



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

Call to Order / Pledge of Allegiance

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

Roll Call

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

Administration:

Corporation Counsel Tom Welch
Mayor Mark A. Lauretti

There was a quorum present.

Agenda Items

PUBLIC SESSION

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

ADD-ONS

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

- 5.1.5 Preventive Maintenance Services – Water Pollution Control Plant – Waiver of Bid and Approval of Invoices
- 9.3 True Blue for Potential Mold Abatement Services – Perry Hill School

SECONDED by Alderman Finn. 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 minutes of the Regular Meeting of November 12 and the Special Organizational Meeting of November 17, 2009; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

5.1 FINANCE COMMITTEE

5.1.1 DECEMBER STATUTORY REFUNDS

Alderman Kudej MOVED, per the recommendation of the Finance Committee, that the report of the Tax Collector relative to the refund of taxes for a total amount of \$3,975.04 be approved and that the Finance Director be directed to make payments in accordance with the certified list received from the Tax Collector with funds to come from the Statutory Refunds Account 001-0000-311.13.00. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

5.1.2 APPROPRIATION OF FUNDS FOR HYBRID FORD VEHICLES FOR CITY USE

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to authorize the purchase of two Ford Escape Hybrid vehicles from the State of Connecticut Department of Transportation with funding in the amount of \$60,613.50 to be provided by bonding, pursuant to Section 7.16 of the City Charter. SECONDED by Alderman Simonetti.

Alderman Anglace stated, for the record, we bought one of these hybrid vehicles earlier in the year. There is a \$9,000 grant per vehicle from the State that goes with this.

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

5.1.3 WAIVER OF BID FOR LIBRARY-RELATED ITEMS FOR CITY LIBRARIES

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to waive the bid process for purchases of library supplies, books, DVD's, audio books and other Connecticut Library Consortium pre-bid items; but excluding office supplies, office equipment, furniture, etc. provided the Connecticut Library Consortium continues to manage the association's bid process while retaining the option to utilize the City bid process if that is determined to be in the best interest of the City. SECONDED by Alderman Farrell.

Alderman Anglace stated, the point of the last phrase was to make sure the Library understood they had the option if they want to use the City bidding process versus the Connecticut Consortium, that they were free to do so.

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

5.1.4 WAIVER OF BID FOR PRINTING OF BALLOTS AND AUTHORIZATION OF OVER EXPENDITURE

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to waive the bidding process for the printing of ballots for the Registrar of Voters Office for November 3, 2009 election; and further,

MOVED to authorize the over-expenditure of the Printing and Advertising Account #001-500-413.30-07. SECONDED by Alderman Simonetti.

[Mayor Lauretti arrived at this point, 7:06 p.m.]

Alderman Papa stated, I want to make it known to everybody that this expenditure was caused because the Citizens United Party had an individual drop out of the election and we had to spend \$5,600 to reprint all of the ballots. I think that should be brought out so people know why we're spending that much money. Since the taxpayers have to pay for it I think we should be transparent and make sure people are aware of that.

Alderman Anglace stated, at the Finance Committee we talked about this and we reached the conclusion that nobody is happy about having to pay \$5,600 to have the ballots reprinted. This was money that was spent unnecessarily. I've made some recommendations to the Registrars and the City Clerk that I will forward to them on how to avoid this in the future, and what to ask for from the party chairman, so everybody checks and double-checks and understands that if a candidate does withdraw, there is no alternative, you have to reprint the ballots. This is the kind of money it costs.

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

5.1.5 PREVENTIVE MAINTENANCE SERVICES AT THE WPC PLANT WAIVER OF BID AND APPROVAL OF INVOICES

Alderman Kudej MOVED, per the recommendation of the Purchasing Agent, to waive the bids for preventive maintenance services performed by McVac Environmental Services, Inc. at the Water Pollution Control Plant and approve invoices from McVac Environmental Services totaling \$ 56,108.06; SECONDED by Alderman Simonetti.

Alderman Finn stated, I understand from the Finance Committee meeting that the services have already been performed by the contractor, and the bid process was not followed. Now they're just looking for a waiver of bid for \$56,000, am I correct?

Alderman Anglace explained, at the Finance Committee meeting when we discussed this, we did recognize that and pointed that out to the Supervisor, who was there at the Finance Committee meeting. We also took a position that we're not going to waive the bids, however the work was done, the work was done satisfactorily, the vendor is waiting for payment for six months. The only way to get him paid is to waive the bids and pay it.

Whatever action follows that in the way of disciplinary action is between the Administration and the employee. We made it known that he didn't follow the correct procedure.

Alderman Finn asked, will the WPCA take the necessary steps to go out to bid for any future maintenance services that might be required?

Mayor Lauretti stated, you'd probably want to ask them. They met last night; they're having a special meeting tomorrow.

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

Mayor Lauretti assumed the Chair at this point.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

No items.

5.3 STREET COMMITTEE

5.3.1 SIDEWALK REIMBURSEMENT REQUEST – 161 CORAM AVENUE

Alderman McPherson MOVED, per the recommendation of the Street Committee, to approve the sidewalk reimbursement of \$240 to Theresa Waldron-Yancoskie of 297 Long Hill Ave., per Ordinance no. 465 with funding to come from the Engineering Account #001-3600-713.80-43. SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

Alderman Anglace stated, I have a very short report. I want to congratulate Noreen McGorty on her election to the Board of Aldermen representing the Fourth Ward. Noreen has served the City as Chairman of the EMS Commission and brings a wealth of emergency services knowledge to the Board. As a mother of two young Shelton school children, she has a keen interest in school issues as well. She is well prepared to serve the citizens of Shelton and I welcome her on behalf of the entire Board.

[Applause]

6.0 LEGAL REPORT

6.1 CORPORATION COUNSEL BILLING

Alderman Anglace MOVED to authorize a total payment of \$1,201.70 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated December 3, 2009 with funds to come from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Kudej.

Alderman Anglace noted that the name of the firm is Welch, Teodosio, Stanek and Blake, LLC. For the record, it just recently changed.

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

6.2 ASSISTANT CORPORATION COUNSEL BILLING

Alderman Anglace MOVED to authorize a total payment of \$210 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated December 1, 2009 with funds to come from the Legal Fees Account # 001-1900-411.30-03; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

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

No items.

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

Alderman Anglace MOVED to rescind the action of Item 10.3 passed at the September 10, 2009 meeting; and further,

MOVED to accept from the State of Connecticut the property located at the corner of Platt Road and Bridgeport Avenue as set forth in the attached and authorize Mayor Mark A. Lauretti to sign all documents necessary to effectuate said agreement. SECONDED by Alderman Papa.

Alderman Finn stated, last month this was held up because there were questions about the drainage issue on the property nearby. Has the State of Connecticut come up with a resolution as far as the drainage issue?

Mayor Lauretti replied, no, they haven't. They don't want to take it up.

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

8 FINANCIAL BUSINESS OLD

8.1 470 HOWE AVENUE – SALE OF PROPERTY

Alderman Simonetti MOVED to request a confidential appraisal of 470 Howe Avenue; SECONDED by Alderman Kudej.

Alderman Finn stated, under Roberts Rules of Order which we are governed by, only the winning side can place the item back on the agenda for reconsideration. It is my understanding this was placed on the agenda by Alderman Anglace who was on the losing side. How did this end up being placed on the agenda tonight?

Mayor Laretti stated, I will defer to Corporation Counsel Welch.

Corporation Counsel Welch stated, I would have to research it, so I'd ask you to table so that I can do that research.

Alderman Anglace stated, what I found was that if it's at the same meeting, the motion has to be made by one of the people that voted against it. But if it's at a different meeting, that doesn't apply. But just for the record, I had Alderman Simonetti move it because he was one of the dissenters last time, so that clears that up.

Alderman Finn stated, yes, but Alderman Simonetti did not request it on the agenda. According to Robert's Rules of Order it's supposed to be placed on the agenda the next month following the vote that defeated, and that was back in September. It should have been back on the agenda in October.

Alderman Finn MOVED to TABLE per the recommendation of Counsel; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

8.2 279 SOUNDVIEW AVENUE – SALE OF CITY PROPERTY

Alderman Simonetti MOVED to override the August 12, 2009 unfavorable 8-24 referral from Planning & Zoning regarding the disposition of a portion of City property at 279 Soundview Avenue; and further,

MOVED that the Board of Aldermen take the next step to order a confidential appraisal of a portion of 279 Soundview Avenue. SECONDED by Alderman Papa.

Corporation Counsel Welch stated, this is the one that had a favorable 8-24 in September.

Alderman Anglace stated, it's necessary to override so that we eliminate all possible ambiguity. That's the only reason we're doing it.

Corporation Counsel Welch stated, understand, there's a favorable 8-24 on that.

Alderman Finn stated, the favorable 8-24 [inaudible]. That request did not come from the Board of Aldermen but rather from the Mayor.

Mayor Lauretti stated, no, it didn't come from the Mayor on the second one. It did not.

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

9 FINANCIAL BUSINESS NEW

9.1 *WAIVER OF BIDDING PROCESS FOR COOLING TOWER AT COMMUNITY CENTER*

Alderman Anglace MOVED, per the recommendation of the Purchasing Agent, to waive the bid process for the purchase of replacement parts from Baltimore Aircoil Co. for the Cooling Tower at the Community Center in the amount of \$10,149. SECONDED by Alderman Kudej.

Alderman Anglace noted that this is a sole source vendor.

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

9.2 *WAIVER OF BID PROCESS FOR NATURAL GAS*

Alderman Anglace stated, the Purchasing Agent called me. He said there is another company that also does bidding for gas. He would like to withdraw this original motion so that he can do an RFQ, find out which company he prefers, and then he come back to us to authorize the Mayor to sign whatever agreement they want to sign.

Mayor Lauretti stated, we're not looking to have an agreement authorized tonight. It's a waiver of bid, for what?

Alderman Anglace stated, if somebody is going out to bid, why do you need a waiver? They're going out to bid; they're doing it on our behalf.

Corporation Counsel Welch stated, you do need a waiver. The reason is that your Charter says that your Purchasing Agent has to let out to bid. So, if your Purchasing Agent is not going to let out to bid, you need a waiver of bids by our Charter.

Alderman Anglace stated, if we authorize the Purchasing Agent to secure a third party, just as we did a little while ago for the Library, and as we did for the electricity, what is wrong with that?

Corporation Counsel Welch stated, you're waiving bids.

Alderman Anglace stated, it's an authorization to have somebody do the bidding for us. Waiving bids, we're still going out to bid.

Corporation Counsel Welch explained, you're waiving the City of Shelton bid process through the Purchasing Agent. There are more of these coming up in terms of the government entities trying to have purchasing power through the more people that are participating, and some of these are actually similar to where you're bidding online. The Charter, in terms of trying to comply with the Charter, you'll see the Charter specifically says that the Purchasing Agent shall let out to bid. So he's not letting it out to bid. You have to address it in some manner.

Alderman Anglace stated, if you, as Counsel, recommend we waive the bids, we'll waive the bids.

Mayor Lauretti stated, yes, but when we purchased energy, electricity, the bidding was done through the Purchasing Agent in conjunction with the company that we hired.

Corporation Counsel Welch stated, the Charter specifically says, "The Purchasing Agent shall let out to bid all purchases which reasonably involve the expenditure of over \$5,000 or more by invitation of sealed bids, giving at least 10 days notice of the closing date for bids by publication in the newspaper locally. Within five days thereafter the bids are opened by the Purchasing Agent." So, you're waiving that process because they're not complying with that process.

Alderman Anglace asked, would it be appropriate if we just change the motion to leave the name of the company out so that he can do the RFQ, pick the company he wants to do it and then he can go do it? We don't have to put the name of the company that's going to do it.

Mayor Lauretti stated, technically, there is no action needed to be taken on this at all. The Purchasing Agent has more work to do.

Corporation Counsel Welch stated, to permit that and to purchase the item, we'll need a waiver of bids.

Alderman Anglace stated, judging by what you said, the motion should be phrased without the name of the company in it.

Alderman Anglace MOVED, per the recommendation of the Purchasing Agent, to waive the bid process for the purchase of natural gas and allow a third party to conduct the bidding process on behalf of the City to help secure gas for all City municipal locations; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

9.3 TRUE BLUE FOR POTENTIAL MOLD ABATEMENT SERVICES – Perry Hill School

Alderman Anglace stated, no action is required on this. This was put on for the Perry Hill School people. As it materialized, they were not ready.

10. - LEGISLATIVE - NEW

10.1 ITEMS TO PUBLIC HEARING

10.1.A AMENDMENTS TO ORDINANCE #845 – ANTI-BLIGHT ORDINANCE

A Public Hearing is scheduled for January 26, 2010 at Shelton City Hall.

10.2 REAPPOINTMENTS TO WATER POLLUTION CONTROL AUTHORITY

Alderman Anglace MOVED, per the recommendation of the Water Pollution Control Authority, to reappoint the following people to the Water Pollution Control Authority for a four-year term effective immediately.

Regis Dognin – R, of 342 Long Hill Avenue
Todd Dowty – R, of 129 East Village Road
Anthony Presutto – D, of 26 Dana Avenue
Stephen Morse – R, of 8 Willard Road

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

10.3 APPOINTMENT TO SHELTON HIGH SCHOOL RENOVATION BUILDING COMMITTEE

Alderman Anglace MOVED to appoint the following persons to the Shelton High School Renovation Building Committee, effective immediately.

John Belden – R, of 26 Birch Street
Russ Bonaccorso – D, of 5 Stendahl Drive
John Boyko – R, 30 Skyline Drive

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

10.4 APPOINTMENT TO THE PUBLIC IMPROVEMENT BUILDING COMMITTEE

Alderman Anglace MOVED to appoint Michael Robinson – U, of 9 Newport Avenue, to the Public Building Improvement Committee effective immediately; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

11 EXECUTIVE SESSION

At approximately 7:30 p.m. Alderman Papa MOVED to enter into Executive Session to discuss the following items:

- 11.1 McCullough – Workers Compensation
- 11.2 Mills – Workers Compensation

- 11.3 Caldwell – Workers Compensation **no action or discussion**
11.4 Casertano – Workers Compensation **no action or discussion**
11.5 Purchase of Property

and invited Mayor Laretti and Corporation Counsel Welch to remain in the Auditorium;
SECONDED by Alderman Kudej.

Corporation Counsel Welch stated, for the record, items 11.3 and 11.4 need no action or discussion so they will not be discussed in Executive Session.

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

Return to Regular Session

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

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

MOTIONS FROM EXECUTIVE SESSION

11.1 McCULLOUGH – WORKERS COMPENSATION

Alderman Anglace MOVED to approve the permanent partial disability rating as set forth in correspondence from Pam Archibald dated October 30, 2009; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

11.2 MILLS – WORKERS COMPENSATION

Alderman Anglace MOVED to approve the settlement in the workers compensation case of Todd Mills, subject to the presentation of a formal stipulation agreement; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 8-0.

11.3 CALDWELL – WORKERS COMPENSATION

No action.

11.4 CASERTANO – WORKERS COMPENSATION

No action.

11.5 PURCHASE OF PROPERTY

Alderman Anglace MOVED to approve the contract for the purchase of 74 Perry Avenue for Library purposes; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

ADJOURNMENT

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

The meeting adjourned at approximately 7:48 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____ BY: _____

Mark A. Lauretti
Mayor, City of Shelton