



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
FULL BOARD MEETING
THURSDAY, JANUARY 14, 2010

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.

Christopher Panek, 19 Meghan Lane

There are two items on the agenda I want to address tonight. The first one is Item 9.2 which is a waiver of bid for the WPCA. You can correct me if I’m wrong on my understanding of the item, but as I read the backup and the minutes from a recent WPCA meeting, my understanding is the motion you have before you tonight is approve a bid waiver for \$24,000 worth of work that has already been completed. You also have a recommendation from the City Purchasing Agent stating that the bidding process would be impractical to follow, which is obvious if in fact the work has already been completed. As some of you may recall when I sat on the Board I was a strong supporter of the City’s bid process and making sure it was followed properly, making the bidding process fair for all bidders so that taxpayers got the best price for the dollars spent.

I proposed and the Board successfully passed the Non-Collusion Bid Affidavit several years ago as well to further protect the bidding process. According to Section 7.14 of the City Charter, the Purchasing Agent shall act upon receipt of the signed requisition signed by a representative designated by any board, commission or other body, department, office, agency or official. The Purchasing Agent shall let to bid all purchase which reasonably may involve the expenditure of \$5,000 or more by the invitation of sealed bids. So in regard to the item on the agenda tonight I have several questions. Was this an emergency job? According to what I read in the minutes of the WPCA it was not. Do you have a description of the work that was completed? Does your backup include a signed requisition from the City representative who requested the expenditure from the Purchasing Agent? Does your backup include a non-collusion bid affidavit as required by the City bidding process? And lastly, who authorized the work to be completed and how were they allowed to spend \$24,000 without the Board of Aldermen approving a bid waiver first? As I stated, you can tell me if I'm interpreting the item incorrectly. I just did some quick research looking through the minutes of the meetings and your backup in your motion today. What I would strongly suggest is that you do not approve the bid waiver tonight unless you have answers to all of these questions. It's very hard for me to fathom how a City employee, a board, a commission, could authorize this size expenditure without following the procedures we had in place. Not following City bid guidelines and violating our City Charter should not be acceptable and should not result in an automatic bid waiver as a quick fix to the problem.

The second item is 9.5 - 470 Howe Avenue - Sale of City Property. This property has been on your agenda for almost eight months. You may recall back in July of 2009 your motion to seek an 8-24 referral failed by a vote of 5 to 3 with Aldermen McPherson, Olin, Kudej, Finn and Simonetti opposing the 8-24 referral. Then in August of 2009 it was back on your agenda for reconsideration, again for an 8-24 referral. This time the motion passed 5 to 3, Aldermen Finn, Simonetti and Kudej opposed. Aldermen McPherson and Olin changed their votes from the prior month to the motion passed. In September of 2009 it was on your agenda again with a motion to seek an appraisal for the property. This motion failed 4-2 with Aldermen Finn and Simonetti opposing. As you know, the Fire Department has expressed interest in the use of the building, and there are many other possibilities for the City to use this property as the downtown continues to be developed. Also, we're not exactly in the best market to be selling City properties. This begs the question as to why this property as well as some others in the City are being fast tracked through the sale process. Tonight's vote on this property will be interesting to see if anyone else has changed their thoughts on the property, and also if anyone else ends up changing the way they had previously voted on the property. Also, since you have a new member on the Board since the last time the property was discussed, she may have some discussion as well on the property. I know the argument has been made that just because the process to sell the property does not mean the City will definitely sell it. But I find it hard to believe that with all this time, the property keeps getting put back on the agenda, votes keep getting changed, and all the time and effort that's being put into this property, I'd just be very surprised if there was no definitive plan to sell the property. Thank you.

[Mayor Lauretti arrived and assumed the Chair]

Mayor Lauretti asked if any other member of the public wished to address the Board. Being none, he declared the public session closed.

MINUTES FOR APPROVAL

1. MINUTES FOR APPROVAL

1. REGULAR FULL BOARD MEETING – DECEMBER 10, 2009

Alderman Anglace Move to waive the reading and approve the December 10, 2009 Regular Full Board Meeting Minutes. SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

2. CORRECTION – OCTOBER 28, 2008 SPECIAL MEETING

Alderman Anglace MOVED to amend the Special Meeting minutes of October 28, 2008 Item 1. 'Amendment to Contract Between American Boiler Inc. and City of Shelton for Boiler Replacements at Elementary Schools' to have the motion read "to allocate the sum of \$217,880 to be provided by bonding." SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

5.1 FINANCE COMMITTEE

No items.

5.2 PUBLIC HEALTH & SAFETY COMMITTEE

5.2.1 KERON DRIVE STREETLIGHT REQUEST

Alderman Papa MOVED , per the recommendation of the Public Health & Safety Committee, to approve the installation of a 4000 lumen 50-watt streetlight on pole #1485 located on Keron Drive at a cost of \$88.90 per year; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

5.3 STREET COMMITTEE

No items.

REPORT OF THE MAYOR

None presented.

REPORT OF THE PRESIDENT

None presented.

6.0 LEGAL REPORT

6.1 CORPORATION COUNSEL BILLING

Alderman Anglace MOVED to authorize a total payment of \$1,784.88 to Corporation Counsel Welch, Teodosio, Stanek and Blake, LLC for services rendered per statement dated January 8, 2010 with funds to come from the following Legal Services Accounts:

Legal Fees Account 001-1900-411.30-03	\$1,749.88
Foreclosure Fees Account 001-1900-411.50-05	\$35.00

SECONDED by Alderman Papa. 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 \$635 to Assistant Corporation Counsel Ramon Sous for services rendered per statement dated January 1, 2010 with funds to come from the following Legal Services Accounts:

Legal Fees Account 001-1900-411.30-03	\$560.00
Miscellaneous Services Account 001-1900-411.80-03	\$75.00

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.

8 FINANCIAL BUSINESS OLD

8.1 ADDITIONAL FUNDING FOR ELEMENTARY SCHOOL BOILERS

Alderman Anglace MOVED to appropriate the sum of \$2,195 for additional costs associated with the Elementary Schools' Boiler Replacement Project with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 8-0.

8.2 MOLD ABATEMENT SERVICES – Perry Hill School

Alderman Anglace MOVED to waive the RFP process for Professional Services for an environmental engineer regarding mold abatement services for the Perry Hill School and to enter into contract with AIG for said services with funding in the amount of \$68,484 to be allocated from the Perry Hill School Referendum Bond; and further,

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

Mayor Lauretti asked, to Corporation Counsel Welch, wasn't there a solicitation of quotes?

Corporation Counsel Welch replied, yes, this was the lowest.

Mayor Lauretti asked, why are we waiving the RFP process?

Corporation Counsel Welch explained, FSS solicited the quotes – not the Purchasing Agent. So it didn't go through the RFP process, it went through FSS.

Mayor Lauretti stated, I know that there were at least four different contractors that quoted on it.

Alderman Anglace stated, we originally approved \$53,000 on January 4, 2010 in a special meeting for this purpose. Don't we have to rescind that motion and replace it with this motion for \$68,484? Otherwise, wouldn't we have \$15,000 too much on the books?

Corporation Counsel Welch stated, no, I think the note on the bottom of the motion is that this is an increase in the contract. You approved this contract for the previous \$53,000 but the contract was sent to the contractor and he did not submit his quote based upon prevailing wages. He did not know this was a prevailing wage job. So as you can see in his outline, he writes down that as a result of prevailing wages the price goes up by \$16,000. The history is clear in terms of approving the contract. We're only entering into one contract with these people. We sent a contract to him saying, "you've got to pay prevailing wages pursuant to the Department of Labor," and he said, "I didn't bid it that way; I wasn't informed that it was a prevailing wage job, so I'm not signing the contract." He thought this was a project that was separate and distinct from the school itself. But as you know, each entity of the whole project is a prevailing wage job, so everything is prevailing wage. You can't segregate out certain items. He thought this was a separate and distinct project. The new motion coming before you is, you're basically approving a new contract with these people for \$16,000. You can see the prevailing wage is costing an extra \$16,000.

Alderman Anglace stated, I want the board to be aware that I had questions on this, and that the Perry Hill School Building Committee wanted me to call a special meeting of the board to handle this. I couldn't accept that because we've had any number of special meetings to keep this project going. This is a mistake by the person who bid. We had allocated \$53,000 that was on the table for this project and this guy didn't want to move and do four days of work in good faith. He wouldn't sign the contract or commence work. It's irritating me to no end. Put everybody else out, inconvenience everybody else in the City. This bidder that made a mistake wouldn't move off the dime to meet us halfway.

Mayor Laretti stated, under normal circumstances this would have been re-bid. If this wasn't a project in motion with a deadline tied to it this would have been a re-bid project. I think the bigger issue is what the State and Federal government does to everybody on these projects. It's a classic example of how they drive the costs higher and higher. Here you have a contractor willing to do the work for "x" and our government says no, you have to pay more, you have to pay "y". That's the issue for me.

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

8.3 FUNDING FOR COOLING TOWER IN COMMUNITY CENTER

Alderman Anglace MOVED to appropriate the sum of \$10,149 for the purchase of replacement parts for the Cooling Tower at the Community Center with funding to be provided by bonding, pursuant to Section 7.16 of the City Charter; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

9 FINANCIAL BUSINESS NEW

9.1 FEBRUARY STATUTORY REFUNDS

Alderman Anglace MOVED that the report of the Tax Collector relative to the refund of taxes for a total amount of \$2,898.43 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 Kudej. A voice vote was taken and the MOTION PASSED 8-0.

9.2 WAIVER OF BID PROCESS FOR WATER POLLUTION CONTROL AUTHORITY

Alderman Anglace MOVED, per the recommendation of the Purchasing Agent, to waive the bids for services performed by Net LLC at the Water Pollution Control Plant and approve the invoice in the amount of \$24,134.60; SECONDED by Alderman Papa.

Alderman Anglace stated, this is a classic example of a bid at this point would be impractical – because the work has already been done. The question is, why didn't WPCA go to bid as required by the Charter? We at the Finance Committee talked about this and had the WPCA Supervisor in and we grilled him on it. We're not in the process of taking disciplinary action; that's not our role. But certainly we want to point out that

this was wrong and we want to urge you to look into it and take the corrective steps necessary to see that it doesn't happen again. We heard from the Supervisor that it would not happen again, about three times. We are not satisfied with the way this was done. We can't penalize the vendor who did it in good faith. We also suggested to the WPCA that they follow the same practice that's followed in other areas of the City – go out for generic bidding. Get an hourly rate, get a bid, and use that vendor throughout the year.

Mayor Lauretti stated, for the Board's benefit, the matter has been addressed. And for a further comment with respect to personnel matters, I know that there are some on the Board and some within the City and several within the media that are always looking for an instant comment or remark with respect to the performance of some individuals. That is not the policy that I have followed from the day that I took office. These are personnel matters that I don't discuss publicly. If the employee chooses to do that; that is their choice and certainly some employees in the past have. Then it's been open game for point, counterpoint and comment on my part. But I am not the one that will initiate comment about personnel matters. I think it's inappropriate. There are rules that employers within the State have to abide by. Perhaps people in the media and in the public are not aware of them. When you don't abide by those laws and regulations, there are hefty penalties that come along with that. So, over the years I have taken my share of criticism from individuals and the media over "why is he not doing anything?" That's as far as I'll go.

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

9.3 FUNDING FOR EMERGENCY DEMOLITION OF HOUSE ON NORTH OAK AVENUE

Alderman Anglace MOVED to approve the transfer of \$500 from Contingency General Account #001-9900-900.99-00 to Emergency Services Account #001-3100-713.80-03 for the cost of emergency demolition of the house at 161 North Oak Avenue; SECONDED by Alderman Papa.

Mayor Lauretti stated, as this motion sits, I understand that something different was supposed to happen by way of a motion. There was supposed to be an inter-departmental transfer to cover this cost. I don't know why it's coming out of the Contingency General Account.

The approach that was supposed to have been taken with the Department Head was to transfer \$500 from within another line item in their department to accommodate the payment. I'm at a loss for why it is written like this. You certainly can do it this way, but there is another bill coming.

Alderman Anglace stated, the transfer would have to go through Apportionment and Taxation. We can take from Contingency or table this and go to Apportionment and Taxation.

Mayor Lauretti stated, there's another bill coming associated with the demolition of the structure. Perhaps we should take no action on this item tonight and combine it all when the other bill comes.

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

9.4 OVEREXPENDITURE FOR HIGHWAYS AND BRIDGES

Alderman Anglace MOVED to approve the over-expenditure of Highways & Bridges Overtime Account #001-3200-712.10-07 and Highways and Bridges Road Maintenance Account #001-3300-712.65-04 through the end of the fiscal year 2009-2010; SECONDED by Alderman Papa.

Alderman Anglace stated, the reason for this is because the State Town Aid Road funds are not received in this fiscal year, we'll deal with this at the year-end with a transfer, but if they come in they'll be put into the account and we won't have any problem.

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

9.5 470 HOWE AVENUE – SALE OF CITY PROPERTY

Alderman Anglace MOVED to rescind the prior motion made at the September 10, 2009 full board meeting regarding Item 8.1C 470 Howe Avenue – Sale of City Property; and further,

MOVED to request a confidential appraisal of 470 Howe Avenue. SECONDED by Alderman McPherson.

Alderman Finn stated, when we're rescinding a motion, only the maker of the motion and the original person that seconded it can ask to rescind the motion. The second should actually be Mr. Simonetti.

Corporation Counsel Welch stated, last month you had asked me to take a look at that. A motion to be considered at the same meeting is done in that order. I did not find anything on a rescission that requires that when it's properly noticed and published on a subsequent agenda. I didn't find that, and I know that's one of the questions you asked last month.

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

9.6 SUNNYSIDE BOAT RAMP REVETMENT RELOCATION

Alderman Anglace MOVED, per the recommendation of the City Engineer, to relocate the shoreline stone revetment above the high tide mark and out of Department of Environmental Protection jurisdiction with costs not to exceed \$2,100 to be transferred from Contingency General Account #001-9900-900.99-00 to Professional Services Account #001-0100-411.30-01; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 8-0.

9.7 YANKEE GAS LEASE PAYMENT

Alderman Anglace MOVED to transfer \$6,000 from Contingency General #001-9900-900.99-00 to Lease Rental Payments #001-0100-411.80-91 to cover the lease with Yankee Gas for 25 Cornell Street. SECONDED by Alderman Papa.

Mayor Lauretti explained, we made an accommodation when we set the budget for this lease. We had made two payments to the CRRA for the Transfer Station site, which we have a lease rental payment of \$6,000 a year. We did it at the end of one fiscal year then again at the beginning of the other fiscal year so they got two payments very close together. That depleted this line item. The original budget – there was enough funding to accommodate both rental payments and the second CRRA payment would have been paid when we start the new budget this coming July 1st. That is the reason that we're doing this.

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

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 APPOINTMENT OF COMMUNITY GARDEN AD HOC COMMITTEE

Alderman Anglace MOVED to establish a Community Garden Ad Hoc Committee and appoint the following people effective immediately.

Allison Menendez – U
18 Sportsman Drive

Camme Kemp – U
44 Cribbins Ave

Guy Beardsley – R
276 Leavenworth Road

Mary King – U
27 Arthurs Court

Linda Hooper - R
61 East Village Road

Edward Forster Sr. – R
6 Garden Terrace

Sheri Dutkanicz – R
305 Soundview Ave.

Fred Monahan - U
83 Sawmill City Road

Teresa Gallagher - U
43 Judson Circle

Stacia Monahan - U
83 Sawmill City Road

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

10.3 APPOINTMENT TO BOARD OF ASSESSMENT APPEALS

Alderman Anglace MOVED to appoint Linda Schauwecker – U, of 100 Huntington Street to the Board of Assessment Appeals effective immediately; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

11 EXECUTIVE SESSION

At approximately 7:40 p.m. Alderman Anglace MOVED to enter into Executive Session to discuss the following item:

11.1 Charter 2000, Inc.

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

Return to Regular Session

At approximately 7:46 p.m., Alderman Anglace MOVED to return to Regular Session; SECONDED by Alderman Kudej. 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 Charter 2000, Inc.

Alderman Finn MOVED, in the bankruptcy case of Charter 2000, Inc. that the City accept a payment of one-half of the outstanding tax liability as a full and final settlement; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6 Yes, 2 No (Anglace, McGorty).

ADJOURNMENT

Alderman McPherson MOVED to adjourn; SECONDED by Alderman Farrell. 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