

**BOARD OF ALDERMEN  
REGULAR MEETING  
SEPTEMBER 9, 2015**

The Board of Aldermen of the City of Milford held their Regular Meeting on Wednesday, September 9, 2015 in the aldermanic chambers of City Hall. Chairman Vetro called the meeting to order at 7:59 p.m. Chairman Vetro asked those present to join in saluting our flag, followed by a moment of silence to remember Mel Eisenhandler, a former member of the Board of Aldermen who served on numerous other boards in the City and Kelli Goulart, a City of Milford employee and dedicated volunteer in the community, both who passed away this past week.

**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  
J. Rohrig, City Clerk  
J. Berchem, City Attorney  
P. Erodict, Finance Director

**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. Duffy - Ocean Avenue – stated h had a rhetorical question to stimulate some thought by the Board members and perhaps fix a situation. He shared a story about driving through the center of town on Broad Street and crossing the double yellow line. He asked who in Milford is in charge of putting double yellow lines in Milford.

**3. Consideration of the Minutes of the Regular Meeting of the Board of Aldermen held on August 3, 2015.**

Ald. Veccharelli and Ald. Kubek made and seconded a motion to approve the minutes of the Regular Meeting held on August 3, 2015. Motion carried unanimously.

4. Consideration of the Minutes of Budget Deliberations held on April 1, April 22, April 23, April 27, April 29 and May 14, 2015.

Ald. Veccharelli and Ald. Kubek made and seconded a motion to approve the minutes of the Budget Deliberations held on April 1, April 22, April 23, April 27, April 29 and May 14, 2015.

Ald. Anderson stated he had a correction. He stated he spoke to the amendment made by Ald. Fontana regarding the education budget and that his comment she read **"5% of the 2% increase."** He also stated it was Ald. German that mentioned the MPS budget as **"\$118, 000,000"** not \$118,000.

Motion carried as corrected.

On the main motion, motion carried unanimously.

5. Chairman's Report and Communications.

Chairman Vetro reported he had appointed Suzanne DiBiase to Permanent School Facilities Building Committee to replace Michael DeGrego, resigned. He also reminded the Board of the September 11<sup>th</sup> ceremonies on Friday at Station 7. He also invited everyone to attend the Engine 260 Muster with parade starting at 9:00 a.m. sharp.

6. Mayor's Report and Recommendations:

Mayor Blake stated he hoped everyone had a fantastic Labor Day and that the nice weather continues into the fall. He also stated the 9/11 ceremony would be held this year at Station 7. Chief Edo would ring the bell at the exact time the first plane hit the World Trade Center. He also reported he has heard great reports from the school district that the start of school with meets with great success in the reconfiguration back to the K-5 configuration. He credited all those individuals who worked so hard to make the transition a success.

Mayor Blake asked the Board's consideration of items 8a-8j and stated he would be happy to answer any questions as they come up.

Ald. Vitali asked the Mayor to remember Live Oaks School and to consider holding the ceremony at the school.

Mayor Blake stated the ceremony was held at Live Oaks two years ago and that he has moved the ceremony each year.

7. Unfinished Business – None.

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

8a. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for the appointment of (U) Erik J. Johnson, 40 Benson Street, 06460, as an alternate member of Milford's Historic Preservation Commission. (five-year term, initial term expiring 12/31/18). Motion carried unanimously.

City Clerk Rohrig swore in Mr. Johnson.

8b. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for Allocation Transfer No. 1 (Golf Course Roof). Motion carried unanimously.

Chairman Vetro stated he would entertain a motion to reorder the agenda and bring forward items 8(d) and 8(e).

Ald. Giannattasio and Ald. Vitali made and seconded a motion to re-order the agenda and bring forward items 8(d) and 8(e). Motion carried unanimously.

8d. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for Memorandum of Agreement between the Workforce Alliance and the City of Milford for the 2015 State Summer youth employment program and to authorize the Mayor and Director of Employment and Training to take all steps necessary to effectuate said Agreement. Motion carried unanimously.

8e. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for Memorandum of Agreement between the Workforce Alliance and the City of Milford for the 2015 DCF Summer Youth Employment program and to authorize the Mayor and Director of Employment and Training to take all steps necessary to effectuate said agreement. Motion carried unanimously.

8c. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request by Rich Ciardiello for a Lease of a portion of 25-27 Daniel Street to Eli's Restaurant for an outdoor patio and to authorize the Mayor and City Attorney to take all steps necessary, including signing all documents, to effectuate aid Lease.

Ald. Bier commented he is very proud of the downtown area with great government and business. As alderman, taxpayer he stated it is the government's responsibility to help a new business owner do well, keep agreements, not set up roadblocks and being honest. He stated the patio lease before this Board has some option. He spoke of some of the items that came up during public comment. He stated the benches are not part of the parcel. He also stated there was some discussion regarding noise, however someone spoke that they reside above Eli's and that they are not bothered by any noise. As far as due diligence, he stated he believed the business owner did do his due diligence. There were others who spoke against it, but that there was no validity to their reasoning, except personal agendas. He stated he is in favor of the patio and expressed his hope this business owner would get the support he should have received from the beginning. He also questioned the actions of the mayor in this process. He stated in a business sense this was the right thing to do and pointed out this man has been waiting a year for this approval. He stated he has had to do a lot of running around. He stated he hoped the aldermen would approve this tonight. He stated zoning was changed to make downtown dense and that this is in line with the plan in place. He stated the

existing area pays \$0 and the owner of Eli's is willing to pay more for this lease to be a good citizen. He reiterated he was in favor of this.

Mayor Blake stated he appreciated Ald. Bier's position. He stated as Mayor there are a host of competing issues he has to deal with. He stated as mayor he has been consistent in his actions to make all groups happy. For any 8-24 requests, he stated he has been consistent. He stated to get approval he has stated from the beginning that it was important to get the buy in of the stakeholders involved. He reiterated he has always been consistent with his actions. He also spoke of the numerous conversations he has had with Eli's and that he has been consistent from the beginning. He stated he hoped down the road there might be a change, but that he could not make the other downtown stakeholders unhappy. With regard to being business friendly, in the next few weeks he stated there would be additional parking spaces in the downtown area, which will be a windfall for Eli's and the other downtown businesses. He stated there was testimony regarding open space in that area, but that there could be more discussions down the road. He also stated to Ald. Bier that this has been an unusual situation and that he expressed his hope of moving forward in the future.

Ald. Giannattasio addressed the remarks of the Mayor that he is open to future discussions. He spoke of wasted time of the business owner and that the Mayor misrepresented the business owner from the beginning. He also spoke of Executive Session which included the City Attorney who advises this Board of the facts. He stated in order for this matter to go forward there must be a lease in hand. He stated government is providing all of the facts.

Mayor Blake commented he realized this is "silly season" with an election about to happen. He stated he has been clear about what the Charter says and the role of city administration, the roles of aldermen and the process; and also how leases are administered and the basis of city government. He stated as aldermen they are charged with making sound, reasonable decisions regarding local ordinances. He also stated he would be happy to answer questions as well as the city attorney.

Ald. Shaw stated she is opposed to the patio and commented just because you are a restaurant you are not entitled to a patio. She also stated this is about open space. She stated this is not about a single restaurant, but a parcel of land. She stated there are abutting restaurant owners that can make the same claim for that area. She also spoke on a personal note regarding her minor child who likes to take advantage of the open space downtown.

Ald. Casey spoke regarding the process. He stated this issue has been discussed for four meetings, this being the fourth straight month. He stated this Board was given assurances from government as to the process. He spoke regarding 8-24 process and that there was nothing in the aldermanic package as to why the Planning and Zoning Board denied the application.

Ald. German stated he was disappointed at the last Board of Aldermen meeting. He stated this business owner was told he needed to go before Planning and Zoning Board, which he did, but a representative from the City Attorney's Office presented information as to why the Planning and Zoning Board needed to deny the application. He stated it was a disappointing and discouraging meeting. He stated the process will only turn people away from coming to Milford.

Giannattasio stated at the last meeting, Ald. Bier brought up that he wanted to discuss a lease and that the matter could not be discussed because it needed to go to Planning and Zoning. He stated the lease should have been discussed at that aldermanic meeting. He asked the city attorney why information was not shared with this Board regarding a lease. He stated that information was not addressed to this Board only that the owner needed to go to Planning and Zoning. He questioned whether this was handled correctly.

Attorney Berchem stated he believed the process was in fact handled properly. He stated he spoke with Mr. Amann and explained to him any lease in the city required 8-24 approval. He stated there was no existing lease and that the previous lease was terminated. Regarding Ald. Bier's efforts to add the matter to the agenda, he explained at that time it was premature since the matter had not been before Planning and Zoning.

Ald. Giannattasio stated in order to have received 8-24 approval a lease is required, but there is not a lease.

Attorney Berchem stated this application was unique. In the past, the City has had a proposed lease. He stated in this instance, the City did not propose the lease.

Ald. Giannattasio questioned why this Board was not advised that a lease was required.

Attorney Berchem stated 8-24 provides the authority for the City to lease city property.

Ald. Giannattasio referred to item 8c in the aldermanic packet and read the language. He questioned how the Planning and Zoning Board had the authority to make a ruling on the lease.

Attorney Berchem stated it is based on 8-24 statute. He explained it acts as an advisory report. He stated the decision is his Board's.

Ald. Giannattasio stated it was not good government and that Planning and Zoning never had a lease before them.

Ald. Veccharelli commented that the Planning and Zoning Board could rule negatively or positively on the concept of a lease. He stated the word "concept" was left out of the language.

Ald. Vitali stated the concept needed to be conceptual, so the Planning and Zoning Board denied the concept and now we need a 2/3 vote to turn it around. An individual's rights should not have been denied. He also spoke of the comments made this evening during public comment and also the lengths Eli's was put through to get to this point. He referred to the process and read from previous comments as to the political tendencies. Ald. Vitali stated he was in favor of this. He went on to cite various restaurants in the downtown area that have tables and chairs in front of their establishments.

Ald. Shaw asked if the approval was based on process or is it about green space. She agreed the process should have been better.

Ald. Vitali stated it is regarding the issue and that this Board and the mayor need to make it fair for everyone. He stated he is not awarding it because the process was not fair, but that contingencies could be put into the lease.

Ald. Smith stated the mechanics are being debated and the back and forth over the last few months between this Board and Planning and Zoning. He stated they needed to consider the original issue where there are a number of businesses conjoined. He recalled 15 years ago when he was an alderman when that area was considered. He also stated he has spoken with a number of people and that he sees merit on both sides. He rejected the notion that because there was a lease with a previous owner that this be approved. He stated based on the Charter it is the authority of the Chief Executive Officer to make the decision in the best outcome for all. He also commented that he does in fact take Mr. Ciardiello at his word as a businessman. He went on to speak with the process and the Chief Executive Officer's ability to sit down with all parties and come to some agreement. He stated he would like to get this off this Board's agenda and sent back to Planning and Zoning with recommendations from our Chief Executive Officer. He also pointed out the number of concessions Mr. Ciardelio is willing to make in order to get approval. He spoke of the good faith of people on both sides.

Mayor Blake stated he has gone to both Mr. Ciardello and Mr. Amann for further discussions after the last aldermanic meetings.

Ald. Veccharelli recalled the area where there was two dilapidated buildings and that previous administration wished to knock those buildings down and make it into a park area. He stated although he was not in favor of it at the time, he is truly happy at the way the park has turned out. He continued speaking regarding the history of the area and how it has evolved to what it is today. He stated the people he has spoken with like the park area the way it is and that it is for the enjoyment of the citizens and that it should not change. He stated he just did not see a compromise to be made at this time. He stated he could not support breaking up this park.

Ald. Anderson requested a 5-min recess. The Board recessed at 9:21 p.m.

Chairman Vetro reconvened the Board in public session at 9:39 p.m.

Chairman Vetro stated there is a motion and second on the table. He asked if there was any alderman that had not spoke on the matter that wished to do so.

Ald. Fontana asked what has happened to the city with compassion. She commented this is a city that was supposed to treat everyone with equity, respect, compassion.

Ald. Bier raised a point of order and asked the Chairman if he was moving the question.

Chairman Vetro stated he was and that he was giving everyone the opportunity to speak who had not already spoken. He stated he was moving the question.

Chairman Vetro and Ald. Veccharelli made and seconded a motion to move the question. By roll call vote, the motion carried 9 yes (Anderson, Golden, Hardiman, Kubek, Shaw, Smith, Stanford, Veccharelli, Vetro) and 6 no (Bier, Casey, Fontana, German, Giannattasio, Vitali).

Ald. Vitali stated the motion as read states the Board is being asked to vote on a lease. He stated there was no lease in front of them.

Ald. Giannattasio raised a point of order requesting the opinion of the city attorney regarding the lease.

Attorney Berchem stated they were voting on recommending the Mayor sign a lease.

Ald. Vitali reiterated there was no lease before the aldermen and questioned how they could vote.

Attorney Berchem stated the role of the aldermen is whether to give the mayor the authority to enter into a lease.

Ald. Giannattasio suggested tabling the item.

Attorney Berchem stated the Board could table if that was the wish of the Board, or they could amend the motion to authorize the mayor to enter into "a" lease instead of "said lease."

Ald. Giannattasio and Ald. Vitali made and seconded a motion to table the item.

By roll call vote, the motion failed 11 no (Anderson, Bier, Golden, Hardiman, Kubek, Shaw, Smith, Stanford, Veccharelli, Vetro, Vitali) and 4 yes (Casey, Fontana, German, Giannattasio).

Ald Giannattasio and Ald. Casey made and seconded a motion to amend the motion to include the language "*to effectuate said lease.*"

Ald. Anderson commented that is how the language currently reads.

Ald. Giannattasio stated the language should read "to effectuate said Lease" and not the current language which reads "include the lease."

Ald. Shaw asked what lease he was referring to.

Ald. Giannattasio stated he would leave it up to the Mayor and Mr. Ciardiello to effectuate a lease.

Mayor Blake commented he has stated to Mr. Ciardiello his willingness to work with him, but that all of the parties involved had to be on board to consider a lease.

Ald. Bier stated this has been beat to death. He stated the mayor has an obligation to represent the city and stated he gave the owner some parameters to work with. He stated this owner has done his due diligence. He went on to speak regarding personal agendas and stated it is the job of the mayor

to listen to all parties and not jump to the side of one party. He also stated there was a lease which he himself saw, but suddenly it is nowhere to be found in the aldermanic packet.

Ald. Golden and Aldermen Anderson both raised a point of order,

Mayor Blake stated he is punctilious about the state of this city. He stated he does not appreciate the turn this issue has taken.

Ald. Giannattasio requested a 5-minute recess. The Board recessed at 10:00 p.m.

Chairman Vetro reconvened the Board in public session at 10:07 pm.

Ald. Bier stated this action needed more time and that the mayor has stated tonight he has reached out to the owner. He suggested he would be in favor of having the mayor meet with the owner.

Ald. Casey rescinded his second to Ald. Giannattasio motion to amend.

Ald. Giannattasio rescinded his motion to amend.

Chairman Vetro stated the Board would now vote on the main motion.

Ald. Bier asked for clarification as to the matter would proceed if it were voted on favorably.

Mayor Blake stated if the motion passes it would give the mayor the authority to create a lease.

Ald. Bier stated the language in front of him states to effectuate a lease.

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

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

Ald. Veccharelli and Ald. Golden made and seconded a motion to approve Budget Memo Transfers #15 and 16, Fund 10, FY15. Motion carried unanimously.

11. Refunds

None.

12. Report of Standing Committees:

a. Ordinance Committee – Ald. Smith reported the Ordinance Committee met earlier in the evening

to discuss the proposed Ordinance with the Mayor and Public Works Director and voted to forward it to the full Board with a favorable recommendation.

Ald. Smith and Ald. Golden made and seconded a motion to approve consideration of An Ordinance Appropriating \$3,761,000 for the Naugatuck Avenue Drainage Project – Phase II and Authorizing the Issuance of \$3,761,000 Bonds of the City to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for such Purpose. Motion carried unanimously.

Ald. Giannattasio requested a 5-minute recess. The Board recessed at 9:38 p.m.

Chairman Vetro reconvened the Board in public session at 9:53 p.m.

- 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 – none.
- 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.
- s. Liaison – Milford Progress, Inc. – 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  
625 Plains Road, LLC v. City of Milford  
RE: "0" Plains Road
- 14b) Consideration of settlement of  
Marcelo Olarte, et al v. City of Milford  
RE: 68 Point Lookout East
- 14c) Consideration of settlement of  
Linda M. Fogler v. City of Milford  
RE: 44 Captains Walk
- 14d) Consideration of settlement of  
ECP-PF FT Operations, Inc. v. City of Milford  
RE: 179 Boston Post Road

Chairman Vetro announced item 14d had been removed from the agenda. He stated those individuals entering Executive Session would be the full Board, Mayor, City Attorney and City Assessor.

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

The Board adjourned to Executive Session at 10:16 p.m.

Chairman Vetro reconvened the meeting in public session at 10:27 p.m.

14a. Ald. Veccharelli and Ald. Golden made and seconded a motion to authorize the City to accept Consideration of Settlement of 625 Plains Road, LLC v. City of Milford, RE: "0" Plains Road, in accordance with the recommendations of the City Assessor and City Attorney, as discussed in Executive Session. Motion carried unanimously.

14b. Ald. Veccharelli and Ald. Golden made and seconded a motion to authorize the City to accept Consideration of Settlement of Marcelo Olarte, et al v. City of Milford, RE: 68 Point Lookout East, in accordance with the recommendations of the City Assessor and City Attorney, as discussed in Executive Session. Motion carried unanimously.

14c. Ald. Veccharelli and Ald. Golden made and seconded a motion to authorize the City to accept Consideration of Settlement of Linda M. Fogler v. City of Milford, RE: 44 Captains Walk, in accordance with the recommendations of the City Assessor and City Attorney, as discussed in Executive Session. Motion carried unanimously.

14d. REMOVED.

Ald. Hardiman reminded the Board the Irish Festival would take place on September 18<sup>th</sup> and 19th. He stated there would be food, vendors and great music.

Being no further business to discuss, Ald. Veccharelli and Ald. Golden moved to adjourn at 10:31 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen A. Kennedy  
Recording Secretary