intend to work together.

Mr. Sullivan explained, specific to these items, the Committee approved these items on the 21st of July, that was after weeks and months of discussion negotiating the price and trying to get the best solution for the City for these two items. When the Committee approved it, we did not know it would need Aldermanic approval. We have to come up with a better method that whenever we're approving something, that we share that information with the Committee. When I talked to Alderman Anglace about was to come up with a monthly status report that will talk about all the highlights from the project and

things that are coming. We also have some detailed documents from our General Contractor to talk about the pending change orders. I'd like to share that with you too so you have a little visibility. The problem with many change orders is that many of them get denied by the architect, many get reduced over time, so we don't want to alarm you. It's a \$42 million project and there are a lot of things going on. Unfortunately, it feels like we're rushing to bring these things to your attention but in actuality we've been spending a lot of time. If you read the minutes from our meetings you'll know we spent hours and hours two Tuesdays a month. We're at the Board of Education trying to make the right decisions for the project. I apologize for the lack of information but I just found out that the change orders weren't being signed last Friday, and that's when I sent some communications to Mr. Anglace to try and see if we can get these done.

Alderman Finn stated, the change orders in front of us that you approved on July 21st. The change orders from the contractor are also dated July 21st. Have any of these change orders already been addressed?

Mr. Sullivan replied no, the contractor will not start the work until it's signed by the Mayor.

Alderman Finn stated, so actually this whole project has been held up for a month as far as these change orders are concerned.

Mr. Sullivan stated, we expect that there has to be a process that has to be followed. The contractor started looking for them. I said the Aldermen are going to take action, hopefully tonight, and they know working with the City they sometimes have to wait for these things. We try to foresee problems as soon as we can so we can get into a cycle and not have to come and need special attention or action, but sometimes it just doesn't happen.

Alderman Finn stated, is this something to be worked out in the future so we can speed up the process and get your change orders here in front of us for approval?

Mr. Sullivan stated, the only problem is that tomorrow we could get another one and then we'll be stuck for a month waiting for the Board to meet again. I spoke to President Anglace about the opportunity for special meetings and those kinds of things. We know that the Aldermen are trying to work with the Committee. We have to do a better job communicating – I totally agree.

Alderman Simonetti stated, as chairman of Shelton High School Building Renovation Committee I understand what you're going through. I applaud your efforts knowing that you're traveling so much and getting to these meetings, and also to John Fitzgerald, because you both sit on my committee also. I appreciate that you're going to make a better effort to do this. I applaud your committee and appreciate your coming down here tonight to speak to us after a long day in the City.

Alderman Papa asked, does the Mayor sit in with your committee?

Mr. Sullivan replied, no.

Alderman Papa stated, but you discuss with the Mayor what's going on most of the time?

Mr. Sullivan stated, I send him e-mails and specifically on this item, I copied him on the e-mails I sent to the Aldermen.

Alderman Papa stated, we set up a building committee and like Alderman Simonetti said, things do pop up where you'll have to wait 30 days to get approval for something like this. That is why we have a building committee, to expedite and get it going.

Alderman Anglace stated, an issue pops up. My coffee cup is only half-full. Lo and behold, we have to fill that coffee cup all the way or this school doesn't go forward, we can't go beyond this step, okay? Now, here's the problem. Now you find out, there's

something wrong in there, it's a legal matter. Now we have to drag counsel in. Now, you never get quick answers, they have to investigate; they have to look into it. So things don't come forward. They have to hold up until they get ready to go forward. When they get ready and have all the legal blessing, that's when we get it. Then we say, lo and behold, this thing was approved July 27th and we just got it last night. That's what I said to Sean when I met with him. I said that is what you guys were saying at last months meeting when we talked about change orders. He is well aware of that and so is his committee. These are the difficulties you run into. They can't come forward until they get all the things worked out.

Alderman Anglace stated, we thank you for what you're doing. It's voluntary and it's appreciated. Thank you.

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

10. - LEGISLATIVE - NEW

10. 1 ITEMS TO PUBLIC HEARING

10.1 REQUEST FOR WATER MAIN EXTENSION – TREELAND ROAD, BROWNSON DRIVE AND MARK DRIVE

A PUBLIC HEARING IS SCHEDULED FOR AUGUST 25, 2009 AT SHELTON CITY HALL.

10.1 B. ANTI-BLIGHT ORDINANCE

A PUBLIC HEARING IS SCHEDULED FOR AUGUST 25, 2009 AT SHELTON CITY HALL.

Alderman Anglace stated, item 10.1.B is a public hearing scheduled for August 25th at Shelton City Hall on the Anti-Blight Ordinance. You all got the Anti-Blight Ordinance now and you can read it.

Corporation Counsel Welch stated, there was an issue raised at Public Health & Safety with regard to a new law that came effective October 1st having to do with foreclosed properties and anti-blight. I have prepared as a separate motion or separate ordinance that, it hasn't gotten to you yet, that you can take up in September. I indicated that I was going to make it part of the Anti-Blight Ordinance, but when you read it, it really doesn't, it's really a registration that is required of the banks on foreclosed properties. So that's why it's not part - I know at the meeting of Public Health & Safety - but it is not.

Alderman Papa stated, so in September we can vote on this Anti-Blight?

Corporation Counsel Welch replied, correct.

Alderman Papa stated, so we can get it before October 1st?

Corporation Counsel Welch stated, correct. But the other one is effective October 1st and can be taken up in September, you can adopt it in October and you're still fine.

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).
- (c) IT HAS BEEN CITED 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 THE 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 MAILING A NOTICE OF CITATION TO THE OWNER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF SUCH OWNER 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.

10.1C SALE OF CITY PROPERTY - PORTION OF 279 SOUNDVIEW AVENUE, 58 PERRY HILL ROAD, ACCESS ROAD AND MIDDLE AVENUE

A PUBLIC HEARING IS SCHEDULED FOR SEPTEMBER 22, 2009 AT SHELTON CITY HALL.

[Mayor Mark A. Lauretti arrives at this point and assumes the Chair. 8:05 p.m.]

10.2 STATE DOT AGREEMENT - 126-166 CONSTITUTION BOULEVARD SOUTH

Alderman Papa MOVED to adopt the following Resolution:

Be it resolved by the Board of Aldermen that Mark A. Lauretti, Mayor, be and hereby authorized to sign the agreement entitled: "Agreement between the State of Connecticut and the City of Shelton for the Construction, Inspection and Maintenance of Resurfacing of Constitution Boulevard South utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009 Public Law 111-5 (hereinafter "Act") and a

certification indicating the council adopts as its policy to support the nondiscrimination agreements and warranties required under the Connecticut General Statutes.

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

10.3 CHANGE ORDER NO. 4, BID NO. 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 & 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 Papa.

Mayor Lauretti asked that the Board take no action on this tonight. He stated, for the mere fact that I believe that by the end of the month this project will be in its final week and slated for completion. There are some extras that are coming from the Maguire Group as well as another that may come from Gherlone. I think that rather than do this piecemeal, we can take everything up all at the same time at another meeting.

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

10.4 REAPPOINTMENTS TO THE EMS COMMISSION

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

10.5 FOURTH AMENDMENT TO ANTENNA SITE LEASE

Alderman Anglace MOVED to approve the attached fourth Amendment to the Antenna Site Lease (Trumbull Tower) between Pinnacle Towers LLC and the City of Shelton; and further,

MOVED to authorize Mayor Mark. A. Lauretti to sign any and all necessary documents. SECONDED by Alderman Papa.

Corporation Counsel Welch stated, for the record, you approved this two months ago, this is just a correction to a clerical error as to the commencement date.

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

10.6 ACKNOWLEDGEMENT OF PARTNERSHIP BETWEEN THE CITY OF SHELTON AND THE DERBY-SHELTON ROTARY CLUB

Alderman Anglace MOVED to authorize Mayor Mark A. Lauretti to sign an agreement between the City of Shelton and the Derby-Shelton Rotary Club to acknowledge the partnership between the City of Shelton and the Derby-Shelton Rotary Club during the Shelton Day activities to be held on Sunday, October 4, 2009; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

10.7 CONNECTICUT JUSTICE ASSISTANCE GRANT (JAG) – POLICE DEPARTMENT

Alderman Anglace MOVED to adopt the following Resolution:

Be it hereby resolved by the Board of Aldermen that Mayor Mark A. Lauretti is hereby authorized to make, execute and approve on behalf of the City of Shelton, CT any and all

contracts and amendments pertaining to the CT JAG Program, and to execute and approve on behalf of this municipality other instruments as part of or incident to such contracts and amendments, effective until otherwise ordered by the Board of Aldermen.

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

11 EXECUTIVE SESSION

At approximately 8:10 p.m. Alderman Anglace MOVED to enter into Executive Session to discuss the following items:

- 11.1 City of Shelton v. Burritt
- 11.2 City of Shelton v. Legge
- 11.3 Shelton High School Boiler

and invited Mayor Lauretti and Corporation Counsel Welch to remain in the Auditorium; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

Return to Regular Session

At approximately 8:26 p.m., Alderman Simonetti MOVED to return to Regular Session; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 8-0.

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

MOTIONS FROM EXECUTIVE SESSION

11.1 CITY OF SHELTON V. BURRITT

No action.

11.2 CITY OF SHELTON V. LEGGE

No action.

11.3 SHELTON HIGH SCHOOL BOILER

Alderman Anglace MOVED to authorize the Shelton High School Building Renovation Committee and/or Corporation Counsel Welch to take any and all action necessary to ensure the proper operation of the boilers including making a claim against the performance bond.; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

ADJOURNMENT

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

The meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____ BY: _____

Mark A. Lauretti
Mayor, City of Shelton