

**ORDINANCE COMMITTEE
MEETING AND PUBLIC HEARING
MAY 7, 2007**

The Ordinance Committee of the Board of Aldermen held a meeting and public session on Monday, May 7, 2007. Chairman V. Ditchkus, Jr. called the meeting to order at 6:36 p.m. and read the public notice as posted in the New Haven Register on May 2, 2007.

MEMBERS PRESENT

V. Ditchkus, Jr., Chairman
J. Garbus, Vice Chairman
B. Blake
J. Politi
N. Veccharelli

Chairman V. Ditchkus, Jr. opened the public session of the Ordinance Committee at 6:37 p.m. regarding the following Ordinance:

1. An Ordinance repealing and replacing Chapter 2.3 of the Code of Ordinances of the City of Milford (Adult-Oriented Establishments).

Speakers in Favor - None

Speakers Opposed:

P. Vanse (sp) – no address given – stated he is here on behalf of Joe Ratzberger the backer for Keepers. He commented this Committee received information as it pertains to modification from Scott Bergthold, who he noted, is an attorney in Arizona and Tennessee. He commented there is an issue as to whether he is a Connecticut certified attorney. He also questioned the Committee as to whether they should take information from Mr. Bergthold as it relates to the pending case.

D. Silver – stated he is an attorney with a practice in New Britain and that he currently represents the plaintiffs in an existing case in Federal Court against the City of Milford. He stated he has been told he would be held this evening to a strict 3-minute speaking period. He stated he was shocked at the timing of this Ordinance as far as the pending case relates. He commented the City had represented to him and the Federal Court that they were interested in attempting to resolve pending litigation. He stated the thought of this Ordinance illustrates to him that the city is in bad faith attempting to go forward with the drafting of this new Ordinance. He stated it troubles him and wished to bring it to this Board's attention. He also stated he did not hear about this until this morning and that too troubles him and that it should also trouble this Board. He stated there was nothing through litigation or discovery that should bring this about and noted the timing is striking. He spoke again of the city acting in good faith and commented about mediation that was scheduled for April 26, 2007 and that he was notified that there was a scheduling conflict and the matter was rescheduled until June 29, 2007. He stated he questions why between those two dates mediation was cancelled and a new Ordinance came about.

E. Colimore – stated he is an attorney representing the interests of Angela Salato, permittee of Keepers. He spoke of the proposed Ordinance and also submitted to the Committee for consideration a study that was done with potential adverse impacts as a result of the existing Ordinance and entered those studies for the record. He stated he would be happy to answer any questions any one had.

M. Lipton – City Attorney for the City of Milford – stated it was not the intent of the City to blindside Mr. Silver. She also explained the mediation was rescheduled as she was unable to attend because she was in Arizona until April 30, 2007. She explained she was advised in early April of the mediation and could not interpose her schedule. She stated it is still their intention to go forward. She stated Attorney Bergthold is here as a colleague and outside counsel regarding the litigation with Keepers. She stated she had known Scott for about 12 years and explained she met him at a training conference regarding adult-oriented establishments. She stated the changes do not take affect until all of the adult licenses expire. She deferred to Attorney Bergthold for his presentation.

Attorney Bergthold presented his program speaking of the “Negative Secondary Effects of Sexually Oriented Businesses”. He explained his appearance stems from hid involvement with the City in their current litigation. He stated he did not reference that he is admitted in Connecticut and explained his background. He continued with his PowerPoint presentation, which he stated addresses concerns raised by the Plaintiff in current litigation. He stated this Ordinance attempts to eliminate some of those claims. He explained the results of a 2003 Federal Court decision regarding licensing. He spoke of “open booths” and how the conformation of the booth should be and also spoke of the hours of operation provision in this as well. He stated the new Ordinance does not affect current litigation and that the new Ordinance will not impact what is going on in present Federal litigation. He referred to the handout (PowerPoint) and continued by explaining the 6 categories local government can consider as well as key cases supporting this Ordinance.

Chairman Ditchkus closed the public session at 7:12 p.m.

Ald. Politi and Ald. Garbus moved to waive the reading of the Ordinances in their entirety. Motion carried unanimously.

Ald. Garbus and Ald. Veccharelli moved to forward to the full Board with a favorable recommendation An Ordinance repealing and replacing Chapter 2.3 of the Code of Ordinances of the City of Milford (Adult-Oriented Establishments).

Chairman Ditchkus explained these are relatively minor text amendments

Motion carried unanimously.

Ald. Garbus and Ald. Politi moved to adjourn. Motion carried unanimously. The Committee adjourned at 7:15 p.m.

Respectfully submitted,

Kathleen K. Huber
Board Secretary

