



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
FULL BOARD MEETING
THURSDAY, JULY 9, 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 Kenneth Olin - present
Alderman John P. Papa – present
Alderman Eric McPherson - present
Alderman Anthony Simonetti - present

Administration:

Assistant Corporation Counsel Ramon Sous

There was a quorum present.

Agenda Items

PUBLIC SESSION

Attorney Dominick Thomas, Cohen and Thomas, 315 Main Street, Derby

I represent a Shelton property owner and taxpayer, 714, LLC which owns the property known as the Crabtree property. There are some folders that I handed out and would like you to look at. There are some documents I'd like to put as part of the record. The reason I am here tonight is to ask a simple question. My client is at this point extremely confused as to what the Board of Aldermen intends on doing with Access Road. We would frankly like to know what is going on.

As you are aware, my client spent substantial sums to propose a development that would increase the tax base by a net amount of around \$100,000, and would have resolved to the tune of several hundreds of thousands of dollars, the problems with Access Road, the drainage and the utilities that are in there.

What I handed you is why we did what we did. The first packet is a large packet from 2007 into 2008 when this Board of Aldermen chose to close the intersection. You sent it to the City Engineer's office and a temporary drawing was done, that's the last document, and the matter was sent around. My client's predecessor in title was given a letter as were all the people and the intent was to close off, curb and grass over the intersection of Access Road and Nells Rock Road, which everybody agrees is a dangerous intersection.

The last thing on that packet is a note to the Mayor from the City Engineer saying that the DOT had approved it. What I have included in the packet, and of course there was an 8-24 to the Planning and Zoning, and what I included was an e-mail from Connecticut DOT to our engineer saying, "There's no permit, we are inclined to agree with it as a temporary measure." The fact of the matter is that everybody was waiting for what was going to happen to the Crabtree property for that person to spend an enormous amount of money to close Access Road and bring the property out to Bridgeport Avenue.

As a result of an opinion of the Corporation Counsel, we had to withdraw, or actually I refused to withdraw, the Planning and Zoning Commission voted to deny us without prejudice.

My client simply wants to know, what are you going to do? You sent a bunch of letters around, you asked what was going to happen to Access, you told us you were going to shut it, in a temporary fashion. Why a temporary fashion, because you couldn't find anybody at the State in their right mind that would agree to allow permanent development of that site with the split in the island as the only entrance to Bridgeport Avenue.

In fact, if it's your decision to keep Access Road the way it is, or to try to just close it off with a curb, if the State lets you do it, then we'll develop the property with the main entrance and exit on Nells Rock Road, which is our other frontage.

We submitted to you, we went to your Street Committee, you have the minutes where we went before Alderman Olin and Alderman Farrell and Mr. Mooney. We made an elaborate presentation. It wasn't whether you were going to close it, it was whether or not we were addressing all the issues - drainage, utilities - there are a lot of problems there. It was referred to the City Engineer's office by the two members. We've never heard from them.

So my question, on behalf of my client, is what are you going to do? You got this road as a result of a condemnation by the State and they deeded it to you for road purposes. I would have gladly sat down and negotiated, we never expected this for free, until I was told that the town was going to auction it off, which is ridiculous. You don't auction off non-zoneable pieces of property - you create spite strips. It would be appraised as assemblage to the adjacent property owner. That is what the State does. We would be paying for it.

Whether it was the City or the State, we would approach you and say, we'd like to negotiate a reasonable price, because we will be doing extensive improvements to the road bed, to the drainage, and everything. That's all we would be doing. But it is my belief that the State will take it back, because there's a reverter in the deed, it's for road purposes, and the State will get the money.

So, besides the question that I'm asking you, I'm asking something else. Sit down with us, sit down with the State and let's work something out. If you want Access Road to stay the way it is, tell us, and then we will develop it according to that way. We already have contingent plans to do it, although the State's not going to like it. Thank you very much for the opportunity to address you.

Joseph Knapik, 23 Stonewall Lane

I have three instances that I'd like the Board of Aldermen to consider, that is instances of minimal or non-delivery of City services.

I live on a street that is 2/10 of a mile long. Every year as the sun rises in the east, you can bet that the Street Department will plow up the curbs on that road. On that 2/10 of a mile road, we have four hits this year. Every morning around 7:15 there's a City utility truck that drives down the street. You would think that of their own volition the Street Department would see that this damage has been done and fix it, because the neighborhood looks like hell. But that's not the case. Citizens have to take an initiative to remedy this destruction done by the City that should be repaired by the City.

So, you have to go through various governmental levels to try to affect a solution to this problem. Level one is, you might call the Street Department. That's a hit or miss affair. They may or may not take care of your problem. Level two is, you can call your 4th Ward Aldermen, who don't return phone calls, to see if they can help and assist with this problem. That failing, you could appear before the Street Committee and discuss the problem, which I did Tuesday. They'll listen, and I'm not sure that anything positive really ever emerges, based on my observations the other night from the Street Committee because they relate to the middle management from the Street Department with hat in

hand, trying to get things done. There were 15 to 16 people at the Street Committee meeting Tuesday, and nothing positive was accomplished, so I don't know how reassured I might feel that this problem is going to be taken care of. The middle management from the Street Committee will appear, sit down at the table with back facing the citizens and taxpayers of Shelton who have problems. Nothing was resolved. You know, the President of the United States has a motto, "Yes, we can." The Street Committee implies a motto of, "No, we can't", because nothing happens.

The next level of government that a citizen has to access to try to get this damage repaired that the City has done – you contact the Mayor's Office, and you speak to the Mayoral Assistant. Well here there was one slight glimmer of hope. Sandy Nesteriak did try to help with the situation, did contact the Street Department, and they did send workers there to make a repair. But they did 50 percent of the work. We still have areas that are damaged. So hopefully the Board of Aldermen in its collective wisdom and energy can motivate this City department to do the job that they're paid to do.

My second concern is, it's summertime in the 4th Ward, it's July in the 4th Ward, and the streets haven't been swept yet. Unbelievable. Non-delivery of City services. The Street Department offers an excuse, "well, there's "x" number of miles of road in Shelton, we have only one street sweeper, we used to have two." Well, you used to have two; one's broken. Why don't you get it fixed? Why don't you buy a new one? Why don't you contract with a vendor to do the job that you're incapable of doing? "Well, you know." The money is there. If you look at the tax increases that have been had in Shelton from 2007 through 2009, even though it's zero percent this year, on a three-year average it averages out to six percent a year; two percent more than the rate of inflation, so you would think that the City would have the money to fix, buy, or vend a street sweeper to do the job that they're paid to do.

My third concern about non-delivery of City services, and I am rather fed up, involves the Shelton Police Department. It's been two years now that not a single arrest for the possession and discharge of illegal fireworks has been made in Shelton. The Fourth of July weekend was horrendous. You open up the windows in your house; the smell of gunpowder wafts through your home from east to west. You call the Police; they say, "Well, we'll send somebody out there." They send somebody out there and their records show that the Officer left at 20 minutes of 10. Twenty minutes beyond that, the concussive explosions are still going on. Shelton, if you just listen around the Fourth of July holiday, sounds like downtown Baghdad. But two years, there's been no enforcement, not a single individual has been arrested for possessing or discharging explosives in the City of Shelton.

So, these are all quality of life issues that need to be addressed. I'm sure you gentlemen and lady take care of the major issues in Shelton, but the cumulative effect of quality of life issues has a detrimental effect on the City. So I do wish you would take some action in these matters, because you seek elective office, you're elected to elective office presumably because you want to manage the City, and all I ask is that you please do so. Thank you.

MINUTES FOR APPROVAL

1. MINUTES FOR APPROVAL

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

Regular Meeting of June 11, 2009

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

5.1 FINANCE COMMITTEE

No items.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

No items.

5.3 STREET COMMITTEE

No items.

REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

None presented.

6.0 LEGAL REPORT

6.1 CORPORATION COUNSEL BILLING

Alderman Papa MOVED to authorize a total payment of \$3,420.20 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated July 2, 2009 with funds to come from the Legal Fees Account 001-1900-411.30-03; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

6.2 ASSISTANT CORPORATION COUNSEL BILLING

Alderman Papa MOVED to authorize a total payment of \$945 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated July 1, 2009 with funds to come from the Legal Fees account; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

6.3 COLES, BALDWIN & KAISER, LLC INVOICE

Alderman Papa MOVED to approve Coles, Baldwin & Kaiser, LLC Invoice #13833 dated May 20, 2009 in the amount of \$532 with funding to come from the Legal Services - Corporation Counsel Professional Services Account #001-1900-411.30-01; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 8-0.

6.4 SHEEHY & DILLON INVOICE

Alderman Papa MOVED to approve Sheehy & Dillon invoices dated October 22, 2008 in the amount of \$4,328.79 with funding to come from the Legal Services - Corporation Counsel Professional Services Account #001-1900-411.30-01; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

7 LEGISLATIVE - OLD

7.1 ITEMS FROM PUBLIC HEARING**7.1 A. PROPOSED DOG ORDINANCE**

Alderman Papa MOVED to adopt as proposed the amendment to Ordinance #761 Dog Ordinance as presented at the Public Hearing on Ordinances held on June 23, 2009; 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.

Alderman Anglace asked, does this rewriting of the ordinance incorporate the earlier leash law ordinance?

Alderman Papa replied, it is incorporated in this new ordinance. There is a line in there and it is considered the leash ordinance, it is part of this.

Alderman Anglace stated, the Public Health & Safety Committee should be recognized for the work they did on this, working with the public, who came out and rendered a lot of good comments, suggestions and direction. The ordinance seems to me to be where it should be, and does the things it's supposed to do.

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

BE IT ORDAINED BY THE BOARD OF ALDERMEN THAT:

A. Definitions:

Owner. Any person or other legal entity owning a dog or, in the case of a person under the age of 18, the person's parent or legal guardian.

Severe Injury. Any physical injury to a human being, **domestic pets & livestock** that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

B. (i) Nuisance. Any dog which has been declared vicious by the Animal Control Officer shall be deemed a nuisance and shall be regulated and controlled in accord with this ordinance. This ordinance shall apply to any dog that enters the territorial jurisdiction of the City of Shelton, regardless of the residence of the dog or its owner or keeper.

(ii) Determination of viciousness:

1. If the Animal Control Officer has reasonable cause to believe that a dog is vicious, the Animal Control Officer shall conduct an investigation into the conduct and propensities of the dog. The Animal Control Officer may consider, without limitation, provocation, the severity of the attack or injury to a person, domestic animal, **pets or livestock** previous aggressive history of the dog, observable behavior of the dog, the site and circumstances of the incident and statements from interested parties.

2. The Animal Control Officer shall declare a dog to be vicious only if any one of the following criteria is met.

- a. Any dog which has severely injured or killed a domestic animal, **pets, or livestock** while off its owner's or keeper's property.
- b. Any dog which inflicts severe injury in an attack upon a human being, another dog or domestic animal, **or livestock** without provocation on any public or private property.
- c. Any dog which has been used primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting and continues to exhibit signs of aggressiveness.

3. The Animal Control Officer shall not declare a dog to be vicious if any of the following criteria is met:

- a. If any injury or damage is sustained by a person who, at the

time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or such person was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

b. If any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, assaulting or invading the premises occupied by the owner or keeper of the dog.

c. If the dog was protecting or defending the premises occupied by the owner or keeper of the dog, or was protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

(iii) **Regulation and control of vicious dogs.** If the Animal Control Officer determines a dog to be vicious, the Animal Control Officer may issue any order concerning the restraint or disposition of such dog in order to protect the public health and safety of the inhabitants of the City.

(iv) **Decision and notice.**

1. If the Animal Control Officer determines a dog to be vicious, the Animal Control Officer shall notify the dog owner or keeper of any orders or special conditions for the regulation and control of the dog. Initial notification may be provided verbally. Within five days after declaring a dog vicious, the Animal Control Officer shall notify the dog owner or keeper, in writing, of the determination and of any orders of the Animal Control Officer regarding disposition of the dog. Such written notice shall be given either by certified mail, or by personal delivery through the Animal Control Officer or his/her delegate.
2. The Animal Control Officer shall immediately impound the dog until the orders, special restrictions or conditions are satisfied. The dog owner or keeper shall pay all costs of impoundment. In the event the owner or keeper of the dog refuses to surrender the dog for impoundment, the Animal Control Officer or a Police Officer may obtain a search warrant and seize the dog upon execution of the warrant.

(v) **Appeals.**

1. This ordinance shall not limit or exclude any enforcement powers or authority that the Animal Control Officer has under the Connecticut General Statutes. If any orders of the Animal Control Officer are issued and based upon a finding that a dog has bitten a human being, **domestic pets & livestock** then any appeal of such orders shall be taken pursuant to Connecticut General Statutes, Section 22-358, as the same may be amended from time to time.
2. If any orders of the Animal Control Officer are issued and based upon a finding of viciousness not involving a bite upon a human being, **domestic pets & livestock** then the determination and orders of the Animal Control Officer may be appealed to the Animal Control Board

(hereinafter referred to as the "BOARD") by the owner or keeper of the dog within fifteen days of receiving written notice of the determination and orders.

The determination and orders of the Animal Control Officer shall remain in effect pending the appeal. The BOARD shall convene a hearing for the purpose of determining, de novo, whether the dog in question should be declared vicious.

The BOARD shall notify the owner or keeper of the dog by certified mail, or by personal delivery through the Animal Control Officer or his/her delegate that a hearing will be held, at which time the owner or keeper may have the opportunity to present evidence as to why the dog should not be declared vicious. The hearing shall be held promptly, within no fewer than five nor more than ten days, excluding holidays, after service of notice upon owner or keeper of the dog.

The BOARD shall conduct the hearing in the order and form and with such methods of proof as the BOARD deems fair and appropriate. The hearing shall be open to the public. The BOARD shall consider the factors set forth in Subsection B, Determination of Viciousness. If the BOARD determines the dog to be vicious, the BOARD may issue, affirm or modify any orders of the Animal Control Officer.

3. Within five days after declaring a dog vicious, the BOARD shall notify the dog owner or keeper, in writing, of the determination and of any orders regarding disposition of the dog, or the special restrictions and conditions for keeping the dog. Such written notice shall be through certified mail or by personal delivery through the BOARD or his/her delegate.

4. The BOARD shall consist of a licensed veterinarian, the Chief of Police **or his/her delegate** and a person trained and experienced in dog behavior and temperament evaluation.

5. Appointments to the BOARD shall be made by the Mayor and approved by the Board of Aldermen.

(vi) **Violations and penalties**. Any person violating any order of the Animal Control Officer relating to any vicious dog shall be fined \$250.00 for each offense, and, in addition, the Animal Control Officer may immediately impound the vicious dog and each day that said person remains in violation shall be a separate violation. The impounded dog shall not be released until the dog owner or keeper complies with all orders of the Animal Control Officer **or the Board**. The dog owner or keeper shall pay all costs of impoundment. The penalties set forth herein shall not be in lieu of or limit the authority of the Animal Control Officer to take other action authorized by the State of Connecticut.

(vii) **Exceptions**. The provisions of this ordinance shall not apply to dogs utilized by law enforcement officers in the performance of their duties.

C. Annoyance by Dogs on Highways.

In addition to the penalties described in Connecticut General Statutes Section 22-362, any person owning or having the custody of any dog which habitually goes out on any highway and growls, bites, or snaps at, or otherwise annoys, any person or domestic animal lawfully using such highway or chases or interferes with any

motor vehicle so using such highway shall be fines two hundred and fifty (\$250.00) dollars for each violation, with each incident constituting a separate violation.

D. Disturbance.

In addition to the penalties described in Connecticut General Statutes Section 22-363, no person shall own or harbor a dog or dogs which is or are a nuisance by reason of excessive barking, or other disturbance, or, by such barking or other disturbance, is or are a source of annoyance to any sick person residing in the immediate vicinity. Any person who violates any provision of this section shall be fined two hundred and fifty (\$250.00) dollars for each violation with each incident constituting a separate violation.

E. Dogs Roaming at Large.

In addition to the penalties described in Connecticut General Statutes Section 22-364, no owner or keeper of any dog shall allow such dog to roam at large upon the land of another and not "under the control of" the owner or keeper or the agent of the owner or keeper, nor allow such dog to roam at large on any public highway" and "not under the control of such owner or keeper or his agent, provided nothing in this subsection shall be construed to limit or prohibit the use of hunting dogs during the open hunting or training season. The unauthorized presence of any dog on the land of any person other than the owner or keeper of such dog or on any portion of a public highway when such dog is not "under the control of such owner or keeper, shall be prima facie evidence of a violation of the provisions of this subsection." "Under the control of" as used above require the use of a leash". Violation of any provision of this subsection shall result in a fine of two hundred and fifty (\$250.00) dollars for each violation with each incident constituting a separate violation.

In addition to the foregoing monetary penalties, the City may pursue a court order for injunctive relief and request of the court, inter alia, an order concerning the restraint or disposal of such dog or dogs as may be deemed necessary.

7.1 B. STIPENDS FOR EMERGENCY MANAGEMENT PERSONNEL

Alderman Papa MOVED to adopt as proposed the Stipends for Emergency Personnel as presented at the Public Hearing on Ordinances held on June 23, 2009; and further,

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

Be it ordained by the Board of Aldermen that the Annual Stipend Salaries for Emergency Management Personnel for the Fiscal Year 2009-10 shall be as follows:

EMERGENCY MANAGEMENT DIRECTOR	\$15,000
EMERGENCY MANAGEMENT DEPUTY DIRECTOR(S)	\$ 7,500

Further, be it ordained that these salaries will be paid at the end of the semi-annual period (December 31, 2009 & June 30, 2010) provided the appointee remains in the position on those dates.

Alderman Finn MOVED TO AMEND THE MOTION to change the stipend for the OEM Director to \$5,000 and the Deputy Directors to \$1,000;

There was NO SECOND to the MOTION.

Alderman Finn stated, I did some research on the OEM Director's salary information from the Connecticut Conference of Municipalities. They provided me with the salary surveys for communities of the same size of the City of Shelton for 2008 and 2009. Groton was \$80,000 – that's a full-time position. Wilton is \$69,000 – that's full-time. Vernon is part-time, that's \$12,902. Norwich is \$26,000 full time. East Hartford is \$50,000 full time. Stratford is \$74,000 full time. Southbury is \$1,920. Naugatuck is \$5,000. Bristol is \$5,916. Manchester is \$23,499. It seems that we're going to have the largest salary for a part-time position in the State of Connecticut as far as communities our size.

Alderman Papa stated, this is different than what Emergency Management used to be. This is part of Homeland Security. The State of Connecticut is going to pay half of the salary. I think this is going to be more involved than it has been in the past. I would go along with the amounts we have in front of us today.

Alderman McPherson stated, this has quite a history to it. I sat on the Board in the 90s when the Public Health & Safety Committee at the time that I chaired, Emergency Management was nothing at the time. We put this together, and who ever thought there would be a 9/11/01. Everything post 9/11 calls for these kinds of measures, these kinds of agencies, hand-in-hand with all of the City's emergency agencies. This really brings Emergency Management up to where it should be in this day and age. A lot of work went into when we created Emergency Management, I think it was '95 or '96 when the late Alderman Chaffee was involved in it, and Alderman Finn had a lot of involvement with it. It's first budget was \$5,000 – and I was all but dancing in the street over that, because it was a significant change from when it was Civil Preparedness. To be able to get the City on the list to get federal and state surplus equipment was something. To see where we've come since, people should really look at the history. This is something that is extremely important, especially post-9/11. There are all kinds of scenarios out there that could happen, and it could happen in any town. A lot of people don't realize, hey, this is Shelton, we're 40,000 people and it's not going to happen in my back yard. But, never say never; we need to be prepared. I think this really goes a long way. The workload for the Director and Assistant Directors; there will be a lot of training, seminars, putting plans into effect. If we even have an exercise – let's look back recently to when we had to have an evacuation of Pine Rock Park due to the methane. We had to have a full plan of action. We had to evacuate an area, people had to be removed from their homes. I support it and I really think it's something that is overdue.

Alderman Finn stated, as Eric pointed out, him, myself and former Alderman Chaffee did get the former Emergency Management up and running in the 90s. Yes, things have changed. Former Director Mr. Tallberg as well as former Director Bill Scollin operated this department at no cost to the City as far as salaries. There is no documentation that they received any monies, even though it's been rumored by individuals that they skimmed money from here or there, and those individuals are sitting here tonight.

Alderman Papa asked, will you state that again?

Alderman Finn reiterated, it was indicated in rumors around the City that the two individuals I just made mention, even though they were not paid, they were somehow still receiving salaries. When asked if the individual had any documentation proving that, the individual said no, I have no documentation to prove that. So as far as I'm concerned, both Mr. Scollin and Mr. Tallberg received no salaries for this position the whole time that they were there, and they operated the department to the best of their ability and took the training that they did receive. If they can do it for nothing, I don't see why we're going to put more hours into the office, we can't do it for less from \$5,000 to \$1,000. We have to remember these are hard economic times and a lot of the residents in the City of Shelton are losing their jobs and having trouble meeting their bills and we're creating two new paid positions.

Alderman Anglace stated, regardless of what has taken place in the past, we're under a new set of circumstances – a new Homeland Security law which requires local, regional, state and national disaster planning.

I, too saw the CCM survey which was taken prior to the new law and also has differences in the definitions of what's required in the office. I didn't place quite as much credibility in that survey, however I did look at it. We've got new demands for emergency planning, coordination, completion and compliance. The demands of the position are much greater than we've ever had. They are going to hold our feet to the fire for results required with completion dates, reviews of those plans, approvals of those plans at many levels. That first starts right here locally where this position of emergency management, director and staff, will be on the same level with others in our emergency response team - Fire Chief, Police Chief, City Engineer and others. I think we're looking at a different thing. I think the State government has placed such importance on this and given it a new direction, that they're willing to pay half of whatever we pay. They're not telling us what we can pay, they're saying whatever you want to pay, we'll pay half.

So with the requirements of the job, I think their salaries are reasonable and the results are going to be forthcoming. We've already received some money, I can't remember what for, as a result of their planning efforts so far, from the State. I think it had to do with Fire Department - I can't remember. We did already receive, because of the emergency planning, we did receive other money for other emergency services from the State. We're going to get back more than we put into this thing - much more. And we're going to be able to say at the end of the day that we are ready. We will accept nothing less. We have to be ready. It's going to be a stipend job with results.

Alderman Finn stated, just for the public record, I'd like to let it be known that I'm not in opposition to Emergency Management whatsoever as I indicated in the 1990s, Eric, myself and Dick Chaffee, we got it up and running. What I'm opposed to is the salaries.

Alderman McPherson stated, I understand and realize that times are tough. When we created emergency management in the 90s it was intended to take the lead, you know, working with our other emergency services. It was intended to take the lead during times of crisis and emergency. We started with nothing then and we've made considerable progress. Yes, there is a lot more work to do, especially now meeting the mandates that the federal and state government are going to impose in this area. There is going to be a lot of work involved. That is why I'm supportive of what the wages are, the salaries that are going to be paid. There is going to be a lot of work and we have the people willing to step up and do that. It's different now than it was then.

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

7.1 C. ADMINISTRATIVE ASSISTANT ORDINANCE

Alderman Papa MOVED to adopt the attached amendment to Ordinance #582 which upgrades the starting salary for this position, provides for annual salary reviews and codifies the benefits for the position; SECONDED by Alderman Simonetti.

ORDINANCE
CITY OF SHELTON

AMENDMENT - ORDINANCE PERTAINING TO THE ADMINISTRATIVE ASSISTANT SALARY & BENEFITS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON:

That the current ordinance #582 entitled "Ordinance Pertaining to the Administrative Assistant Salary" be amended from its current pay class to reflect the following limits of advancement which are ...

0 to 1 YEAR OF SERVICE - NOT TO EXCEED \$75,000 ANNUALLY

Each succeeding year the salary may be increased by a percentage of the preceding year's salary NOT TO EXCEED 7%.

Further, the position of Administrative Assistant will receive employment benefits as provided to Merit System Employees.

All other ordinances inconsistent with the above provisions are hereby repealed.

Alderman Finn stated, at the public hearing, Alderman Anglace stated he wanted us to do a study on the salary for this position. He gave dialogue and history into the position. I opposed it and recommended that this go back to the Finance Committee for further study. What we have in front of us tonight is the amendment; it's not what was in front of us at the public hearing. I don't know where this came from. I was hoping this would have gone to Finance Committee for review as indicated at the public hearing, instead of voting on it tonight. If you're going to pass it, I would strongly urge this not go into effect until after the November election.

Alderman Papa stated, the reason we're trying to expedite this is because the Administrative Assistant is retiring in July. We think it's imperative to look for somebody to replace that position. If you're going to start them off at \$35,000 to have somebody leave a job or maybe go to work for \$35,000 for a couple of months, because who knows what's going to happen in November, I think it behooves us to go along with this proposed ordinance and start them off at \$75,000 – try to get somebody that's qualified.

Alderman Finn stated, that's my point, who are you going to get to leave their job and take this position for \$35,000 for the year not knowing if they're going to return in November? If you want to go out and appoint the person, it is a political appointment by the Mayor; but appoint them at current salary Mrs. Nesteriak is receiving.

Alderman Anglace stated, I find it interesting – the suggestion made by Alderman Finn. The situation that we're in is that we do have the resignation from the current Administrative Assistant who is leaving the City. Originally what we did was, I put in an ordinance completely different than this one to set up a procedure to arrive at a salary for the position. Then it was suggested by Alderman Papa that it would be much simpler to amend the original ordinance which was adopted by the previous administration back in 1990. The \$35,000 starting salary is a 1990 figure. The suggestion Alderman Finn is making is that the new salary, if we upgrade and adopt a new salary, that it not be effective until the next term.

Meanwhile, we're faced with the problem of hiring somebody at \$35,000 from now until November. As Alderman Papa says, who is going to give up their job to come and work for the City of Shelton for \$35,000 from now until November with no commitment beyond that. This is an appointed position, a political appointment. It's set up that way in the Charter – that's the way it's intended. I would ask Counsel if he knows of any restrictions in the law that would prohibit us from implementing a revised salary prior to the next term.

Assistant Corporation Counsel Sous stated, I haven't researched it, I don't know of anything off hand that would disallow this. You have an ordinance in place with \$35,000 a year so I don't think you could take Alderman Finn's suggestion and just bring somebody in and give them the same salary that the current Administrative Assistant is making, because if the ordinance set forth now says that the person starts at \$35,000 a year, you couldn't just summarily push it up to \$75,000. I think you have to come up with some plan of action to be able to allow a person to be able to receive the \$75,000. I don't see anything that I know of that would disallow this ordinance from being passed.

Alderman Anglace stated, the ordinance does three things. One, it amends the original starting salary from 0 to 1 year not to exceed \$35,000 and amends it using the same language, not to exceed \$75,000. You could hire somebody at less than \$75,000. The second thing it does, it provides for annual increases for the position not to exceed 7% annually. That was set back in 1990, no change to that. The third thing it does, which is a change, is it codifies something that is necessary to codify. It codifies the benefits for the position stating that the Administrative Assistant will receive employment

benefits as provided for Merit System employees. Then that clearly is the authority under which the Administrative Assistant is entitled to and receives benefits through the City. Up to this point, it hasn't been codified, so that's a change.

I just think we're faced with a dilemma that we've got to make a change, and you don't necessarily, nobody is suggesting that when you bring in a new person before November, that you pay them \$75,000. Not to exceed \$75,000, but you can pay them less than \$75,000 and that depends on the abilities of the individual and the negotiations that are conducted with the hiring authority.

Alderman Finn stated, then there's no problem leaving the ordinance as is and have the new ordinance take effect after November.

Alderman Anglace stated, if we don't adopt this, then the only ordinance that's in effect allows us to bring somebody in at \$35,000. If you can find somebody for \$35,000. Now, the political other side of this question says, who cares? But the City of Shelton, the people of the City of Shelton say, we want somebody in that position. As was said during the public portion, the Administrative Assistant is somebody the people go to, to look for help and get help to resolve problems. It is a very critical position because the Board of Aldermen also work through the Administrative Assistant, who then works through each department head to get results.

Assistant Corporation Counsel Sous stated, Alderman Finn, I don't think that if you leave the ordinance in place with 0 to 1 year experience, you take somebody else in and they obviously, between the 0 and 1 year experience, you wouldn't be able to give them more than \$35,000. You had suggested giving the same amount of money as the current Administrative Assistant gets, you just can't do that without changing the ordinance. You can't just bring somebody in and give them \$75,000 a year.

Alderman Finn stated, the current ordinance indicates a starting salary of \$35,000. So it would be totally up to the Mayor as to what the salary could be set at.

Assistant Corporation Counsel Sous stated, no, not if you don't adopt a new ordinance. The ordinance says that it's not to exceed \$35,000. So if you bring in somebody new they couldn't get more than \$35,000. You had said bring them in at the same salary as the current Administrative Assistant. You couldn't do that without a change in the ordinance.

Alderman Finn stated, I follow you, that's why I say that \$35,000 should be the cap.

Assistant Corporation Counsel Sous stated, but that's not what she's getting at this moment.

Alderman Simonetti stated, the City of Shelton is a \$105 million corporation. The Administrative Assistant to the Mayor is a very important position. It would be more like a position of Vice President in a corporation. If you look at it from that point of view, the position is worth maybe \$150,000 a year to start, plus some very heavy benefits. This position is someone that we as Aldermen go to in order to solve problems. Sandy Nesteriak is a very talented woman and losing her is a great loss to the City at this point in time. She is very knowledgeable of the City, the personnel, the ordinances, the problems the City has and the fixes the City has to get things done. She has worked diligently to help the City through her 18 years in service. I thank her for that publicly at this point. The position very easily rates a salary increase of up to \$75,000 plus any Merit benefits to be gathered for the position. I agree with the ordinance and think it should go forward.

Alderman Finn stated, my comments, for the public record, it has nothing to do with the current person holding the position because they do a yeoman's job. This pertains to the ordinance in front of us.

Alderman Simonetti stated, I agree with Alderman Finn that she has done a wonderful job and the position as it goes forward has become even more important than it was when she started some 17 or 18 years ago. We do have to have someone there who is

qualified to do the job. The technology from then ‘til now is 1,000 different and it changes all the time. I think we’re going to see that person being even more of a pivotal person in getting things done and in working with the State, the Legislators and us as Aldermen to get things accomplished for the City and to bring people to the City.

Alderman Farrell stated, I think that it’s extremely important that we pass this ordinance now because we don’t want to leave a vacancy in that slot at the moment. Sandy Nesteriak is one of the most talented women dealing with the public that I’ve ever seen, and I certainly have dealt in many, many manners with the public in my former position and my position now. I find her to be exemplary. Now, we’re going to lose her but it’s an embarrassment to think that we could even find anybody that would do the job as competently without offering them some decent compensation for this position. I will miss her. Before I was ever an Alderman, I would call her many times, maybe 2-3 times a week. She would respond immediately and whatever I asked for was done. So I certainly hope that we respect this position enough to pass the ordinance now.

Alderman Kudej stated, this is a job that everybody knows takes a lot of talent, a lot of skills. We want to get the best possible person in that job that we possibly can. You’re not going to get it for menial wages – you’re going to have to pay good money to get good people. I think we ought to go along with the ordinance.

Alderman Anglace stated, if we adopt this ordinance tonight, it becomes effective upon signature of the Mayor, unless research indicates we can’t change the ordinance before November. It also, we would be hiring without loss of continuity in the job which, as you know, we don’t want to create a public void in that position. It allows greater salary latitude if we pass this versus if we don’t pass it, and it codifies the benefits which are not codified now. The position is only good, anybody appointed to this position is only good between the time of the appointment and the election. So somebody has got to put a lot on the line to take this position. I think we need as much latitude as we can to go ahead and try and hire somebody.

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

7.1 D. STIPENDS FOR FIRE DEPARTMENT PERSONNEL

Alderman Papa MOVED to adopt as proposed the Stipends for Fire Department Personnel as presented at the Public Hearing on Ordinances held on June 23, 2009.

Further, move 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 Finn.

Be it hereby ordained by the Board of Aldermen that Ordinance #826 – Stipends for Fire Department Personnel, adopted by the Board of Aldermen on May 10, 2007 and approved by the Mayor on May 16, 2007 is hereby rescinded and the following substituted:

Fire Chief stipend salary	\$15,000
Deputy Fire Chief stipend salary	10,000
Assistant Chiefs stipend salary each	7,500
Custodians (4) stipend salary each	4,000
Quartermaster stipend salary	5,000
Recruitment Officer stipend salary	5,000
Director of Training stipend salary	5,000
Training Assistants (4) stipend salary	1,000

Alderman Finn stated, I just want to point out for the public that the Fire Chief's salary is going to be \$15,000 and he has well over 250 firemen under his direction. In the Office of Emergency Management there are two people in his direction, same salary.

Alderman Simonetti stated, as we said at the former meeting when we discussed this, these salaries or stipends as they're called are woefully low compared to the amount of the training these men go through, and women. They conduct themselves as professionals at all times. They work in very difficult situations, even in the training programs they have a lot of work, a lot of paperwork to keep up with and training themselves. The number of hours they put in is astronomical. Although these are the stipends that were requested, we do owe these people a debt of gratitude every day for what they do and that they're standing by ready to help us, and I agree this should go through immediately.

Alderman Papa stated, when we had the ordinance, we asked the Fire Chief if he thought the salaries were acceptable. He said yes, for this year, and we will review them again next year. We did ask, and the Fire Chief said they were acceptable.

Alderman Anglace, did anyone check CCM to see if they have any survey data?

Alderman Finn replied, yes, they have those too and I'm sorry I didn't write it down. They do have Fire Chiefs' salaries of communities equal to the size of Shelton.

Alderman Anglace stated, first of all, the Fire Chief has said that he wants these – he is the one that recommended these. He's in full support of these. I think we ought to steer him in the direction of working with CCM to get their survey data so that when he reviews these for the next budget go-around he can propose them to us at that time and have greater data to support his recommendations.

Alderman Finn stated, I just wanted to point out the number of people underneath the Fire Chief for \$15,000 and the number underneath the OEM too. I know the Fire Chief was with us on July 4th down Birchbank when we had that car fire and the over head wires got so hot that the wires snapped and went into the fire truck. If it wasn't for the Chief the firemen on scene could have been injured.

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

7.2 AMENDMENT TO COMCAST LEASE

Alderman Papa MOVED to approve the amendment to the lease extension between the City of Shelton and Comcast for the building at 216 Huntington Street for the first of four additional five-year terms from July 1, 2010 through June 30, 2015 pursuant to the terms of the lease; said lease calls for a base rent of \$525 per month with increases of 5% per year; and further,

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

Alderman Anglace stated, what we are approving is one five-year term. It has stipulations in it where the lease can be terminated prior to that. It also allows us a five percent increase in the cost and I thought we had said the cost is going to be \$525 per month. That could increase by 5 percent per year in each of the years.

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

8 FINANCIAL BUSINESS OLD

8.1 SALE OF CITY PROPERTY

Alderman Anglace explained, there are five properties that are following the request Procedure to Sell City Property. Each of the properties has received so far the comments from Parks and Recreation, and Conservation Commission. The next

step in the process is for the Board of Aldermen to determine if we want to, after receiving those comments, continue to the next step which is to request an 8-24 referral on each of the properties for sale, or requested to be sold; and then after if we get that 8-24 back on each, then we hold a public hearing. This will give the public the opportunity to have comments from Parks & Rec, Conservation Commission and Planning and Zoning before the public comments on it. That is the procedure. Beyond that I'm not covering at this point.

Tonight we have to determine if we want to proceed in each case with the next step. There will be a separate motion in each case.

A. PORTION OF 279 SOUNDVIEW AVENUE

Alderman Papa MOVED to request an 8-24 referral from Planning and Zoning; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6 Yes, 2 No (Finn, Kudej).

B. 470 HOWE AVENUE

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

Alderman Simonetti stated, this is the property, if I'm correct, that has been requested by the Fire Department to become a station for them downtown, and a training area.

Alderman Anglace replied, that's correct.

A roll call vote was taken and the MOTION FAILED 3 Yes, 5 No.

IN FAVOR: Farrell, Papa, Anglace

OPPOSED: McPherson, Olin, Simonetti, Kudej, Finn

C. 58 PERRY HILL ROAD

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

A roll call vote was taken and Alderman Anglace declared the motion had failed 4 Yes, 4 No.

IN FAVOR: Farrell, McPherson, Simonetti, Anglace

OPPOSED: Olin, Kudej, Papa, Finn

Alderman Finn asked, in the absence of Mayor Lauretti, can Alderman Anglace according to Robert's Rules of Order, cast the deciding vote in a tie.

*[Later in the meeting – see Item 9.5] Assistant Corporation Counsel Sous reviewed the Charter and concurred. He stated, Alderman Finn was correct - Section 4.2 of the Charter says, *“The President of the Board shall preside at the meetings in the absence of the Mayor and shall serve as acting Mayor, or Mayor as provided in Section 3.4 of the Charter. The President shall retain his vote as a member of the Board, and in the absence of the Mayor may vote additionally to break a tie.”* So you have the right to vote additionally if you so choose, to break a tie.

Alderman Anglace cast a vote in the affirmative as a tie breaker, and declared the MOTION PASSED 5 Yes, 4 No.

IN FAVOR: Farrell, McPherson, Simonetti, Anglace, Anglace (tie breaker)

OPPOSED: Olin, Kudej, Papa, Finn

D. ACCESS ROAD

Alderman Papa MOVED to request an 8-24 referral from Planning and Zoning; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

E. MIDDLE AVENUE

Alderman Papa MOVED to request an 8-24 referral from Planning and Zoning; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 8-0.

9 FINANCIAL BUSINESS NEW

9.1 JULY STATUTORY REFUNDS

Alderman Papa that the report of the Tax Collector relative to the refund of taxes for a total amount of \$1,992.09 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 McPherson. A voice vote was taken and the MOTION PASSED 8-0.

9.2 FIRE ALARM UPGRADE AT PLUMB LIBRARY – LOCIP ELIGIBLE

Alderman Papa MOVED to add the upgrade of the fire alarm at the Plumb Library to the Capital Improvement Plan with funding in the amount of \$10,879 to come from LOCIP; SECONDED by Alderman Olin. A voice vote was taken and the MOTION PASSED 8-0.

9.3 FIRE ALARM UPGRADE AT SENIOR CENTER – LOCIP ELIGIBLE

Alderman Papa MOVED to add the upgrade of the fire alarm at the Senior Center to the Capital Improvement Plan with funding in the amount of \$2,462 to come from LOCIP; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

9.4 CHANGE ORDER FOR ARCHITECTURAL SERVICES FOR SHELTON HIGH SCHOOL

No action.

9.5 APPROPRIATION OF FUNDS FOR SCAG MOWER FOR PARKS & RECREATION

Alderman Papa MOVED to appropriate a sum of \$5,165 for the purchase of a SCAG Lawn Mower for the Parks & Recreation Department with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; SECONDED by Alderman Simonetti.

Alderman Finn asked, instead of bonding can it be taken from the Contingency General Account or the General Fund Surplus?

Alderman Anglace replied, the short answer to it is that our finance people inform us that if you have assets with a useful life of five years or more, the way to get them into the record system as City assets is to bond them. We would be bonding this from the Board of Aldermen approval which is 7.16 of the Charter which is five years. It will paid for in five years.

Alderman Finn stated, just for the public record I'd like it to be known that I am not in opposition to purchasing the lawn mower, I'm just in opposition to the funding.

Alderman Papa stated, they're not bonding just for the one item, they're bonding for other items as well. Highways & Bridges are purchasing some motors for three trucks and they're going to combine all of these purchases on a bonding resolution.

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

*[At this point the Board reverted back to item 8.1.C – Sale of City Property – 58 Perry Hill Road]

9.6 APPROPRIATION OF FUNDS FOR REPLACEMENT MOTORS FOR THREE TRUCKS FOR HIGHWAYS & BRIDGES

Alderman Papa MOVED to appropriate a sum of \$16,582.11 for the purchase of replacement motors for three trucks for Highways and Bridges with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

9.7 SUPPLY TRUCK FOR PARKS DEPARTMENT

Alderman Papa MOVED to appropriate a sum of \$25,987 for the purchase of a supply truck for Parks and Recreation with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; SECONDED by Alderman Simonetti.

Alderman Finn stated, the backup information we have indicates that it's going to be an old fire truck – a 1974 Ford Diesel and you're converting it to a roll-off container to move equipment. You can remove everything on it that shows it to be a piece of apparatus returning it to the condition between \$9,000 or \$25,000. Wouldn't it be better instead of taking something so old and go out and get something in newer condition so we don't have to maintain somebody else's headaches?

Alderman Anglace stated, it certainly would if you want to spend more money.

Alderman Finn stated, I'd say spend more money so the truck will be around a lot longer.

Alderman Anglace stated, that's the claim. Here we are taking a 1974 vehicle. Our past experience – we've done this with two or three other vehicles. Not the same conversion but we've converted others to Parks & Rec use and our experience has been excellent with them.

Alderman Papa stated, this was also recommended by the engineer at Highways and Bridges. I guess they checked it out and it's in pretty good shape except for items that need to be replaced.

Alderman Anglace asked, what would a new truck cost? \$25,000 is what it's going to cost to convert, and we're going to get at least 10 years out of it.

Alderman Finn stated, if that, it's a 1974.

Alderman Anglace stated, the year doesn't really matter. I drive a 1984 and 1989 and they're excellent, you just have to keep maintaining them.

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

10. - LEGISLATIVE - NEW

10.1 ITEMS TO PUBLIC HEARING

None presented.

10.2 REQUEST BY EPA TO ACCESS CITY PROPERTY

Alderman Papa MOVED to permit the United States Environmental Protection Agency (EPA) access to the Cel-Lastik property (the Site) at 93 Canal Street for EPA, its agents, contractors, and other authorized representatives to conduct a Targeted Brownfields Assessment; 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.

10.3 SUMMER EARN & LEARN EMPLOYMENT PROGRAM AGREEMENT

Alderman Papa MOVED to approve the agreement between the City of Shelton and The Workplace, Inc. (Southwestern Connecticut's Regional Workforce Development Board); and further,

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

10.4 DONATION OF TWO SURPLUS VEHICLES TO THE VALLEY RED CROSS

Alderman Papa MOVED to waive Section 2-b in Ordinance #747 and donate the surplus 1995 Ford Crown Victoria valued at \$2,150 and the surplus 1997 Crown Victoria with a value of \$2,890 to the Valley Red Cross; SECONDED by Alderman Kudej.

Alderman Anglace stated, Section 2.b in Ordinance 747 pertains to a waiver of procedure of disposal of City surplus equipment, having anticipated salvage value of less than \$5,000. It says after 15 working days either sell the equipment to the highest bidder with all monies received deposited in accordance with paragraph six above. So we're waiving that Section 2.b.

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

10.5 AGREEMENT BETWEEN CITY AND PBIRx (PHARMACY BENEFIT INTERMEDIARY)

Alderman Papa MOVED to approve the Pharmacy Services agreement between the City of Shelton and MaxorPlus LTD; and further,

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

Assistant Corporation Counsel Sous stated, with the addendum.

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

10.6 RESOLUTION FOR DERBY-SHELTON ROTARY CLUB TO ERECT A PAVILION AT THE RIVERWALK

Alderman Papa MOVED to adopt the following resolution; SECONDED by Alderman Simonetti.

BE IT HEREBY RESOLVED BY THE BOARD OF ALDERMEN, that

WHEREAS, the Derby –Shelton Rotary Club desires to erect a Pavilion at the Riverwalk and Veteran's Park to be called the Derby – Shelton Rotary Club Pavilion and

WHEREAS, the Derby-Shelton Rotary Club requests that the Pavilion be further recognized as a memoriam to the late Honorable Richard O. Belden, State Representative, and

WHEREAS, it is altogether fitting and proper that a memoriam be so designated at this site as Representative Belden played a critical role in assuring that the Riverwalk and Veteran's Park would remain a park and green space forever, and

WHEREAS, the Derby-Shelton Rotary Club would raise funds, follow all building and zoning regulations as they may apply, and turn over the structure to the City of Shelton for the betterment of all its residents upon completion,

NOW THEREFORE, the Board of Aldermen of the City of Shelton approves this worthwhile project of the Derby-Shelton Rotary Club in principal and wishes them every success as the project moves forward.

Alderman Papa stated, I would like to see the plans for the proposed pavilion. I'm in favor of it, but I want to see what it's going to look like, the materials, size, location,

Alderman Anglace stated, we can approve this subject to a review of the plans and a review by the City's agent, Jim Tate, who has worked with the City on all the Veteran's Park projects down there to make sure they all fit. He is currently reviewing the Civil War Monument proposal as well, and we expect to hear from him shortly on that. We would certainly like to see what they have in mind. We'd like to have Jim Tate look it over, make sure it fits, and as Alderman Papa said, make sure the materials are consistent with what we'd like to see. But it's in principle. This gives the Rotary Club the right and opportunity to go forward with the national organization and gain full approval. I do have to say it's a very worthwhile project.

Alderman Simonetti stated, I think it's very appropriate that it is honoring Richard O. Belden who was an asset to the City and is sorely missed every day.

Alderman Farrell added, especially in his endeavors for that area.

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

10.7 AMENDMENT TO RFP PROCESS – IDENTIFICATION OF PROFESSIONAL SERVICES

Alderman Papa MOVED to amend the list of professional services included in the Resolution entitled 'Request for Proposal Process' and adopted by the Board of Aldermen on June 11, 1998 and last amended February 14, 2008 to include Energy Management Services, pursuant to Section 7.14.3 of the City Charter; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

RESOLUTION REQUEST FOR PROPOSAL PROCESS

Adopted by the Board of Aldermen on June 11, 1998
Amended on June 8, 2000, Amended on February 14, 2008

The Request for Proposal (RFP) process has been used to satisfy the conditions set forth in Section 7.14 (b) 3 of the Charter which empowers the Board of Aldermen and the Board of Education to establish by resolution those services which are considered as professional and as to which bidding is not required. The Charter further empowers the Board of Aldermen and the Board of Education to establish such procedures by resolution as each deems reasonable to carry out the intent of the Charter.

While it has been the intent of the Board of Aldermen to meet these Charter requirements, the absence of a specific guiding resolution has caused the process to vary considerably.

The following proposal outlines a series of steps that attempt to codify and standardize the RFP process, identify responsibility for the various parts of the process and meet the intent of the Charter. Further, it attempts to incorporate the elements and principles already contained in the Charter's bidding procedure.

1. The Aldermen/Board of Education establish by resolution those services considered to be professional. This can be done by naming generic categories of professions such as auditors, architects, attorneys, etc. or by passing an individual resolution each time such service is required or by any combination of the two (2).
2. Services under \$10,000, as subsequently referred to herein, will be administered by the agency/board/commission/official utilizing the service. Such arrangement should be evidenced in writing.
3. For services over \$10,000, as hereinafter defined, the following procedure will be followed:
 - a) Specifications and selection criteria are developed for the RFP by the agency/board/commission/official utilizing the service and then reviewed and finalized by the Purchasing Agent. An information copy, when finalized, will be provided to the Mayor and Board of Aldermen.
 - b) The Purchasing Agent shall administer the RFP advertising/invitation for professionals and shall receive all proposals.
 - c) The RFP shall be opened publicly by the Purchasing Agent and the Finance Committee of the Board of A&T.
 - d) The Finance Committee of the Board of A&T shall request a review of the RFP from the agency/board/commission /official or sub-committee appointed by the utilizing body and a subsequent recommendation by the body in need of the service. If such recommendation is for other than the lowest priced proposer, where practicable, the reasons for the recommendation shall be stated in writing.
 - e) The Finance Committee of the Board of A&T shall award the RFP and the Purchasing Agent shall insure that an appropriate service contract is in place. In any case where the award is made to other than the lowest monetary proposer, a notice thereof and the reasons therefore shall be sent to the Mayor and to the Board of Aldermen.
- 4) The Board of Aldermen may waive the need for a formal RFP in any amount it deems necessary or desirable.
- 5) Any notice relating to an RFP shall contain language to effect that the City reserves the right to reject any, or part of any, RFP.
- 6.) If the RFP is for a continuing service for a fiscal year or a portion of a fiscal year and the total amount of such continuing service can reasonably be expected to be \$10,000, then the provisions of paragraph 3 apply. If the RFP is for a single item or a single service – such as a real estate appraisal – which stands by itself and the cost of such appraisal is expected to be \$10,000 or less, the provisions of paragraph 2 shall apply.
- 7) Nothing herein contained shall prevent the appropriate agency/board/commission from utilizing the services of a professional (for single separate items) during any fiscal year in a bona fide manner

even if a subsequent contract does exceed the total of \$10,000 in that fiscal year.

8) Nothing herein contained shall prevent the use of a "Request for Qualifications" in lieu of a "Request for Proposals" provided that the request and the proposal submitted shall contain a monetary provision and such other information which would form the basis of any contract entered into in such form as determined under the provisions of Paragraph 3 (a) of this resolution.

LIST OF PROFESSIONAL SERVICES

Approved At Board of Aldermen meeting of June 11, 1998
Amended December 14, 2000 and January 11, 2001 and January 11, 2007, Amended on February 14, 2008

Accountants
Appraisals
Architects
Auditors
Broker of Record for Insurance
Consultants
Drug Testing Services
Engineers
Energy Management Servicer *
Human Resource Consultants
Licensed Environmental Professionals
Municipal Software Providers
Physicians
Professional Labor Services
Real Estate Broker
Recruitment Testing
Surveyors
Title Insurance Companies
Title Services
Training Providers
Workers' Compensation Third Party Administrators

11 EXECUTIVE SESSION

At approximately 8:25 p.m. Alderman Papa MOVED to enter into Executive Session to discuss the following item:

11.1 Bango Workers Compensation

and invited Assistant Corporation Counsel Sous to remain in the Auditorium; SECONDED by Alderman McPherson A voice vote was taken and the MOTION PASSED 8-0.

Return to Regular Session

At approximately 8:41 p.m., Alderman Papa MOVED to return to Regular Session; SECONDED by Alderman Olin. 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

11.1 BANGO – WORKER'S COMPENSATION

Alderman Papa MOVED to approve the permanent partial disability rating for Richard Bango per the memo from Workers Compensation Trust dated 7/1/09; SECONDED by Alderman Simonetti. 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 8:43 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____ BY: _____

Mark A. Lauretti
Mayor, City of Shelton