

**BOARD OF ALDERMEN  
REGULAR MEETING  
JUNE 2, 2014**

The Board of Aldermen of the City of Milford held their Regular Meeting on Monday, June 2, 2014 in the aldermanic chambers of City Hall. Chairman P. Vetro called the meeting to order at p.m. Chairman Vetro asked those present to join in saluting our flag and reciting the Pledge of Allegiance and remain standing for a moment of silence for former city clerk Linda Stock who passed away last week. He stated she was well respected and would be missed.

**1. Roll Call**

Board Members Present

B. Anderson  
B. Bier (7:37 p.m.)  
M. Casey  
D. German  
A. Giannattasio  
J. Golden  
M. Hardiman  
D. Kubek  
S. Shaw  
G. Stanford  
N. Veccharelli  
P. Vetro  
R. Vitali

Also Present

Mayor Benjamin G. Blake  
Jonathan D. Berchem, City Attorney  
Peter Erodici, Finance Director  
Bonnie Peloso, Assistant City Clerk  
S. Fournier, Mayor's Admin Asst

Excused

S. Fontana  
F. Smith (business)

Ald. Anderson noted for the record that Ald. Smith requested to be excused due to a business conflict.

Chairman Vetro deferred to Mayor Blake for a special presentation and proclamation.

Mayor Blake called upon Chris Capobianco, Matt Capobianco and Shawn Reilly along with Debbie Horne to come forward. He stated Chris, Matt and Shawn would be representing the City of Milford in Princeton, New Jersey next week at the Special Olympics. He proceeded to read the proclamation and wished Chris, Matt and Shawn well and stated Milford was proud to have these young men represent them.

**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.

T. Nicol - 14 Crest Place –stated he has been a citizen and voter since 1967. Stated he has a concern the Board of Aldermen may be able to help him with. He state he wished to remind the Board that when he starting talking about these matters that abortion has been legal since 1967 and that there have been thousands of deaths. He stated the percentage is just staggering. He stated he would be presenting a document he would like the Board to vote on. He stated this is just not about babies, but fathers, marines, people who just aren't there. He stated this is something that was just accepted by seven judges and it should not be that way.

P. Lemoine – stated she lives in Orange, but owns and pays taxes on property located on Merwin Avenue. She stated several months ago she just left a package with the Board. She stated tonight she would speak regarding Common Core, Agenda 21 and climate control. She stated everyone needs to expect changes in our climate. She continued speaking regarding the climate and the many changes over the years. She stated she wished to recommend the book “Agenda 21” to the Board. She continued reading some of that information. She stated she hoped the Board would continue to do research to understand what is going on.

R. Casey – 31 Riverside Dr. stated she was here tonight regarding item 8h. She thanked Board and City Attorney for the time to gather more information and urged the Board to listen to the concerns of the neighbors and listen to each parcel separately. Reading from a prepared statement she spoke of each parcel and why they should be treated separately. She stated breaking up the parcels would make the most sense especially since these parcels have been beautifully maintained and the neighbors have gotten along amicably. Currently the passageway is unique, she urged the Board to first divide the parcels so they can each owe a portion of the parcels.

D. Levanti – 69 Riverside Drive – stated she is on the end and the one who always gets blocked. She stated all three parcels should be treated equal and remain with the City. She stated it will set a terrible precedent if sold. She continued reading from a prepared statement. Ms. Levanti reiterated all the parcels should remain the same and stay with the city.

M. Procopp (inaudible) Riverside Dr – stated he too would like the parcels divided and sold. He stated he would like to see the city divide it and sell it that way. He also thanked everyone for coming out to the property.

S. Feher – 348 Housatonic Drive – thank the aldermen who voted against the \$300,000 cut in the Board of Education budget. Reading from a prepared statement she expressed frustration that city officials don't seem to put children's safety first.

S. Shea – 10 Riverside Drive – stated she is neighbors with Mrs. Casey and she too would like to see the properties divided before being sold.

3. Consideration of the Minutes of the Regular Meeting of the Board of Aldermen held on May 5, 2014.

Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the minutes of the Regular Meeting held on May 5, 2014. Motion carried unanimously.

4. Consideration of the Minutes of the Special Meeting.

None.

5. Chairman's Report and Communications.

Chairman Vetro wished all of the fathers a Happy Father's Day. He also stated continues with its 375<sup>th</sup> celebration and stated there would be a kick-off celebration on Friday from the steps of City Hall. He stated the Mayor would speak more about the festivities in his report.

6. Mayor's Report and Recommendations:

Mayor Blake invited the aldermen and all of Milford's citizens to join in celebrating "Celebration Week" marking Milford's 375<sup>th</sup>. He stated all kinds of festivities are planned with a kickoff on June 6 on the steps of City Hall with UConn's Funky band. He 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 as well as representatives from the City Attorney's Office, Finance Department, Police Department, Public Works and Community Development.

Chairman Vetro stated he wished to read into the record a letter he received from Mr. Fran Thompson, Principal at Jonathan Law High School, thanking the aldermen and Milford for their support.

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 following the approval of the Planning and Zoning Commission pursuant to §8-24 of the Connecticut General Statutes, for AT&T to erect a tower for Police Department use at Eels Hill Road and for the City to accept ownership of such tower from AT&T once construction is completed and for the cell tower to be leased to AT&T, or its subsidiary.

Ald. Anderson stated the tower is located in the 5<sup>th</sup> district which is represented by Ald. Vitali, Ald. Kubek and himself. He stated he would like to recognize representatives from AT&T who were present.

Attorney Daniel Laub (Cuddy & Feder) stated he would provide a brief summary. He explained when they are in need of a site they work to use the existing infra-structure. He stated the existing tower is 100' and they are proposing replacing it with a slightly taller structure. He stated it is basically a win-win for the city.

Ald. Vitali asked the benefits financially for the City.

Mr. Alex Marsten from AT&T was also present. He explained there is a monthly lease, which is a 25 year lease. He also stated the benefit to Milford is a new tower.

Ald. Vitali asked about the aesthetics of the tower, i.e. camouflaged.

Mr. Marsten stated the tower is self-supported and that he was not aware of any camouflage.

Attorney Laub added the tower is fiberglass which he stated could be a color or painted. He stated since they are replacing like for like aesthetics were not something they considered.

Ald. Vitali asked if there was any comment from the residents.

Mayor Blake stated he had not received any calls, reminding the Board they were replacing a like tower for a like tower. He also explained this process has been through Planning and Zoning which was the first stop.

Ald. Bier asked if the tower was being constructed by AT&T and then they would lease the land.

Mayor Blake stated they will cover the cost of the entire tower. He explained the City would retain ownership of the tower and lease the space to AT&T.

Ald. Bier asked if they could then lease to over wireless carriers.

Attorney Berchem stated the city could lease to other carriers, but it could not interfere with AT&T and more importantly public safety operations.

Ald. Bier spoke of another cell tower that had been proposed several years ago on Orange Avenue and asked if the process was the same.

Mayor Blake stated it was the same process.

Attorney Berchem explained the abutting property owners would be notified as part of the process if approved by the Board tonight.

Attorney Laub went on to explain the procedural path. He stated the siting council conducts its investigation and then they deliberate on the petition and whether a full hearing is necessary.

Ald. Giannattasio asked who would be responsible for the maintenance of the tower.

Attorney Laub asked Ald. Giannattasio if he was referring to maintenance of the tower or antennas the police would be operating, but stated in essence it would be a shared responsibility.

Ald. Giannattasio asked if AT&T had the ability to lease out other space.

Mayor Blake stated he did not believe so.

Attorney Laub explained the drawings show AT&T antenna.

Ald. Anderson spoke of the need of the antenna and that he would likely be in favor, but he had concerns with the notification process. He asked the process to date.

Attorney Berchem explained it was published in the newspaper. He explained if the petition application which is what is before the Board is approved, and then the abutting neighbors would be notified.

Ald. Anderson asked how far the notification would go, i.e. down Eels Hill to New Haven Avenue.

Attorney Laub explained under State Statute it is the parcels that adjoin the parcel.

Ald. Anderson asked if that would only be Alpha Street residents.

Attorney Laub replied yes as well as along the left of the property line.

Ald. Anderson expressed concern this could be approved administratively.

Attorney Laub stated petitions take many forms. He explained the petition asks for a declaratory ruling. He continued with an explanation of the process.

Ald. Anderson asked the timeframe if this is approved tonight.

Attorney Laub stated he did not know of a timeline.

Ald. Vitali asked about the electromagnetic field and any health concerns with the tower.

Attorney Laub spoke of an exposure study that was done at the time and how and where those measurements were taken. He also explained the FCC regulates electromagnetic fields and what is acceptable to the general population.

Ald. Anderson stated in light of the amount of information provided tonight he would move to table, without prejudice this matter.

Ald. Anderson and Ald. Hardiman moved to table the matter.

Attorney Laub stated he would be happy to answer any additional questions the Board may have after reviewing the information. He pointed out this information was also provided at the Planning and Zoning Board meeting.

Motion to table carried unanimously.

8b. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request for Resolution authorizing the grant application for the Federal Local Bridge Program, Fiscal Year 2014, Flax Mill Lane over Wepawaug River, Bridge No. 04942 and to authorize the Mayor, City Attorney, Finance Director and Public Works Director to take all steps necessary, including signing all documents, to effectuate said grant application and the acceptance of said grant. Motion carried unanimously.

8c. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for participation in Phase V Solarize Connecticut and to authorize the Mayor, City Attorney and Director of Community Development to take all steps necessary, including signing all documents, to effectuate said proposal and acceptance of such award or grant.

Ald. German asked the Mayor if he could provide some details.

Mayor Blake stated this Resolution was brought forward by the solar advisory board. He deferred to Mr. Ivers.

Mr. Ivers explained this Resolution authorizes them to make the application to apply.

Motion carried unanimously.

8d. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for the submission of a Microgrid Program grant proposal to the Department of Energy and Environmental Protection and to authorize the Mayor, City Attorney and Director of Community Development to take all steps necessary, including signing all documents to effectuate said proposal and acceptance of such grant award. Motion carried unanimously.

8e. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for Resolution Re: Connecticut Neighborhood Assistance Programs. Motion carried unanimously.

8f. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request to approve the transfer or sale by of Colonial Avenue, Map 18, Block 364, Parcel 8A exclusively to the abutting property owner(s).

Ald. Casey stated he would be recusing himself from this item and items 8g and 8h.

Ald. Vitali requested a 5-minute recess. The Board recessed at 8:35 p.m.

Chairman Vetro reconvened the Board in public session at 8:45 p.m. He called upon Sgt. Alexopolous

Sgt. Alexopolous stated he has researched this matter and found these properties are a parcel of land the city took over some time ago. He stated there have been numerous complaints over the years of various blockages in the area. Sgt. Alexopolous stated this is a parcel of land, not a public street, so the police department and its officers don't have the authority to enforce the "no parking" signs that were erected. He also stated there is no record a request went to the police commission for approval; therefore they have no enforcement abilities.

Ald. Veccharelli asked about assistance in the event of a fire or medical emergency.

Sgt. Alexopolous stated he contacted the Assistant Chief at the Fire Dept. He stated they have been done to the area and they did not feel there would be any reduced public safety in responding.

Ald. Veccharelli stated he went down to this area and these parcels are going to need the accesses clear. He stated he felt it would be a safety issue if they are blocked. He stated it was suggested by a speaker during public comment that we need to make sure they are selling all the parcels and they are kept free for emergency vehicles.

Sgt. Alexopolous stated he agreed with the safety issue, however, it is still a parcel and that he did not believe safety would be in jeopardy.

Attorney Berchem stated the owners would still have civil rights available to them. He also pointed out city sanitation does not go down there.

Ald. Vitali stated he has been to the area as well. He stated it does not appear that a fire truck could get there. In the event of an emergency medical response, and they come upon a car that is blocking access how does the emergency responders get to the area. He also asked about responsibility and making sure neighbors all cooperate. He reiterated concern with the narrowness of the area.

Sgt. Alexopolous stated they are familiar with a police vehicle in that area and admitted it is difficult to turn around. He reiterated there may be civil remedies. He also stated giving a ticket is not going to fix the problem.

Ald. Vitali stated he understood the civil remedy but noted time is of the essence.

Sgt. Alexopolous noted Section C if properly maintain will allow emergency vehicles in that area.

Motion carried 12 yes (Anderson, Bier, German, Giannattasio, Golden, Hardiman, Kubek, Shaw, Stanford, Veccharelli, Vetro, Vitali) and 1 abstention (Casey).

8g. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request to approve the transfer or sale by of Colonial Avenue, Map 18, Block 364, Parcel 2A exclusively to the abutting property owner(s). Motion carried unanimously.

8h. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request to approve the transfer or sale of Riverside Drive, Map 18, Block 364, Parcel 17 exclusively to the abutting property owner(s).

Ald. Giannattasio stated there was an interest expressed during public comment by the owners. He asked if in this situation there a chance the city could convey these parcels over individually to each homeowner.

Attorney Berchem asked Ald. Giannattasio if he was referring specifically to passageway B. He stated he discussed this with the Assistant City Attorney and City Engineer and yes it could be done, however, the question is if it would be practicable. He also stated the right away would then need to be deeded to each person. Attorney Berchem stated it would be the wish of the Board to proceed.

Ald. Bier stated he was of the opinion that separating it may be the way to go, but looking at it, he stated it might be easier to keep it as one with one entity owing it and policing it.

Ald. Vitali asked how many homes were affected in the parcel.

Attorney Berchem replied 4.

Ald. Vitali asked if each of the individuals would be approached to see who wanted to own it.

Attorney Berchem explained it would be by sealed bid.

Ald. Vitali asked about any increase of taxes for the homeowners.

Attorney Berchem stated the city assessor had valued each of the parcels separately. He also pointed out the Board has the right to set the price. He stated there is no value except to the abutting homeowner.

Ald. Vitali asked what would happen if there were no bids.

Attorney Berchem stated the city would still owe the parcels.

Ald. Giannattasio stated he felt it would be advantageous to each homeowner to have the opportunity to own the parcel separately, giving them separate taxes, etc. He stated he also felt it will be cleaner and a better process in the end and asked that this Board grant them that opportunity.



Ald. Hardiman stated he would be in favor of doing it this way. He stated he has been to the property and seen how they take care of the property. Ald. Hardiman stated he would be in favor of working with them.

Ald. Bier stated he would be in favor of dividing the property with an amendment that the sale be contingent upon the four homeowners owning a piece of the parcel.

Chairman Vetro asked Ald. Bier if he was making that in the form of a motion, to which Ald. Bier replied no.

Ald. Giannattasio and Ald. Vitali moved to amend the motion to sub-divide into parcels for each of the homeowners.

Ald. Veccharelli stated he did not see a problem with the parcels being sub-divided into four, but asked about what happens on the curve into the woods.

Attorney Berchem stated the property ends at that curve and there is just woods. The right of way stops past rightaway #10.

Ald. Anderson stated reflecting on the conversation he would not accept the amendment. He stated he would like to see language added that this sub-division is at the discretion of city attorney and that the city attorney has the discretion to on behalf of the city.

Attorney Berchem explained this is different from abandonment and this is not a paper street so you cannot abandon a fee simple. He stated based on Board comment he would make every effort to subdivide the parcel.

Ald. Bier asked for clarification if this was a newer development, how it would work regarding the right of way.

Attorney Berchem stated with a rear lot, you would have a right of way. He stated Ald. Vitali expressed frustration with emergency vehicles, and he agreed it is frustrating, but there are civil rights.

Ald. Giannattasio stated the point is that all of these properties have easement by necessity and therefore have the right to use these passageways.

Ald. Vitali asked if this Board would be privy to the final proposal.

Attorney Berchem stated yes, he would be happy to advise the board.

On the Amendment to sub-divide into parcels for each of the homeowners at the discretion of the city attorney on behalf of the city, the motion carried 12 yes (Anderson, Bier, German, Giannattasio, Golden, Hardiman, Kubek, Shaw, Stanford, Veccharelli, Vetro, Vitali) and 1 abstention (Casey).

On the main motion, the motion carried 12 yes (Anderson, Bier, German, Giannattasio, Golden, Hardiman, Kubek, Shaw, Stanford, Veccharelli, Vetro, Vitali) and 1 abstention (Casey).

8i. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request for Resolution Re: Authorizing the issuance and sale of up to \$15,000,000 for the costs associated with the City of Milford general obligation refunding bonds.

Ald. Vitali asked the total bonding amount.

Mayor Blake stated it is \$130,000,000, inclusive of the clean water bonds. He explained from time to time bonds come due and the city is allowed to refinance. He stated rates are at an all time loss so it would behoove the city to refinance. Mayor Blake stated the package would be vetted by the city's finance team to make sure it is well worth it. He explained this request tonight allows the city to investigate whether to re-finance.

Ald. Vitali asked if the \$15,000,000 is in addition to.

Mayor Blake stated it is only on the existing bonds that have come due.

Ald. Giannattasio asked the current bond rate and what the new rate would be.

Mayor Blake stated absent being clairvoyant, he is hopeful the interest rates will remain low and the city will be able to re-issue.

Mr. Erodici spoke of the recent bond anticipation note sale which was at an all time low. He explained those are different from actual bonds. He also explained this is not new debt but refunding existing bonds. Mr. Erodici stated the rates can have a wide range and stated they have ranged 3-4%.

Ald. Bier asked why the \$15,000, commenting it seemed low.

Mr. Erodici explained the analysis that goes into the decision whether to refinance.

Mayor Blake added it is up to \$15,000,000, but could be less.

Ald. Casey asked the city's current bond rating.

Mayor Blake stated the city has a AA+ rating for the last four years, based on Moody's, Finch, Standard and Poors, but they all can vary slightly.

Mr. Erodici noted Milford is just a notch below the highest rating you can have, which is a rating they always strive for.

Motion carried unanimously.

8j. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for Resolution Re: Establishment of Accounts Related to the Veterans Memorial Auditorium.

Ald. Anderson asked if there is a donation currently pending.

Mayor Blake provided a brief background explaining the veterans requested a sign be installed on the outside of the Parsons building and requested donations in order to do so. Mayor Blake stated to his knowledge two private citizens have stepped forward. He stated in the interim the City's public works department had a sign in stock that they made and it has been placed on the building. He gave kudos to the public works department's sign department for a great job. Mayor Blake stated they want to continue to maintain that area and any donations would go into a reserve fund for that purpose.

Motion carried unanimously.

8k. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for Allocation Transfer No. 8 (Golf Course Commission). Motion carried unanimously.

8l. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for agreement for Gov't Portal Systems, and to authorize the Mayor, Recreation Director and Finance Director to take all steps necessary, including signing all documents, to effectuate said agreement. 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.

#### 10. Budget Memo Transfers

a. Consideration of Budget Memo Transfers #9 and 10, FY14.

Ald. Veccharelli and Ald. Golden made and seconded a motion to approve Consideration of Budget Memo Transfers #9 and 10, FY 14. Motion carried unanimously.

#### 11. Refunds

a. Consideration of Refunds in the amount of \$7,886.41.

Ald. Veccharelli and Ald. Golden made and seconded a motion to approve Consideration of Refunds in the amount of \$7,866.41. Motion carried unanimously.

#### 12. Report of Standing Committees:

a. Ordinance Committee – Ald. Shaw reported the Ordinance Committee met earlier in the evening to consider four Ordinances. She stated there was one minor typo in the first Ordinance which was amended and forwarded to the full Board for consideration.

Ald. Shaw and Ald. Golden made and seconded a motion to approve An Ordinance Amending Chapter 4, Animals and Fowl, Article II. Animal Control, Sections 4-12, 4-13 and 4-15. Motion carried unanimously.

Ald. Shaw and Ald. Anderson made and seconded a motion to approve An Ordinance Amending chapter 23, Water, Sewers and Sewage Disposal Article III. Sewer Commission, Sections 23-88, 23-89 and 23-90. Motion carried unanimously.

Ald. Shaw and Ald. Golden made and seconded a motion to approve An Ordinance Amending Chapter 9, Garbage, Trash and Refuse, Article II. Collection, Section 9-14(A), (b)(1), (d) and (e). Motion carried unanimously.

Ald. Shaw and Ald. Golden made and seconded a motion to approve An Ordinance Amending Chapter 9, Garbage, Trash and Refuse, Article III. Solid Waste Disposal, Division 1, Generally, Section 9-33(b), 9-34 and 9-37(b). Motion carried unanimously.

- 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 – no report.
- 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 settlement of Pieter Moen, et al v. City of Milford  
Re: 59 High Street

Chairman Vetro announced those individuals entering Executive Session would be the full Board, Mayor, City Attorney and Assessor.

Ald. Veccharelli and Ald. Anderson made and seconded a motion to go into Executive Session as announced by the Chairman. Motion carried unanimously.

The Board adjourned to Executive Session at 9:26 p.m.

Chairman Vetro reconvened the meeting in public session at 9:50 p.m.

Ald. Veccharelli and Ald. Hardiman made and seconded a motion to authorize the City to enter into settlement RE: Pieter Moen, et al v. City of Milford Re: 59 High Street, 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 reduce the sale price for 204 Melba Street (Station 6) to a minimum bid of \$350,000, by way of a sealed bid, subject to final approval by the Board of Aldermen, in accordance with the recommendations of the City Attorney and City Assessor as discussed in Executive Session.

Being no further business to discuss, Ald. Giannattasio and Ald. Kubek moved to adjourn at 9:52 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen K. Huber  
Recording Secretary