



BOARD OF ALDERMEN  
SHELTON, CONNECTICUT  
FULL BOARD MEETING  
THURSDAY, OCTOBER 8, 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  
Mayor Mark A. Lauretti

There was a quorum present.

Agenda Items

**PUBLIC SESSION**

Tom Harbinson, 15 Soundcrest Drive

It's only fitting that you just pledged allegiance to the flag because what I have to say deals with the flag. I come before you with an issue that has been annoying me occasionally, but repetitively over several years, most recently this week, and I believe only you on the Board of Aldermen have the power to make it straight.

Though not the practice to have the Board of Aldermen interact – can I see a show of hands of how many on the Board have served our country in the military? Okay. This is especially for you.

My ride between home and work is five miles driven through Shelton, and one mile driven through Derby. In the course of this short journey, depending on my route, I see approximately a dozen flags flying at various locations, the bulk of them at municipal sites, and the majority obviously in Shelton.

A number of years ago, there was a bit of controversy over the flag at City Hall flying at half-mast because some interpreted it as conduct to honor Joe Pagliaro who had served on the Planning and Zoning Commission and had recently deceased. The fact was it was at half-mast for a month to honor a deceased President, Ronald Reagan. Since that local controversy, our country has been continually at war and there are multiple instances when our country's flag, or our state's flag, should be flown at half-mast. I have paid attention to and reflected upon that, but others - including the City - have not consistently given it the attention it deserves.

On Wednesday, a 32-year-old Army Captain from Hamden was buried in Morris Connecticut. He was killed in an ambush in Afghanistan just last Friday. Just one week ago. So you are aware, it is the custom of the Governor to issue an order that flags in Connecticut fly at half-mast when an active military individual from Connecticut is killed in duty in Iraq or Afghanistan. This was the case last week, but it was not followed.

Plumb Library had it's flag at half-mast, but Echo Hose Firehouse had it at full-mast. Shelton's downtown Post Office was half-mast, United Methodist Homes was full mast. You get the idea on the up-down willy-nilly attitude this is given across the landscape of our community. Yes, not every mention I made is a municipal location, but seeing the firehouse and the library in contrarian display not more than a quarter mile apart on the same street is jarring. I can tell you with 100 percent certainty from my observations that there is no uniform conduct in how all City locations fly the flag. It is up to you on the Board of Aldermen to ensure that such dishonor is discontinued.

The State of Connecticut website has on it's home page a clear graphic indicating flying status of both the State of Connecticut and the U.S. flags. It is easy to obtain the accurate and updated information daily. I understand that there are Board of Ed sites, Firehouse locations, government buildings and parks that all have flags, but hoisting the flag should not be simply regarded as a "chore for a custodian's morning rounds". It is a statement, a duty, and an honor. As such, it is the responsibility of the City of Shelton, especially the veterans sitting before me in your office, to ensure this disrespect is corrected, and a uniform process or communication is made to those who operate all City installations. Thank you.

Linda Horbal, 71 Long Hill Avenue

Actually I didn't have anything to say. I just have a couple of questions. Is that possible?

Alderman Anglace stated, we don't answer questions, ma'am. We listen to what you have to say.

Ms. Horbal stated, you don't answer questions. Okay.

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

#### **ADD-ONS**

Alderman Papa MOVED to add to the agenda as Item 9.8 – Appropriation of Funds – Command-type Vehicles for the Fire Department; SECONDED by Alderman Kudej. 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 September 10, 2009; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 8-0.

##### **5.1 FINANCE COMMITTEE**

---

###### **5.1.1 OCTOBER 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 \$9,207.60 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 FUNDING FOR BOARD OF ALDERMEN MERITORIUS AWARDS ACCOUNT**

Alderman Kudej MOVED, per the recommendation of the Finance Committee, to transfer funding in the amount of \$300 from Contingency General Account #001-9900-900.99-00 to Aldermen Meritorious Awards #001-0300-412.81-30. SECONDED by Alderman Simonetti.

Alderman Finn asked what the money will be used for.

Alderman Anglace replied, when people need recognition, when somebody is sick, City official dies. I'm going to propose tonight that we will use \$90 of this to furnish each of the Aldermen and the Clerk with a picture from the recent group picture that was taken.

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

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

## **5.3 STREET COMMITTEE**

### **REPORT OF THE MAYOR**

None presented.

### **REPORT OF THE PRESIDENT**

## **6.0 LEGAL REPORT**

---

### **6.1 CORPORATION COUNSEL BILLING**

Alderman Papa MOVED to authorize a total payment of \$2,789.30 to Corporation Counsel Winnick, Vine, Welch, & Teodosio, LLC for services rendered per statement dated October 1, 2009 with funds to come from the following Legal Services Accounts:

Legal Fees	001-1900-411.30-01	\$2,054.20
Foreclosure Fees	001-1900-411.50-01	735.10

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

## **7 LEGISLATIVE - OLD**

### **7. ITEMS FROM PUBLIC HEARING**

---

#### **7.1 WATER REQUEST FOR WATER MAIN EXTENSION - TREELAND ROAD, BROWNSON DRIVE AND MARK DRIVE**

Alderman Papa MOVED to deny the request for a water main extension on Treeland Road, Brownson Drive and Mark Drive; SECONDED by Alderman Simonetti.

A public hearing was held August 25, 2009.

Alderman Anglace stated, for the record I'd like the Board to know that I received several phone calls from people commending the Board on the manner in which the public hearing was held. People said they appreciated the fact that they were able to get all the information they needed to make an informed decision on the water main. You'll notice that the results were only 15.4 percent in favor and actually 84.5 percent opposed, which includes the ballots not received. It was overwhelming.

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

#### **7.2 UNUM PROVIDENT REQUEST TO ACCESS CITY PROPERTY - 217 LONG HILL CROSS ROADS**

Alderman Papa MOVED to permit UNUM Provident access to City property abutting 217 Long Hill Cross Roads for the purpose of conducting environmental testing and sampling which shall include the installation of one (1) "monitoring well" and further subject to the City property being returned to its former state following completion of the sampling and

monitoring; and, further, that UNUM Provident shall provide appropriate insurance to the City with the City listed as an additional insured; SECONDED by Alderman Simonetti.

Alderman Finn stated, I believe this is the second time this property has been monitored. What are they monitoring it for?

Alderman Anglace replied, as part of the proposal by the private firm that is thinking of developing this property. The DEP required them to put in the monitor to do sampling for Inland Wetlands for wells, for water. The first time they came to us, they said to us, we require them to take all their pipes out after they INAUDIBLE. But then DEP came back and said, "Time out. You've go to leave one pipe in, in this spot here, beyond the study date. We want to monitor that." That's why they're back.

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

---

### **7.3 ANTI-BLIGHT ORDINANCE – MAYOR'S VETO**

Alderman Papa MOVED to override the Mayor's veto regarding the Anti-blight Ordinance passed by the Board of Aldermen at the September 10, 2009 Regular Full Board Meeting; SECONDED by Alderman Simonetti.

The Clerk read the Mayor's veto into the record:

September 25, 2009

Mrs. Theresa Adcox, Clerk  
Board of Aldermen  
City of Shelton  
54 Hill Street  
Shelton, CT 06484

Dear Mrs. Adcox:

Per Section 4.8.3 of the City Charter, I hereby veto the action of the Board of Aldermen at its regular meeting of September 10, 2009, Item number 7.1A Anti-Blight Ordinance.

Number one, I disagree with the 10-inch measurement standard. Number two, the ordinance states that based on Fire Department reports, we have housing and code inspection by the Fire Marshal and Building Official, and that should be the standard adhered to. The Fire Department does not do inspections. The inspection process is under the authority of the Building Inspector and Fire Marshal.

Sincerely yours,  
Mark A. Lauretti, Mayor

Alderman Finn stated, Ordinance 823 which the Mayor signed on April 12, 2007, subparagraph that he just made mention of vetoing that was in the current ordinance that we have. I'll read it for you. "It is a fire hazard determined by the Fire Marshal or documented by the Fire Department reports." He did not disapprove that in 2007, and now in 2009 the same paragraph which was not changed at all still reads, "It is a fire hazard as determined by the Fire Marshal or documented in the Fire Department reports." So why did he veto it in 2009 and not veto it in 2007 when the language was exactly the same?

As well as everybody knows, when the Fire Department goes into an area, they have to document certain items. Those documents are forwarded to the Fire Marshal for him to do his investigation. The Mayor is correct, the Fire Department does not do any inspections, we never have. Like I said there were documents forwarded to the Fire Marshal's office for his investigation.

[Mayor Lauretti arrived at this point.]

Alderman Anglace stated, I can answer your question as to why he didn't veto in 2007 and why he did now, but that would be presumptive and since he's arrived, I will leave that for him to answer.

Alderman Anglace stated I want to read into the record my comments. The Mayor's reasons for vetoing the anti-blight ordinance are understood and well taken. In fact, if offered to the Board during the time this ordinance was under consideration, they would have been adopted. The members share his concerns but believe that the timing of this veto conflicts with the priority need to get the changes represented by this Ordinance into effect as soon as possible to allow a portion of issues presently under review to go forward. Not to override this veto would mean that the strengthened ordinance would not be in place. An override of this veto would put the anti-blight ordinance into effect immediately. The members believe that the issues suggested by the Mayor have merit, and should be incorporated not by the veto process but by utilizing the ordinance amendment process and vow that such an action will be forthcoming. For those reasons, I suggest we override the Mayor's veto without prejudice.

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

Alderman Anglace turned the chair over to Mayor Lauretti .

Mayor Lauretti stated, at this stage I don't have a real issue with the overriding of the veto, because I understand your intent to want to get on with taking care of the issues of anti-blight. I just want everyone to be on notice that, in my mind, these are two flaws in the ordinance that need to be corrected and they won't be enforced. You should understand that; they will not be enforced. I'm telling you that right up front, because I know how politics operates. The minute you don't do what you're supposed to do, there is already somebody reminding you. I hope that the Board will take very quick action to remedy this thing.

Alderman Finn stated, in 2007, the ordinance that you signed, and in 2009, the ordinance that you vetoed, has the same language. The language reads exactly the same, nothing has changed, "is a fire hazard as determined by the Fire Marshal or is documented in the Fire Department reports." I'm curious to find out why you approved it in 2007 but denied it in 2009. Tonight you just said there may not be enforcement. But if it's been enforced since 2007 why won't it be enforced in 2009?

Mayor Lauretti stated, it never became an issue in 2007. I may have missed it in 2007 but I certainly didn't miss it this time.

#### **7.4 ACCESS ROAD**

Alderman Anglace MOVED to authorize the release via Quit Claim Deed of a portion of Access Road to the State of Connecticut pursuant to the terms of a letter dated September 30, 2009 from Terrance J. Obey, Division Chief, Property Management Division, Office of Rights of Way to Mayor Lauretti; and further,

MOVED to authorize Mayor Mark A. Lauretti to execute any and all documents to effectuate same, including any applications to local approving authorities and the State Traffic Commission, subject to the approval of Corporation Counsel; SECONDED by Alderman Papa.

Alderman Anglace stated, as is pointed out in Terrance Obey's letter, the State originally gave us this road for \$1 back in 1948 with a rescission clause.

Assistant Corporation Counsel Sous stated, they gave it to us for highway purposes.

Alderman Anglace continued, if we wanted to do away with it, we have to give it back to them. Our concerns have been that we want to close off Access Road as it enters into Nells Rock Road, which because that interferes with the traffic at the intersection of Nells Rock Road and Bridgeport Avenue.

For the last couple of years we've taken different steps – removal of the “stop here on red light” sign, allowing people to go up to the intersection and take a right on red, and it's had a very positive impact on the traffic flow at that intersection. As long as the State is willing to allow us to close it off at that end, we have no other interest in Access Road except that we want to be sure that any resolution by the State takes into consideration the needs of the businesses currently existing along Access Road.

Assistant Corporation Counsel Sous stated, the way the terms of this letter read, the developer will prepare a release map of the exact area, which we believe to be about .9 acres. That's .9 of the 3.2 acres that were given to us – it went all the way around to Todd Road. When that is accomplished and that comes before the Planning and Zoning and all the other boards and commissions and STC approval from the state, at that point all those approvals go through, then you're authorizing the Mayor to sign a quit claim deed of the property back. The property was quit claimed to us for highway purposes only. The state is saying, “hey, you're not going to use it for highway, we don't want you to buy it, release the restriction and then sell it for profit.”

Alderman Finn asked, we still retain as a City from WalMar to Blanchette's Sporting Goods?

Assistant Corporation Counsel Sous replied, up to that point I would imagine, yes.

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

## **8 FINANCIAL BUSINESS OLD**

## **9 FINANCIAL BUSINESS NEW**

---

### **9.1 ADDITIONAL SERVICES REQUEST FOR BOILER AT SHELTON HIGH SCHOOL**

Alderman Anglace MOVED to approve the additional services request by Fletcher Thompson to provide bidding documentation, drawings and specifications for the Boiler Room at Shelton High School in the amount of \$8,500 with funding to come from the Shelton High School Renovation and Building Contingency Account; and further,

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

Alderman Simonetti, when we started the project, this was not in the documents, but as we went through the boiler room we found a lot of equipment had fallen into disrepair and needed to be replaced, so we waited until now, towards the end of the project. We do have some funds available and we think it would be only proper to put this equipment back in working order and replace it so that the boilers they are attached to have a good supporting system.

Alderman Finn asked, what equipment are we referring to in the boiler room?

Alderman Simonetti replied, it's not just equipment, it's painting the room, cleaning the floors, some drainage systems, some water tanks, treatment tanks, pumps that are beyond their days. Probably about \$75,000 to \$100,000 worth of equipment that has to be rehabbed or replaced.

---

### **9.2 APPROPRIATION OF FUNDS – PERMANENT WAR MEMORIAL – LOCIP ELIGIBLE**

Alderman Anglace MOVED to add materials and the construction of a Permanent War Memorial at Riverview Park to the Capital Improvement Plan with funding in the amount of \$85,444 to come from LOCIP; and further,

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

---

**9.3 APPROPRIATION OF FUNDS – PATROL CARS FOR POLICE DEPARTMENT**

Alderman Anglace MOVED to appropriate the sum of \$151,400 for the purchase of four new fully-equipped patrol cars for the Police Department with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; SECONDED by Alderman Papa.

Alderman Finn asked, why are we going out for bonding instead of using some other source of funding?

Mayor Lauretti asked, what other source would you like to use?

Alderman Finn replied, the General Fund surplus, because the money is available.

Mayor Lauretti stated, when most people buy a car, they usually get a five-year note. That's what this is; it's a five-year note.

Alderman Finn asked if the cars were 2010's, because the backup information provided shows information for 2008 and 2009 vehicles.

Mayor Lauretti explained, what they've done is given us a history of what they've purchased in the past. These will be brand new. They're coming off the State bid.

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

---

**9.4 RESCISSION OF ACTION - APPROPRIATION OF FUNDS FOR POOL GRATE AT COMMUNITY CENTER – LOCIP ELIGIBLE – RE-APPROPRIATION OF FUNDS**

Alderman Anglace MOVED to rescind the action taken by the Board of Aldermen at the August 13, 2009 meeting regarding Item 8.1 New Grate System for Community Center Pool – LOCIP Eligible; and further,

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 \$4,785.63 to come from LOCIP, subject to the Board of Apportionment and Taxation awarding the bid. SECONDED by Alderman Papa.

Alderman Papa stated, the Board of Apportionment and Taxation awarded the bid to Brock Company for \$4,785.63. We have the approval from Apportionment and Taxation. Back in August they had a price of \$6,000. Because it is LOCIP funds, we couldn't amend it; we had to come back and rescind it and come up with a new motion.

Alderman Anglace stated, LOCIP does not permit you to amend, they want you to rescind previous actions and introduce a new motion in it's entirety.

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

---

**9.5 APPROPRIATION OF FUNDS FOR PROFESSIONAL SERVICES FOR COMMUNITY CENTER POOL DEHUMIDIFIER**

Alderman Anglace MOVED to add Professional Services for the pool dehumidifier at the Community Center to the Capital Improvement Plan with funding in the amount of \$1,125 to come from LOCIP; SECONDED by Alderman Papa.

Alderman Papa stated, it's had a great effect on the pool; the dehumidifier has done a wonderful job. We had to wait a couple of years for it but we finally got it in, and you can see the people that are using the pool are really happy about the change.

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

---

**9.6 PERRY HILL SCHOOL – AUTHORIZATION FOR ADDITIONAL EXPENDITURES**

Alderman Anglace MOVED to authorize an additional \$300,000 from the Perry Hill School (Upper Elementary) Referendum Bond for extras provided for in said KBE Contract to be approved in writing by the Building Committee and Mayor Mark A. Lauretti; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

---

**9.7 PERRY HILL SCHOOL – EXCESS ROCK REMOVAL**

Alderman Anglace stated, they're not ready yet.

No action.

---

**9.8 APPROPRIATION OF FUNDS - COMMAND VEHICLES – FIRE DEPARTMENT**

Alderman Anglace MOVED to appropriate the sum of \$50,000 for the purchase of Fire Command- type Vehicles for the Fire Department with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; SECONDED by Alderman Papa.

Alderman Finn stated, I have the same question – is there another source of funding besides bonding we can use?

Mayor Lauretti explained, there are other sources of funding, we just choose not to use them. This is what we've done in the past, and this is what most people do when they buy a vehicle, they usually do a five-year note. This is no different.

I guess what your suggesting is every time we make a purchase we should pay cash and deplete the General Fund surplus, is that your suggestion?

Alderman Finn replied, for the expensive items, yes, I could see using the General Fund surplus or other source of revenue to make the purchases instead of bonding them.

Mayor Lauretti explained, the bond rating is really predicated on your surplus in the General Fund. This bonding source that we use has absolutely no impact on the budget whatsoever. If you'll remember, back in 1994 when we had a successful Charter Revision, we authorized a certain dollar amount of the City budget every year to be appropriated for bonding and to be paid back in a five-year period. Well, after the fifth year, there is absolutely no impact to your budget whatsoever. You take two million off, you add two million on. To me, it doesn't get any better than that in order to take care of these small miscellaneous projects that come up from time to time. You've sat on this Board for a long time, that's what we use this bonding for.

Alderman Finn stated, I disagree with the source of funding and I agree with the purchase.

Alderman Anglace stated, I saw in the newspaper recently a nice ad for a new car and they were touting 4.7 percent interest. We're paying between 2-3 percent interest on our five-year bonding. That's a good deal and it has no impact on the budget, no impact on the mill rate.

Alderman Papa stated, there was also an article in another paper on our bond rating. Because we're in such good financial shape as a City, they increased our bond rating, which means we'll be paying less when we go and get a bond. Whatever you're doing Mark, you're doing it the right way.

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

**10. - LEGISLATIVE - NEW**

---

**10. 1 ITEMS TO PUBLIC HEARING**

10.1 A. MIDDLE AVENUE

Public Hearing to be held October 27, 2009 at City Hall.

10.1 B. ANTI-BLIGHT ORDINANCE

Public Hearing to be held October 27, 2009 at City Hall.

**11 EXECUTIVE SESSION**

At approximately 7:41 p.m. Alderman Anglace MOVED to enter into Executive Session to discuss the following items:

11.1 City of Shelton v. Pagliaro

11.2 Sebourne v. Merry

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

***Return to Regular Session***

At approximately 7:47 p.m., Alderman Kudej MOVED to return to Regular Session; SECONDED by Alderman Olin. 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. PAGLIARO**

No action.

---

**11.2 SEBOURNE V. MERRY**

Alderman Anglace MOVED to approve a third party settlement as outlined in a letter dated September 15, 2009 from Attorney Andrew Morrissey to Attorney Welch regarding Selwyn Sebourne; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 8-0.

**ADJOURNMENT**

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

The meeting adjourned at approximately 7:50 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk  
Board of Aldermen

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

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

Mark A. Lauretti  
Mayor, City of Shelton