

**BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 4, 2008**

The Board of Aldermen of the City of Milford held their Regular Meeting on Monday, February 4, 2008 in the aldermanic chambers of City Hall. Chairman B. Blake called the meeting to order at 7:36 p.m. welcoming everyone and asked those present to join in saluting our flag and reciting the Pledge of Allegiance.

1. Roll Call

Board Members Present

B. Bier
J. Blacketter
B. Blake
V. Ditchkus, Jr.
A. Giannattasio
M. Hardiman
B. Lambert
S. Manning
R. Nunno
J. Patterson
J. Toohey
N. Veccharelli
P. Vetro
R. Vitali
S. Willey

Also Present

Mayor J. Richetelli, Jr.
J. O'Connell, Mayor's Admin. Asst.
A. Jepson, City Clerk
M. Lipton, City Attorney

2. Public Statements

Public statements are limited to the legislative function of the Board of Aldermen. He stated only residents; taxpayers or electors may address the Board. The time limit granted to each speaker shall be three (3) minutes. He asked each speaker to adhere to the three-minute limit due to the lengthy agenda.

L. Higgins – 85 Milford Point Road – stated she wished to speak regarding changes to the venue and time of the Animal Shelter Commission. She stated she came before this Board a month or two ago and made the same request. She stated the most recent meeting happened at noon in the kitchen of the Animal Shelter and was a closed-door meeting. She also commented this Commission meets once a month however if you go on the City's website you will find no minutes or agenda notices. She also stated she found it interesting that in the weeks following the tragic mauling of a worker that incident was granted four words "she is doing well". She went on to comment that that was far from the truth. Ms. Higgins stated she looked other boards and commissions and noted the Police Commission's minutes were 7 pages; Economic Development minutes were 6 pages and a recent Board of Aldermen meeting 15 pages. She also noted those minutes were well written, concise and clear and there was no question as to what happened at each of those meetings. She stated at the January 8, 2008 meeting of the Animal Commission the meeting lasted 1 hour and the meeting minutes totaled 135 words. She commented one would wonder if it was the assistant warden who wrote these minutes. She

went on to speak regarding the amount of correspondence received each month by the Animal Commission. She stated she formally requested a change in venue and time to accommodate the citizens. She stated another letter she wished to comment on has to do with Ethics. She spoke as to one of the longest tenures of anyone at the animal shelter and that that woman is her mother. She commented that after she spoke at the last Board of Aldermen meeting it has become a hostile environment for her mother and also spoke as to the collateral damages because of her speaking before this Board. She spoke as to her perceptions and the perceptions of others that the animal warden runs the Animal Commission and that the Board of Aldermen is not monitoring this Commission and further that the City is not overseeing this department. She reiterated her request to open up these meeting and change the time and venue to one more convenient for the public to attend. She thanked the Board for their time.

J. DellaMonica, Sr – 60 Berner Terrace – spoke regarding an article he wrote to the newspaper concerning Tony Candido. He stated there were two words in that article that were turned into something nasty and dirty and it was two officials that chose to do that. He spoke as to the words “goose” “step” and explained it is a form of marching and went on to say when he used that word it was to express his displeasure at the way this Board voted on Mr. Candido. He stated he was highly insulted to be told that he used that word in a fascist way. He stated it was those individuals that used the word who meant it in those terms. He also spoke as to the words used and that it what he resents because they did not come from his mouth. He also commented regarding those who wish to walk up to this podium to speak and that time is there right to speak.

M. Gallullo – 21 Deerfield Avenue – stated he was speaking tonight regarding a concern he has with the Zoning Board of Appeals. He stated the first meetings appearing on line were after the August meeting. He also minutes from the January meeting still are not posted and the only thing currently showing is the February agenda. He also explained a variance at a recent meeting and what transpired and stated they are required to state specific hardships and there was not a legal hardship when they approved the variance. He stated he was looking to the Board of Aldermen for oversight. He stated posting of the minutes seems to be erratic and also stated the meetings of the ZBA should be taped.

R. Platt – 132 Platt Lane – commented had he known the Ordinance Committee was going to take up the Demolition Delay Ordinance he would have come earlier. He spoke as to the 90 days and as to the age of a house. He stressed the importance of the Ordinance and what they have but that other improvements need to be done. He stated the definition of “demolition” is sorely needed. He also noted there needs to be clarification as to the procedure which says the City Historian should be notified in the event of a demolition. He stated up until now it has always been the contractor who has contacted him and never the building official. He stated the Ordinance should say that. He also spoke as to enforcing the Ordinance and that it should not just be something in writing.

N. Seltzer – 74 Camden Street – stated she was speaking wearing two hats tonight. First, as the Chairperson of the Milford Anti Hate Task Force and extended an invite to the Board to attend a symposium on March 1, 2008 at the Milford Library. She stated her second hat was that of the Devon Summer Events program and a fundraiser to be held at SBC Restaurant on March 10, 2008, which would feature a new beer “Devon Brew”.

L. Ferrante – 69 Woodmont Road – stated she was speaking in opposition to the location of the OTB facility. She stated it would be located 3/10 of a mile from her daycare. She stated she runs a daycare of approximately 160 children and that they use the sidewalks in that area to walk the children. She stated this is the wrong way

to educate our children and that this type of facility is just not family friendly for this town. She also commented she believes gambling leads to more gambling. She asked the Board to reconsider the location.

K. Sekelsky – 56 Flora Street – stated she was speaking regarding the proposed OTB location. She spoke personally as the child of a gambler and that growing up was very difficult in her house. She spoke as to the addictive personality changes and that this is something we just don't need in the City of Milford. She commented as to the number of OTB facilities in the State and questioned why we would need one in Milford. She asked the Board if they could feel proud to stand before their child, grandchild, niece, nephew and say they helped put this facility here. She suggested the members of the Board go to Boston Avenue and see if that is what they want here in Milford.

W. Ziebell – 10 Silver Street – stated he was speaking as to what he perceives as a serious situation. He spoke as to the election to take place tomorrow and that he looked into what other school systems were doing and concerns as to safety in these polling places. He commented in Trumbull there would be a police officer in each of the schools as well as in Shelton and that in towns such as Bridgeport they had increased security. He spoke as to his personal involvement and that he is a moderator at John F. Kennedy School and his responsibilities. He stated he is concerned with the public coming in with the kids in school. He stated at JFK there is only access through the school or by the side, which is near the kindergarten classes. He stated it was his impression there would police officers at the schools. He continued with an explanation of the polling location at Kennedy. He stated he called the police department tonight and asked the name of the officer that would be at Kennedy School and was told there would not be one. He stated this is unacceptable. He referred to State statute on the books that a police officer must be at a polling place. He asked that something be done to get someone at these polling locations.

J. Prisco – 11 Riverdale Road – stated he was speaking regarding senior citizens and tax relief. He also stated he was in favor of the OTB because the monies from this could go towards senior citizen tax relief and that the possibility of \$70,000 would be for those senior citizens. He also stated he wanted to be a member of that Committee and not just a watchdog. He stated the need for a Committee to be appointed and that it should not include just aldermen. He asked the Board to either approve it or not but stated he would not give up. He also commented that taxes needed to be lowered 2% and that taxes should not be raised. He stated seniors need help, and need it now.

E. Tamas – 14 Whalen Court – stated that Ald. Blake should recuse himself from any vote concerning the Library Board. He also called on Mr. Blake to recuse himself from any vote regarding the Board of Education since his parents work for the Board of Education. He also stated Ald. Hardiman should recuse himself since he works for the Board of Education and that it is not right for him to vote on something his job depends on and also noted his wife works for the Board of Education. He also commented it is a violation of the Ethics Code and read directly from that code. He stated he does not believe Ald. Hardiman could ask pertinent questions or vote objectively and not giving the impropriety. He stated this also applies to Ald. Vitali and commented he believed he receives \$50.00 a day for tutoring a principal so he would fall into that category too. He stated it is a sad state of affairs when we have a principal and they aren't qualified and need to have someone tutoring them. He also stated they hired Mr. Schaefer and that the new superintendent of schools is not much better. He stated if we hire someone to do the job and they should be able to do it no matter what.

J. Halleran – 82 Maple Street – spoke regarding the meeting that took place back on June 26, 2007 for seniors and an article in the Connecticut Post newspaper on November 14, 2007 and explained what some of our

seniors are doing now. He stated on September 10, 2007 the Mayor announced a plan for seniors where he stated he looked forward to working for all to make Milford affordable to live. He continued reading from that article. Mr. Halleran commented the next municipal election would be November 2009. He spoke as to his fixed income and how his taxes have gone from \$4,200 to \$10,500. He stated this is traumatic to him and that he would probably have to sell his house. He stated any help the Board could give would help.

E. Strada – 142 Southwick Street – stated he worked his entire life at Jai Alai when it was in existence. He stated he was speaking regarding OTB and commented there was never a problem there. He stated they are your kids grandfathers that are in there. He stated they should be closing down Penthouse.

T. Casey – 4 Amber Lane – stated she was following up regarding an earlier speaker and was looking for clarification regarding tomorrow. She stated the normal protocol would be followed as when school is in session. She stated she wished to get accurate information as to whether or not the police are scheduled to be at the schools.

J. Sekelsky – 56 Flora Street – stated he has seen some of these places. He expressed his hope that each Board member could visit an OTB and research it themselves. He stated most of the illegal gambling that is done is within an OTB. He implored the Board to visit one of these establishments and stated it is something we just don't want in our town.

R. Dunphy – 109 East Broadway – stated it is after something happens that the City of Milford does something. He spoke as to the speaker who spoke regarding Kennedy School. He asked the Board to get a police officer and that it is required under state statute and that they shouldn't wait until something happens. He talked about an incident on Surf Avenue and it wasn't until after a serious accident that stop signs were in place. He also spoke as to the leaky roofs in the schools and that they are just patched up and not fixed. He also spoke regarding stating everything is not about money.

R. Smith – 59 Sixth Avenue – stated he wished to follow up on the remarks made by Mr. Tamas and commented those with nieces or nephews would also have to recuse themselves. He applauded the Board for their review of the Cadley property. He commented reducing the asking price of \$200,000 because of restrictions placed on the farmhouse. He read the language from the document and also read the language regarding the alterations concerning the exterior of the property. He stated it doesn't read that you can tear it down. He applauded the Board for putting this together in the interest of transparent government and expressed his hope we would all come together. He also stated he hoped the department that has been invited would come forward. He also thanked the Board for tabling the OTB matter and moving it to a more appropriate location, which is near a truck stop and Penthouse Boutique.

3. Consideration of the Minutes of the Regular Meeting of the Board of Aldermen held on January 7, 2008.

Ald. Vetro and Ald. Ditchkus moved to approve the minutes of the January 7, 2008 meeting as presented. Motion carried as unanimously.

4. Consideration of the Minutes of the Special Meeting of the Board of Aldermen held on January 16, 2008.

Ald. Vetro and Ald. Patterson moved to approve the minutes of the Special Meeting of the Board of Aldermen held on January 16, 2008, as presented. Motion carried unanimously.

5. Chairman's Report and Communications.

Chairman Blake reported he was pleased to announce he appointed an ad hoc committee to study senior tax relief. He explained the charge would be to look at existing plans throughout the State and to see what plans are the best for this City. He stated the Committee would consist of the following individuals: George Amato, MaryAnn Griffin, Gerald Dowid, M. Zadinsky, Kerri Rowland and Ald. Ditchkus and Ald. Blacketter. Chairman Blake followed up stating Mr. J. Prisco would serve as the watchdog for this committee.

Ald. Vetro stated he wished to acknowledge a constituent from his Fourth District, George Amato.

Mr. Amato (10 Orchard Road) stated he asked to be recognized. He stated he served on this distinguished Board from 1971-1983 and that he served under four mayors and also served as an aldermanic liaison and aide. He stated the task this Board has given him would require considerable cooperation with this Board and the Mayor's Office. He stated this is only one part of an overall picture and that he was happy to see the Board addressing issues of concern to all citizens in Milford. He stated to successfully do this job they would need to call upon this Board and the Office of the Mayor to give the Committee their full cooperation and get all facts and figures to complete and deposit information. He stated the members that have been selected are members just like you, volunteers. He stated they hoped to get the job done prior to the Board's budget deliberations this year.

6. Mayor's Report and Recommendations:

Mayor Richetelli stated it was a pleasure to be here tonight and that he was happy to bring to the Board's attention items 6(a) and 6(b). He stated everyone is aware that the City of Milford has been rated as one of the *100 Best Communities in America for Young People*. He stated the City is only one of a handful of towns named for the third straight year in a row.

With regard to item 6(b), Mayor Richetelli stated he wished to make the Board aware of the appointment of Karen Craig (R), 43 Elgid Drive to the Milford Council on Aging, two-year term expiring 12/31/09 (new appointment). He thanked those individuals for volunteering their time. He stated he wished to make the Board aware of items 8a-8a and that he would be happy to answer any questions when the Board takes up each item.

Mayor Richetelli stated he also wished to make the Board aware that Mrs. L. Malone approached him regarding tax relief for current working farms. He stated it makes sense and that while it is not a lot of money he would forward it to this Board to take up at a future date. He spoke regarding comments made during the public session concerning elections. He explained in past elections and primaries police have been assigned. He stated he would look into it, even at this late hour. He thanked the Board for appointing the ad hoc committee. He stated he sent the Board the plan he put forth and stated he felt the Ordinance Committee could do it, but he would support the ad hoc committee and pledged his cooperation.

7. Unfinished Business:

None.

8. New Business (from Mayor's Report Items 8a-8h)

8a. Ald. Vetro and Ald. Patterson made and seconded a motion to approve the appointments to the Boards and Commission in item 8a.

Ald. Willey commented the last time they did this the Majority Leader read each name individually. He spoke as to S. Marrone being appointed to fill the spot formally held by Mr. Candido. He stated he decided it would not be fair to her to vote against her and commended her for volunteering. He also commented regarding a letter to the editor explaining why the majority voted the way they did and stated he would have rather heard it that evening.

Ald. Ditchkus echoed the comments of his colleague.

Chairman Blake asked if Ald. Ditchkus had something to say germane to the issue.

Ald. Ditchkus stated he wished to continue with his comments.

Chairman Blake ruled Ald. Ditchkus out of order.

An exchange of words continued between Chairman Blake and Ald. Ditchkus when Ald. Ditchkus asked if the Chairman was censoring the comments of Ald. Ditchkus.

Chairman Blake asked if he had something to say pertinent to the motion.

Ald. Ditchkus stated he was speaking as to the appointment to the police commission. He stated he would like to be allowed to finish his thoughts. Ald. Ditchkus stated they lost a wealth of knowledge in Mr. Candido. He stated it was time to move forward and thanked Ms. Marrone for her service. He stated it was time to get on with the process and fill the vacancy.

Motion carried unanimously.

8b. Ald. Vetro and Ald. Patterson made and seconded a motion to approve the request for Resolution RE: Grant Application for Youth and Family Services Activities. Motion carried unanimously.

8c. Ald. Vetro and Ald. Patterson made and seconded a motion to approve the request for Resolution RE: Grant Application for Human Resources Development Agency. Motion carried unanimously.

8d. Ald. Vetro and Ald. Hardiman made and seconded a motion to approve the request for Resolution RE: Grant Application for State Department of Social Services. Motion carried unanimously.

8e. Ald. Vetro and Ald. Blacketter made and seconded a motion to approve the request for Resolution RE: Youth Services Coordination Projection. Motion carried unanimously.

8f. Ald. Vetro and Ald. Lambert made and seconded a motion to approve the request for Resolution RE: Acceptance of Funds – "Mark Cooper Charitable Fund". Motion carried unanimously.

Ald. Ditchkus requested a 5-minutes recess. The Board recessed at 8:46 p.m.

Chairman Blake reconvened the Board in public session at 8:59 p.m.

8g. Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve the request RE: "Statement of Support for Regulation of Tip Fees at Resource Recovery Facilities".

Ald. Lambert commented with tipping fees going she wanted to make sure that everyone is on board in all departments to recycle. She noted the goals that Ann Berman has brought before this Board. She stated if they want to save money they need to have all buildings participate and have a concentrated effort. She stated she would like to see some type of audit to make sure the schools and public buildings are participating.

Mayor Richetelli pointed out this statement does not include recyclables. He stated that is under a different agreement. He explained the purpose of this agreement is so that tipping fees don't go up any further. He gave some of the 20-year background. He spoke of the importance of getting on board and the importance of strength in numbers.

Ald. Lambert responded she was aware that recycling is separate, but was only asking to reduce our garbage.

Ald. Ditchkus raised a point of order regarding the comments of Ald. Lambert. He stated he was hammered earlier this evening for not being germane to the topic. He stated her comments are not part of this agreement.

Ald. Veccharelli stated he wished to understand, the taxpayers of these 23 communities got together and we paid for it. He asked if they just finished paying for it why they can't continue to own it and why we are turning it over and trying to regulate it.

Mayor Richetelli explained the agreement reached and put together was put together many years before the 20 years. He stated the leaders of the 23 towns decided this was the best way to get rid of our garbage for a reasonable price. He continued with an explanation of the terms of the agreement. He stated they cannot change that, it was signed some 20 years ago and whether it was right or wrong it is a contract enforceable by the Attorney General. He stated if the Board wished to discuss the specifics they would need to go into Executive Session because of possible litigation. He also stated that adding collecting trash of 23 towns is no easy task and that is why this agreement. He explained background with the Environmental Protection and essentially they became the middleman. He stated this is the best path to follow at this time. He spoke with regard to recycling and that the City is very interested in increasing recycling. He stated it was Ald. Manning's son that came up with an idea for local fairs, etc. He also stated they have over 50 recycling bins for fairs, beaches, etc. He spoke as to the negative, the minimum and explained if you don't meet the minimum you pay for it any way. He stated he would be meeting with Ann Berman and her group next week.

Ald. Veccharelli asked if the Mayor thought they were going about this in the right way.

Mayor Richetelli reiterated it was the collective wisdom of 23 towns that this is the best course of action at this time. He also explained this is most pertinent because the legislators' session is starting. He stated they would be continuing simultaneously with other strategies.

Ald. Ditchkus spoke as to the other strategies and asked if they would be represented by a lobbyist to see what they can do with our legislatures and asked if he lobbyist would handle all of that.

Mayor Richetelli responded they would be hiring a lobbyist firm but that their best lobbyist is our legislatures. He stated they would keep in contact with the legislatures, Governor; etc to make sure the necessary paperwork is taken care of.

Motion carried unanimously.

8h. Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve the request to authorize the operation of an OTB (Offtrack Betting) facility at 89 Roses Mill Road (formerly Saber Electric Supply) – between the Boston Post Road and the new Milford Crossing Center) to include Sunday wagering as required by Connecticut general Statute 12-571a(b) and to authorize the Mayor to sign the Resolution per the request of Autotote Enterprises dated January 25, 2008.

Ald. Vitali commented that at the December 2, 2007 meeting, OTB was tabled because of morality issues and location. He asked about the research Ald. Manning stated she wished to conduct and asked if she received any information from the Board of Health or Bridges.

Ald. Manning stated she called Bridges and that Mr. Kasden had stated he did not wish to get involved.

Ald. Vitali stated he was of the opinion that this location mirrored the previous location. He noted Little White House Nursery School is located right behind this building and also asked about the affects to the students at the Foundation School just up the street. He stated with his 44 years with working with kids that both sides are really the same.

Ald. Lambert stated they asked to have the matter tabled because the Democrats felt they needed more time to research the site. He agreed it does almost mirror the property but before they did not have the time to research. She spoke as to the 89 signatures collected. She stated although she did not research this location she felt it was a better alternation not the maximum space needed.

Ald. Manning added she did research the topic. She stated she also spoke with other towns and some are working on an Ordinance to limit where an OTB can be in proportion to schools or daycares. She noted that should be taken into consideration. She stated regardless of how the vote goes she would ask the Ordinance Committee to look at that. She also spoke as to the \$65,000 figure that keeps coming up and that as far as she knew it is not \$65,000 but a percentage of that cost.

Mayor Richetelli stated he wished to clarify that number that has been batted around and that it is the figure from the last year they were in operation, so that is where the figure was arrived at.

Ald. Blacketter added the matter was tabled awaiting more information regarding statistics from Chief Mello's office.

Ald. Ditchkus stated he was not sure this is the best location either, but the City did have OTB before. He stated they came to town around 2000 and that the business co-existed before because they had Jai Alai. He commented if they were talking as to an issue of morality then they should talk about lottery that is in every

store. He stated they continue to hammer OTB and questioned if this were a morality issue then they should also look at the churches and tell them they can't have bingo, stating that is gambling as well. He questioned whether they were just looking at OTB, and that is just not the only thing. He reiterated the location is not necessarily ideal, but better than before. He also spoke as to the Penthouse Boutique located up the street and asked about the morality regarding that.

Ald. Veccharelli asked if it is 1.6% or 2.6% of the betting.

Mr. Tobin (Autotote) responded 1.6%.

Ald. Veccharelli commented they did have Jai Alai many years and OTB has been a good neighbor. He spoke as to budget time when they have to make cuts and that he would be thinking about this money. He stated they needed to give tax relief to our citizens. He stated OTB may not be the best solution, but they have been a good partner. Ald. Veccharelli asked if this is approved and there is a problem down the road what their recourse would be and if it would be to revoke or shut them down.

Mayor Richetelli responded he would not be in a position to answer that question.

Mr. Tobin responded every one of their locations is licensed by the State of Connecticut. He addressed the comment of racketeering and explained the company is owned by Scientific Games, which is a NASDAQ corporation. He also commented he has represented Autotote since it was prioritized in 1993.

Ald. Willey commended the Mayor and his team for trying to get Autotote back into Milford. He stated they have been a good neighbor. He also commented he has been to an OTB once and you will see your neighbors there and senior citizens and that it is a social time for them and that they are receiving a bad rap. He also stated the voters were very clear in the last election that they wanted their taxes lowered.

Attorney Lipton commented as to her recollection of the statute. She stated the mechanism is that this is State regulated and complaints would be filed with the State. She stated she did not want the Board to have the impression they can revoke this.

Ald. Manning commented they are mandated by the State to give us the money. She spoke as to her research and the number of police responses in New Britain.

Ald. Toohey spoke with respect to the responses in New Britain. She stated she find the numbers troubling so she called the assistant chief and stated to her that most of those calls were from surrounding towns. She stated he also told her there are a grant number of transients and homeless in that area and that it is a "rough" part of town. She stated there were very few issues from OTB.

Ald. Ditchkus stated the bottom line in Milford is that there were 5 calls in all the years they were there and that all were non-related to OTB. He also spoke to the issue Ald. Veccharelli brought up regarding the money and budget cuts. He noted the State gets \$650,000 from the Pequot Indians and that that is our share so if they are talking morality that would be a good chunk of change to give up.

Ald. Manning offered her share of the money that would equate to \$1.35.

By roll call vote the motion carried 10 yes (Bier, Blacketter, Blake, Ditchkus, Giannattasio, Hardiman, Patterson, Toohey, Veccharelli, Willey) and 5 no (Lambert, Manning, Nunno, Vetro, Vitali).

8i. Ald. Vetro and Ald. Lambert made and seconded a motion to approve the request to authorize the Mayor and the Director of Health to sign the Agreement between the City of Milford and the National Association of County and City Health Officials and accept a grant from this organization in the amount of \$10,000 to be used by the Health Department's local Medical Reserve Corps (MRC) (Citizens Emergency Response Team (CERT) and the Civilian Coalition Community Preparedness (CCCP) and to authorize the Mayor and Director of Health to take all steps necessary to effectuate the acceptance of these funds and the implementation of these programs. The Board of Aldermen further authorizes and directs the Director of Finance to create an account to deposit the proceeds of this grant and account for the disbursement of funds out of this account to pay for the ongoing implementation and operation of these programs. Motion carried unanimously.

9. New Business not on the Agenda which may be introduced by a two-thirds (2/3) vote of those present and voting.

Ald. Vetro and Ald. Giannattasio made and seconded a motion to add new business to the agenda, specifically a Resolution RE: Clean Water Fund 532-C1 – Adoption of Non-Discrimination Agreements and Warranties. Motion carried unanimously.

Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve a Resolution RE: Clean Water Fund 532-C1 – Adoption of Non-Discrimination Agreements and Warranties.

Ald. Ditchkus asked for some background information concerning this.

Mayor Richetelli apologized for the lateness of this Resolution explaining it arrived in his office at 4:30 p.m. from their bond council. He explained the \$65,000 sewer project and that the general assembly has been approving the funding for this project in pieces. Gave a lengthy explanation of the history of this project. He explained the bond commission approved \$30,000 or 1/3 of what is needed. He stated they are going to use that \$30,000 for the project and that he would be coming back to the Board at least two more times for the balance of the funding. He stated the certificate they have is for non-discriminate warranties in place as per State law. He stated if the Board does not pass this they will not be eligible for the money. He stated by passing this they are certifying the non-discrimination and warranties are in agreement with the State.

Motion carried unanimously.

10. Budget Memo Transfers:

- a. Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve Consideration of Budget Memo Transfer #9, Fund 10, FY 2007-2008. Motion carried unanimously.
- b. Ald. Vetro and Ald. Manning made and seconded a motion to approve Consideration of Budget Memo Transfer #10, Fund 10, FY 2007-2008. Motion carried unanimously.

11. Refunds:

- a. Ald. Vetro and Ald. Patterson made and seconded a motion to approve Consideration of Refunds in the amount of \$24,047.69. Motion carried unanimously.

12. Report of Standing Committees:

- a. Ordinance Committee – Ald. Patterson reported the Committee met earlier this evening and voted unanimously to forward to the full Board with their recommendation an Ordinance amending Chapter 18, Article X, Section 18-131 of the Milford Code of Ordinances and Chapter 18, Article XII, Section 18-169 of the Milford Code of Ordinances (Name Change of Agency from Milford Human Resources Development Agency to Department of Human Services).

Ald. Patterson and Ald. Ditchkus made and seconded a motion to approve an Ordinance amending Chapter 18, Article X, Section 18-131 of the Milford Code of Ordinances and Chapter 18, Article XII, Section 18-169 of the Milford Code of Ordinances (Name Change of Agency from Milford Human Resources Development Agency to Department of Human Services). Motion carried unanimously.

Ald. Patterson also reported the Ordinance Committee took up a matter tabled from last month.

Ald. Patterson and Ald. Blacketter made and seconded a motion to approve an Ordinance Amending Sections 6-5 and 6-6 of Chapter 6 of the Code of Ordinances of the City of Milford (Demolition Delay) amending the language “was built prior to 1902” and replace it with the wording “is at least 75 years old”.

Ald. Ditchkus stated he believe other language was discussed with regarding to attesting when this was written. He stated he believed some words were injected and passed but the other amendment never made it through.

Ald. Patterson replied it was brought up about the language, but it was not passed.

Ald. Ditchkus stated he did not have too many problems with the changes, but stated when he asked if this was run through the City Attorney he was told the City Attorney did not write this language. He asked about the penalties is a contractor does not submit in writing. He stated he also asked that the changes to this Ordinance not be made in piecemeal adding that the City Historian himself had stated that he wanted other things put into this Ordinance. He stated if they were going to do this, they should do it right from the beginning and not piecemeal. He suggested they send it back to Committee and get the right opinion from our City Attorney. He stated she is the one responsible for making sure the city is protected. He commented when they sit on this Board he is not a real estate agent and the Chairman is not an attorney. He stated it was not just about policy, but from a drafting prospect. He suggested something to the effect that it read “submit in writing something in writing or an alternate clause is not a statement so they don’t know what this means and how it would be enforced.

Chairman Blake asked if this was the language Ald. Ditchkus wished to put into the Ordinance.

Attorney Lipton questioned what would happen if they attest and they say it was built in 1970 and it was really built in parts in 1920. She also suggested since the Building Department is going to enforce this the Board should run this through the building official. She also brought up the issued regarding buildings within 100

feet. She asked if everybody under 500 feet is then required to give a sworn statement. She spoke as to the Ordinance when it was first enacted in 2002. She also questioned the increased waiting period to 60 days and most recently to 90 days. She asked what administrative procedures were in place.

Ald. Patterson requested a 5-minute recess. The Board recessed at 9:53 p.m.

Chairman Blake reconvened the Board in Public Session at 10:02 p.m.

Ald. Patterson and Ald. Vetro pursuant to the City's recommendation made and seconded a motion to amend Section 6-5 (b) striking that paragraph and striking in sub-section (c) the language "was built prior to 1902" and substituting in its place "is at least seventy-five (75) years old".

Ald. Ditchkus and Ald. Toohey in lieu of the number of changes to this Ordinance and the recommendations by the City Attorney, made and seconded a motion to send this back to Committee and get a correct cleaned up copy.

Ald. Ditchkus stated they needed to be proactive and do it the right way and get the correct language from our City Attorney. He stated there was no harm to this Board in doing that. He implored the Board to send it back and take it up next month.

Chairman Blake asked if Ald. Ditchkus could clarify his motion.

Ald. Ditchkus responded it was very simple, he asked to have it sent back to Committee and have it reviewed by the City Attorney.

Chairman Blake stated the discussion is on the amendment and the amendment only. Chairman Blake ruled the motion improper.

Mayor Richetelli interjected stating that Roberts Rules of Order takes precedent over a Motion to Amend.

Chairman Blake stated the Board would take a 5-minute recess. The Board recessed at 10:06 p.m. Chairman Blake reconvened the Board in Executive Session at 10:07 p.m. Chairman Blake stated he has considered the point of order and it is well taken. He stated the current action on the docket is a motion to table.

Ald. Ditchkus interjected stating he wished to send it back to Committee, not table it.

By roll call vote, the motion fails 9 no (Blacketter, Blake, Hardiman, Lambert, Manning, Nunno, Patterson, Veccharelli, Vetro) and 6 yes (Bier, Ditchkus, Giannattasio, Toohey, Vitali, Willey).

By roll call vote, the motion carried 9 yes (Blacketter, Blake, Hardiman, Lambert, Manning, Nunno, Patterson, Veccharelli, Vetro) and 6 no (Bier, Ditchkus, Giannattasio, Toohey, Vitali, Willey).

Ald. Blacketter stated they are waiting for the Model Ordinance from the State and that this is in the interim. She stated the change for the waiting period from 45-90 days is within this Ordinance and also they changed the date from 1902 to 75 years or older. She stated she would like to see this put through and put Milford in line with other cities.

Ald. Bier commented it was his understanding that the Ordinance Committee met to discuss changing the Ordinance and he was not present. He stated he thought it was the City Historian that asked for this. He stated it is also his understanding that the Committee did not seek any advice from the City Attorney. He asked why they are being asked to rush this when they know there are already changes they will need to address.

Ald. Patterson explained this Ordinance was brought up last month and that he did speak with the City Historian and that he is in favor of this. He also pointed out he is a proponent of the Connecticut Preservation Trust.

Ald. Vitali commented he was amazed that we have a City Attorney and this Board fails to utilize that authority. He stated in working with various organizations it would seem proper that the City Attorney draw up a draft and then bring in the City Historian and Building Department. He also commented this seemed so rushed and that they were getting this in without thinking. He commented this is bipartisan and has become more opaque. He stated they we have a City Attorney and "we should use her.

Chairman Blake stated the proposed Ordinance was put through the office and further the Committee adopted the recommendations of the City Attorney this evening in the form of her recommendations. He stated in terms of policy while he would ask they be legally sound, it is the purview of the Board of Aldermen to set policy.

Ald. Toohey stated she agreed this Board holds that power, however, with that power comes respect for the law and our job. She stated this Board would not do justice to the people to not gather information from the City Attorney. She pointed out that Ald. Blacketter stated there is still a lot of work to be done. She stated if they are to look at this from the standpoint that this is our job, then we should use the tools before us. She stated she would be concerned if they did not use those tools and respect that.

Ald. Ditchkus remarked his colleague has said it, "What is the rush?" He stated they have the City Attorney here and they should take advantage of her advise. He stated they should also get input from Mr. Platt. He reiterated his earlier plea not to do this in piecemeal. He continued on stating this Board needed to be responsible and to the right thing. In directing his comments to the Chair, Ald. Ditchkus stated the Chair was in that position to be a judge and be fair.

Chairman Blake responded he is very fair. He asked Ald. Ditchkus if he had something substantive to say, he should say it.

Ald. Ditchkus commented he was being bullied. He stated he has repeatedly been interrupted and been bullied tonight. He stated if he is recognized to speak, he then has that right. He asked what the harm would be to look at this from the proper fashion. He asked the Board to do this right and stated they could have this back for the March meeting. He also commented that tonight the City Historian asked for other changes and that the City Attorney also recommended numerous changes tonight. He stated this is like a Band-Aid on a cut artery. He stated if they were working off a model ordinance they should look at that and do it legally right. He also noted this was put on the agenda without review by the City Attorney. He referred to paragraph (b) stating it is a sentence and a half long and that the City Attorney could strengthen that.

Chairman Blake recognized Mr. Platt from the 5th District.

Mr. Platt stated he would be perfectly happy with changing 1902 to 75 years and 45 days to 90 days. He stated, however, he would agree with Ald. Ditchkus and that his point is well taken. He stated they should take their time with this and that he wanted to have an Ordinance that would stand up in court and be airtight. He reiterated he had no problem with the change in years and number of days for the permit. He reiterated the point is well taken to do it right.

Chairman Blake commented the amendments currently being proposed get rid of all the “muddy” language.

Mr. Platt stated he could have a copy of the model Ordinance to the City Attorney tomorrow.

Ald. Veccharelli stated this is a stopgap measure to put a little protection over our buildings. He stated it is not the end, just the beginning. He stated they have the paperwork that the state is working on and are anxiously awaiting that document. He stated once the State adopts their paperwork the Ordinance Committee would work closely. He reiterated this is a little protection adding it doesn’t have to be 1902 to be significant, but in 75 years that could be a historical treasure to the City. He stated as the City grows and progresses they need to protect things not just from 1902 but 75 years. He stated they are only seeking to make this Ordinance much better and stronger and as soon as they see what the State adopts there may be further changes.

Ald. Blacketter stated they were not sure when the State suggestions or draft would be available and in the meantime wanted to get something on the books.

Mr. Platt pointed out it is not the State but is the Connecticut Preservation Trust. He stated they are close to a final draft.

By roll call vote the amendment passes 9 yes (Blacketter, Blake, Hardiman, Lambert, Manning, Nunno, Patterson, Veccharelli, Vetro) and 6 no (Bier, Ditchkus, Giannattasio, Toohey, Vitali, Willey).

On the main motion, by roll call vote, the motion passes 9 yes Blacketter, Blake, Hardiman, Lambert, Manning, Nunno, Patterson, Veccharelli, Vetro) and 6 no (Bier, Ditchkus, Giannattasio, Toohey, Vitali, Willey).

b. Public Safety and Welfare Committee – no report.

c. Public Works Committee – no report.

d. Claims Committee – Ald. Hardiman reported the Claims Committee met earlier in the evening to consider two claims and voted unanimously to forward them to the full Board.

Ald. Hardiman and Ald. Patterson made and seconded a motion to approve the Claim of former Public Works employee Raul Acevedo (Full & Final Settlement) per the recommendations of the City Attorney as discussed in Executive Session; and to approve the Claim of Firefighter Shawn Murray (PPD) per the recommendations of the City Attorney as discussed in Executive Session.

Chairman Blake stated he wished to clarify that the Committee recommended these claims to the full Board.

Ald. Hardiman responded yes.

Motion carried unanimously.

- e. Rules Committee – no report.
- f. Personnel Committee – no report.

13. Report of Special Committees:

- a. Liaison Sub-Committee – Board of Education – no report.
- b. Liaison Sub-Committee – Flood & Erosion Board – no report.
- c. Liaison Sub-Committee – Park, Beach & Recreation Comm. – Ald. Toohey reported that every year this Commission goes out of their way to look at new programs and new alternatives. She stated they are currently looking into a “boundless playground”. She stated this Commission does so much for our handicapped children and integrating them into the regular programs.
- d. Liaison Sub-Committee – Planning & Zoning Board – Ald. Vetro reported Ms. J. Cervin was elected Chairperson and Ms. K. Rose, Vice Chair.
- e. Liaison Sub-Committee – Sewer Commission – Ald. Nunno reported Mr. P. Austin was elected Chairman and Mr. D. Anderson, Vice Chairman.
- f. Liaison Sub-Committee – Harbor Management Commission – no report.
- g. Liaison – Council on Aging – Ald. Vetro reported Ms. L. Holm was elected Chairperson and Ms. C. DeLuca, Vice Chairperson.
- h. Permanent School Facility Building Committee – no report.
- i. Liaison Sub-Committee – Library Board – no report.
- j. Liaison Sub-Committee – Fowler Memorial building – no report.
- k. Liaison Sub-Committee – Milford Redevelopment & Housing Partnership – Ald. Lambert reported the Committee has a new member, Mr. R. Arnold. She also reported on January 15, 2008 Mr. Vasilou spoke on LRA. She stated there were many suggestions and recommendations for the green standard. She also reported in 2007 there were 250 names on the housing list, but not as many senior citizens are taking advantage.
- l. Golf Course Commission – Ald. Hardiman stated he wished to defer to his colleague. Ald. Toohey reported rounds are up 4,400 and a lot of that is due to the work done at the golf course. She reported the interior of the clubhouse would be painted during the winter months. Ald. Toohey also reported Mr. D. Austin was elected Chairman and Mr. D. Worroll, Vice Chairman. She stated the Commission would be looking into working on the traps this year.
- m. Inland Wetlands Agency – no report.
- n. Milford Academy Community Campus Bldg. Committee – no report
- o. Courthouse Expansion Committee – no report
- p. Liaison Health Department – no report.
- q. Education Funding Committee – no report.

Mayor Richetelli stated he wished to report that Mr. O'Connell has spoken with the Police Chief and there will be police officers at each of the schools tomorrow.

14. Executive Session. A two-thirds (2/3) vote of those present and voting is required for any item to be considered in executive session. A two-thirds (2/3) vote of those present and voting is required to go into executive session.

The Chairman shall announce, in public session, those items to be covered in executive session and call for a vote to enter executive session. If a two-thirds (2/3) vote, to enter executive session, is obtained, the hall shall be cleared and executive session declared.

14a. Status report and consideration of settlement of Kahuna Realty Group, LLC v. City of Milford.
RE: 262 Depot Road

14b. Status report and consideration of settlement of Stop & Shop Supermarket Co. v. City of Milford
RE: 851 Bridgeport Avenue, 855 Bridgeport Avenue and 1360 East Town Road

Chairman Blake stated he would entertain a motion to go into Executive Session to discuss items 14a and 14b. He stated going into Executive Session would be the full Board, the Mayor, City Attorney and City Assessor. Chairman Blake stated he would be recusing himself from Executive Session and any vote on item 14b because he represents Stop & Shop as an attorney.

Ald. Vetro and Ald. Ditchkus made and seconded a motion to adjourn to Executive Session. Motion carried unanimously.

The Board adjourned to Executive Session at 10:39 p.m.

Ald. Toohey and Ald. Patterson made and seconded a motion to come out of Executive Session at 10:54 p.m. Motion carried unanimously.

Chairman Blake reconvened the Board in Public Session at 10:54 p.m.

Ald. Vetro and Ald. Patterson made and seconded a motion to enter into settlement RE: Stop & Shop Supermarket Co. v. City of Milford in accordance with the recommendations of the City Assessor as discussed in Executive Session. Motion carried 14 yes (Bier, Blacketter, Ditchkus, Giannattasio, Hardiman, Lambert, Manning, Nunno, Patterson, Toohey, Veccharelli, Vetro, Vitali, Willey) and 1 abstention (Blake).

Ald. Vetro and Ald. Ditchkus made and seconded a motion to enter into settlement RE: Kahuna Realty Group, LLC. v. City of Milford in accordance with the recommendations of the City Assessor as discussed in Executive Session. Motion carried unanimously.

Ald. Ditchkus and Ald. Patterson moved to adjourn at 10:57 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen K. Huber
Board Secretary