

**BOARD OF ALDERMEN
REGULAR MEETING
MARCH 3, 2014**

The Board of Aldermen of the City of Milford held their Regular Meeting on Monday, March 3, 2014 in the aldermanic chambers of City Hall. Chairman P. Vetro called the meeting to order at 7:59 p.m. Chairman Vetro asked those present to join in saluting our flag and reciting the Pledge of Allegiance.

1. Roll Call

Board Members Present

B. Anderson
B. Bier
M. Casey
S. Fontana
D. German
A. Giannattasio
J. Golden
M. Hardiman
D. Kubek
S. Shaw
F. Smith
G. Stanford
N. Veccharelli
P. Vetro
R. Vitali

Also Present

Mayor Benjamin G. Blake
Jonathan D. Berchem, City Attorney
Peter Erodici, Finance Director
Suzanne Paul, Assistant City Clerk
Steven Fournier, Mayor's Admin Asst

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.

P. Lemoine – 330 Merwin Avenue – stated she was here tonight regarding Agenda 21 or sustainable development. She spoke of the many issues with this type of control. She continued by reading from pre-printed materials which she then gave to the Chairman.

L. Davies – 20 Pamela Drive - stated she was here tonight to ask the Board to pass an Ordinance that bans these exotic animal circuses. Reading from a prepared statement she spoke of the treatment of these animals and the violations these types of venues have incurred. She stated if the circus is allowed to remain, something needed to be put in place to make sure the animals are treated humanely and are free from disease. She stated tonight this Board has the opportunity to stand up for what their constituents want and those citizens who do not want to be a part of animal abuse. She asked the Board to make a difference.

P. Liptak – 595 Roses Mill Road – stated she is the City’s retired animal control officer. She stated she is very proud to live and have worked in Milford and spoke of her work in animal control. She asked the Board to stop the horrific treatment these circus animals endure. She asked that Milford speak for those animals who cannot.

G. Payne – National President Elect of Circus Fans of America - he stated he cares about these animals and their treatment. He also spoke of the importance of having evidence to back up some of the claims being made. He stated this Ordinance would end an American institution. Reading from a prepared statement he spoke of the care and love as well as the amount of training animal handlers receives. He asked the Board not to be bullied and take away the rights of the citizens of Milford.

T. Commerford – 48 Torrington Road, Goshen - He stated he is a second generation animal handler and that he has taken care of all types of animals, including zebras, elephants, etc. He stated he is the one who see at the fairs when he drives up in that big tractor trailer. He emphasized this is his livelihood. He also pointed out the animals are highly trained and know what they are doing. He stated hearing tonight that these animals are beaten is just ludicrous. He stated he loves every animal he handles and that it has been extremely rewarding for him and his family when he brings these animals to various fairs. He reiterated this is his livelihood. He stated what the Board was hearing tonight was textbook PETA propaganda.

G. Beacher – no address given - stated he has had the pleasure of visiting these animals closely in their homes and that he has developed close friendships with their handlers. He stated these animals probably receive better care than some of our children. He stated the thought of suddenly not being able to have these opportunities in to the future would be unfortunate, adding these are family traditions. He asked the Board to give this careful review.

F. Panzer – 39 Lawrence Avenue - stated he is a resident here in Milford. He spoke of technology taking over our children’s lives. He stated he was here tonight to ask the Board to keep the circus in Milford and giving children the opportunity to attend.

3. Consideration of the Minutes of the Regular Meeting of the Board of Aldermen held on February 3, 2014.

Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the minutes of the Regular Meeting held on February 3, 2014. Motion carried unanimously.

4. Consideration of the Minutes of the Special Meeting.

None.

5. Chairman’s Report and Communications.

Chairman Vetro reminded his fellow aldermen and the listening audience of the Saint Patrick’s Day parade which he stated would take place on Saturday, March 15, beginning at 1:00 p.m. He encouraged every to attend the parade. He also congratulated Ald. Hardiman on receiving the Cornelius Driscoll award and spoke of his commitment to the Irish community and promoting Irish culture and history.

6. Mayor's Report and Recommendations:

Mayor Blake congratulated Ald Hardiman. He stated the Saint Patrick's Day parade is the unofficial start of spring and stated Milford could count on a beautiful day. He stated it has been a long, hard winter and he looked forward to celebrating the Irish. Mayor Blake asked the Board's consideration and action on those agenda items 8a-8l and that he would be happy to answer any questions the Board may have.

7. Unfinished Business

None.

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

8a. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for the appointment of (R) James McMellon, 173 Red Root Lane, Milford, 06461, as a member of the Housing Code Board of Appeals (term expiring 12/31/18). Motion carried unanimously.

8b. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for the appointment of (R) Janice Tantimonico, 70 Sassacus Drive, 06461, as a member of the Civil Service Commission to fill the present vacancy (term expiring 12/31/16). Motion carried unanimously.

8c. Ald. Veccharleli and Ald. Golden made and seconded a motion to approve the request for the appointment of (U) Judy Keeler, 49 Dart Hill Road, 06461, as an alternate member of the Pension and Retirement Board to fill the present vacancy (term expiring 12/31/16).

Assistant City Clerk Suzanne Paul swore in Ms. Tantimonico.

8d. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request authorizing the acceptance of the Hazard Mitigation Program Sub- Grant No. FEMA-DR-4023-CT-23R in the amount of \$120,350 for the elevation of the residential structure located at 49 Oakland Avenue and to authorize the Mayor, Finance Director, Director of Community Development and City Attorney to take all steps necessary, including signing all documents, to effectuate said grant acceptance and elevation of said residential structure.

Ald. Giannattasio asked if the City acted as the sub-grantee for the resident.

Attorney Berchem stated he would defer to the City's Community Development Director.

Mayor Blake interjected, explaining the Economic Development Department is the administrator of this grant for the City.

Ald. Giannattasio asked if the funds are given to the City or individual.

Mayor Blake explained it is given to the City and then there are payments in place.

Ald. Giannattasio asked if this is from Storm Irene.

Mayor Blake replied yes.

Ald. Giannattasio asked if the same holds true for the next item.

Mayor Blake replied yes.

Motion carried unanimously.

8e. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for the acceptance of the Hazard Mitigation Program Sub-Grant No. FEMA-DR-4046-CT-10R in the amount of \$197,700 for the elevation of the residential structure located at 22 Field Court and to authorize the Mayor, Finance Director, Director of Community Development and City Attorney to take all steps necessary, including signing all documents, to effectuate said grant acceptance and elevation of said residential structure.

Ald. Vitali asked about the \$75,000 difference from the previous approval.

Mayor Blake explained it is the cost of the elevation.

Ald. Smith asked if these two grants are post Irene, and nothing to do with FEMA

Ms. Nash explained they are two acquisitions and grants.

Ald. Giannattasio asked if this is the last of the grants.

Ms. Nash replied yes.

Motion carried unanimously.

8f. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request for the Resolution initiating Charter Revision.

Ald. Giannattasio stated it was his recollection this matter was tabled last month. He stated he was looking for clarification why it did not have to first be taken off the table.

Mayor Blake stated it is the pleasure of the Board. He stated it is the same motion that was brought last month and that nothing about it is different.

Ald. Anderson stated as he recalled he moved to table it last month and that he would be happy to make that motion to remove it from the table.

Ald. Anderson and Ald. Stanford made and seconded a motion to remove from the table the request for the Resolution initiating Charter Revision.

By roll call vote, motion carried 9 yes (Anderson, Golden, Hardiman, Kubek, Shaw, Smith, Stanford, Veccharelli, Vetro) and 6 no (Bier, Casey, Fontana, German, Giannattasio, Vitali)

Ald. Smith commented he has learned there were some misgivings on the part of the minority to open the Charter. He stated he read in the newspaper that the minority has concern that the minority could be in jeopardy. He stated his caucus has been a part of the minority rule for many years. He pledged he would not vote to eliminate the minority representation. Ald. Smith also stated the committee being considered for appointment is fair and bipartisan and would be a sound and noble committee. He also stated in the end any change would go to the citizens of Milford to vote on. He stated the Charter has not been looked at since 1983 and each month it seems like this Board has to modify some part of it.

Ald. Stanford stated she heartedly agreed with the comments of Ald. Smith and stated she could not imagine being without minority representation.

Ald. Giannattasio stated speaking as the minority leader he wished to thank his colleagues and that he respected what they were saying. He stated minority representative was only one aspect. He also recalled when the majority was in the minority a few years ago they would not vote to open the Charter; in fact they never even entertained the idea of doing so. He stated he respected the position of the majority and stated he hoped they respected his and that perhaps down the road if they positions are reversed and the minority is in the majority consideration could take place again to revisit this mater.

Ald. Veccharelli stated the last time this Board tried to open the Charter there was very little dialogue. He stated his side of the aisle has bent over backwards to try to meet with the minority's approval. He stated it is unfair to the citizens of Milford not to vote to open the Charter, adding there are many things that need to be addressed. Ald. Veccharelli also stated it is the citizens of Milford that ultimately decide the Charter not the "R's" or "D's". He stated this Board should be able to collectively come together for the citizens of Milford. He reiterated the majority has tried to see what they could do to get the minority to open the Charter. He stated he was very disappointed.

Mayor Blake stated as additional background that in 1959 Milford switched from a town government to City government. He stated since 1983 when the Charter Revision meet last there are many items that could put the City in legal jeopardy, thereby subjecting the City to potential lawsuits. He went on to cite several examples. Mayor Blake stated he met with Ald. Giannattasio and thought they had worked through the issues. He also stated when they met they agreed on each of the committee members. He stated the group is a very reasonable group of Milford citizens who have the City's best at heart. Mayor Blake strongly recommended to let State Statute governing the City Charter go to work. He reiterated if the Board did not vote to take action they would be putting the City at risk.

Ald. Giannattasio requested a 5 min. recess. The Board recessed at 8:52 p.m.

Chairman Vetro reconvened the Board in public session at 9:09 p.m.

Ald. Vitali recalled that 7 years ago when he came on this Board the then minority were against and vote against opening the Charter because of the members on the committee.

Mayor Blake stated the issue of the Charter never came to this Board.

Ald. Vitali stated it was obvious their recollections of the matter were different.

Chairman Vetro stated moving forward both sides had an opportunity to discuss members for the committee and handling the charge. He stated he thought he had been a turn for the better from 7 years ago.

Ald. Casey stated the Board needed to put aside political aspects. He stated when the majority came to the minority originally the reason for opening the Charter was to expand the terms of the Mayor, City Clerk and Aldermen. He stated the Charter has been in existence for 30 years and has served the City well. He also pointed out the Statutes are clear that a Statute preempts a Charter. He also coined a phrase stated by Mayor Blake “if you are lucky enough to live in Milford, you are lucky.” Ald. Casey reiterated the Charter has served this Board and the citizens well and urged his fellow aldermen to vote against this.

Mayor Blake stated he never envisioned changes to the Board of Aldermen or minority representatives. He stated changes were to the Board of Education due to the possibility of an entire Board changing. He stated Milford has been luck over the last 30 years that the Charter has not been challenged.

Ald. Smith asked Ald. Casey and Giannattasio is their concerns were with the terms of the mayor and if that was this was now being debated. He stated many surrounding towns have 4 year terms, adding for a chief executive officer to be effective four years is a good amount of time.

Ald. Casey stated that is one concern, however, more importantly he stated this Board has the obligation to be accountable to the people of Milford. He stated it is important to have our elected officials as accountable as possible. He stated the City has not grown that much to warrant this change. He stated town government has served the people well. Ald. Casey also stated there was a proposal to expand the Board of Education and there was also a proposal to change the Board of Aldermen to three years. He stated to say “the sky is falling” is without merit. He stated he is not in favor of expanding the terms of the Board of Aldermen, City Clerk, etc.

Ald. Veccharelli read the language from the Charter. He stated regarding the Board of Education it is hard to get people to run. He stated they needed longer terms and that it would be beneficial in the end. He stated the majority has pledged to the minority not to make certain change and he would support that. He also spoke of the make-up of the community and that the taxpayers deserve a vote in these things. He stated he hoped his colleagues would go forward with this and give it the consideration it deserves.

Ald. Vitali stated Ald. Veccharelli was making an assumption that someone wants to serve a four year term. He stated both side have difficulty getting people to run. He also stated the Charter could be opened and positions could then be made at the will of the mayor, i.e. City Clerk. He also stated there could have been more discussion and publicizing the specifics.

Ald. Smith stated Ald. Vitali made a good point about four year terms, which is a concern. He stated the larger question is town hall democracy and commented that it what the Charter Revision would do. He stated the committee is a distinguished group of leaders who would be responsive to the people. He stated this Board owed it to the voters of Milford to vote in favor.

Ald. Giannattasio stated up to this point a lot of the discussions were at the leadership level of this Board. He expressed his hope at the end of the day; the majority would respect their decision.

Ald. Giannattasio and Ald. Vitali made and seconded a motion to move the question.

Roll call – Ald. Anderson stated he was only voting no to assess if anyone else wished to speak on this issue that had not.

Ald. Bier stated this Board had a very important question before them and that he would like to hear more. He stated he had many questions and also that he had heard many reasons over the last 10 years as to why or why not. He stated it is his understanding once the Charter is opened, everything is open. He asked if the Committee would interact with the aldermen. He also asked if the aldermen were not happy with the recommendations of the committee, could the aldermen then make changes. Ald. Bier stated there were a lot of procedural things he was not sure about. He also stated it was his understanding a 2/3 vote was needed to open the Charter, but once it opened only a simple majority was needed for any vote. He stated right now he had too many questions to consider opening the Charter.

Ald. Anderson stated he has not participated in the conversation until now because he wanted to listen. He stated it is a feather in Milford's hat that they have not had to open the Charter. He also commented Milford is celebrating its 375th birthday and this simple document has kept the city together. He stated as he sees it there are three bites of the apple: 1) there are members who have agreed to serve on the committee; 2) the meetings will be open to the public and will be duly noticed. He stated the committee will take into consideration the recommendations and issue a report back to this Board; and 3) if we are in agreement any changes would then go to a vote of the citizens. He also stated he was hearing a lack of trust from his colleagues, which he stated concerned him.

Mayor Blake stated there are safeguards in the process. This has to be at least two public hearings. He also stated recommendations would go back to the committee, but in the end any part of the recommendation can be denied.

Ald. Casey pointed out there is another mechanism which is the people can petition to change the Charter. He stated by his voting no he was not foreclosing the mind of the people. If stated if the people want this they can petition to change any part of the Charter.

Ald. Bier asked if when it came back to the Board if it was possible to change to make the revisions by a 2/3 vote.

Mayor Blake stated the process is guided by State Statute. He also stated heard pledge made by Ald. Smith and adopted by some of the other aldermen.

Ald. Anderson commented one of the most disturbing parts of the Charter is some of the specific dates.

Ald. Giannattasio requested a 5 min. recess. The Board recessed at 9:55 p.m.

Chairman Vetro reconvened the Board in public session at 9:55 p.m.

Chairman Vetro stated that prior to the recess there was a motion made and seconded to move the question. He stated during the roll call there were aldermen that wished to speak. He asked if the maker of the motion would consider withdrawing that motion.

Ald. Giannattasio stated he would rescind his motion, Ald. Vitali stated he would rescind his second to move the question.

By roll call vote the motion failed 9 yes (Anderson, Golden, Hardiman, Kubek, Shaw, Smith, Stanford, Veccharelli, Vetro) and 6 no (Bier, Casey, Fontana, German, Giannattasio, Vitalli).

Chairman Vetro stated because a super majority was needed the vote failed 9/6.

8g. **REMOVED.**

8h. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for the Resolution Re: Historic Document Preservation Grant and to authorize the Mayor, Finance Director, City Clerk and City Attorney to take all steps necessary, including signing all documents to effectuate said grant acceptance. Motion carried unanimously.

8i. Ald. Veccharelli and Ald. Giannattasio made and seconded a motion to approve the Resolution Re: State of Connecticut Municipality Connection Plan (Regional Performance Incentive Program) and to authorize the Mayor, Finance Director, MIS Director and City Attorney take all steps necessary, including signing all documents, to effectuate said Regional Performance Incentive Program. Motion carried unanimously.

8j. Ald. Veccharelli and Ald. Giannattasio made and seconded a motion to approve the Resolution Re: Continued Development of Regional GIS Data Service (Regional Performance Incentive Program) and to authorize the Mayor, Finance Director, MIS Director and City Attorney to take all steps necessary, including signing all documents, to effectuate said Regional Performance Incentive Program. Motion carried unanimously.

8k. Ald. Veccharelli and Ald. Giannattasio made and seconded a motion to approve the request for Resolution Re: Establishment of Special Revenue Fund 87 Account Related to the Milford Police Department. Motion carried unanimously.

8l. Ald. Veccharelli and Ald. Giannattasio made and seconded a motion to approve the request to grant permission to Milford's 375th Anniversary Committee to bury a time capsule adjacent to the Parsons Government Center contingent on required approvals.

Mayor Blake stated Ms. Nash and members of the 375th Committee were present, along with Frosty Smith, Chairman of the Capsule Committee.

Mr. Smith acknowledged committee members Ald. Kubek and Ald. Vitali. He also stated they are slowly moving Ald. Anderson onto this Committee as well. Mr. Smith stated rounding out the Committee are members Dr. Feser, Kathy Bonetti. He stated they are looking to plant the capsule sometime after the snow is gone.

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.

None.

10. Budget Memo Transfers

None.

11. Refunds

(a) Ald. Veccharelli and Ald. Giannattasio made and seconded a motion to approve Consideration of Refunds in the amount of \$45,405.67. Motion carried unanimously.

12. Report of Standing Committees:

a. Ordinance Committee – Ald. Smith reported the Ordinance Committee met earlier in the evening to consider one Ordinance. He reported at the request of the City Attorney and the Mayor the second Ordinance was withdrawn pending additional information.

12a-1. Ald. Smith and Ald. Veccharelli made and seconded a motion to approve An Ordinance Creating Chapter 3, Amusements, Article IV, Exhibition of Wild and Exotic Animals.

Ald. Smith explained in consultation with members of this Board, counsel and the public, Ald. Giannattasio presented an amendment to the Ordinance during the Ordinance Committee meeting, which carried unanimously with a favorable recommendation to the full Board of Aldermen. He went on to explain each of the changes to the original document. Ald. Smith also stated this is the first municipal Ordinance of this type. He explained the USDA is a federal agency that oversees this and that it is there job to make sure these animals are not mistreated.

Ald. Vitali asked what regulatory powers were in place and how they are enforced.

Mayor Blake explained there are zoning laws, i.e. for tents, etc. He also stated Ald. Smith has done exhaustive research.

Ald. Vitali asked what regulations were followed or enforced prior to this Ordinance.

Ald. Smith stated there was nothing. He stated over the past 1 ½ years he has met with numerous individuals, as well as Planning and Zoning. He pointed out Milford was not taking on the enforcement themselves, but it would be the responsibility of the USDA.

Ald. Vitali thanked Ald. Smith for all of this working putting this Ordinance together.

Motion carried unanimously.

Chairman Smith thanked Ald. Smith for the hours of work.

- b. Public Safety and Welfare Committee – no report.
- c. Public Works Committee – no report.
- d. Claims Committee – no report
- e. Rules Committee – no report.
- f. Personnel Committee – no report.

13. Report of Special Committees:

- a. Liaison Sub-Committee – Board of Education –
- b. Liaison Sub-Committee – Flood & Erosion Board – no report.
- c. Liaison Sub-Committee – Park, Beach & Recreation Comm. – no report
- d. Liaison Sub-Committee – Planning & Zoning Board – no report.
- e. Liaison Sub-Committee – Sewer Commission – no report.
- f. Liaison Sub-Committee – Harbor Management Commission – no report.
- g. Liaison – Council on Aging – no report.
- 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 – no report.
- l. Golf Course Commission – no report.
- m. Inland Wetlands Agency – no report.
- n. Liaison Health Department – no report.
- o. Devon Revitalization Committee – no report.
- p. Human Services Commission – no report
- q. Liaison Pension & Retirement Board – no report.
- r. Milford Government Access Television (MGAT) – no report.

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. Consideration of pending claim Re: American International Group.
- 14b. Consideration of settlement of Quarry Road Sam, LLC v. City of Milford
Re: 280 Quarry Road
- 14c. Consideration of settlement of Turnpike Lodge, Inc. v. City of Milford
Re: 1052 Boston Post Road

Chairman Vetro announced those individuals entering Executive Session for item 14a would be the full Board, Mayor and City Attorney. He stated for items 14b and 14c, going into Executive Session would be the full Board, Mayor, City Attorney and City Assessor..

Ald. Veccharelli and Ald. Hardiman made and seconded a motion to go into Executive Session for the items announced by the Chairman above. Motion carried unanimously.

The Board adjourned to Executive Session at 10:21 p.m.

Mr. Thomas entered Executive Session at 10:34 p.m.

Chairman Vetro reconvened the meeting in public session at 10:42 p.m.

Ald. Veccharelli and Ald. Golden made and seconded a motion to authorize the City to enter into settlement RE: Quarry Road Sam, LLC v. City of Milford Re: 280 Quarry Road, in accordance with the recommendations of the City Assessor and City Attorney as discussed in Executive Session. Motion carried unanimously.

Ald. Veccharelli and Ald. Golden made and seconded a motion to authorize the City to enter into settlement RE: Turnpike Lodge, Inc. v. City of Milford Re: 401 1052 Boston Post Road, in accordance with the recommendations of the City Assessor and City Attorney as discussed in Executive Session. Motion carried unanimously.

Being no further business to discuss, Ald. Veccharelli and Ald. Golden moved to adjourn at 10:43 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen K. Huber
Recording Secretary