

**BOARD OF ALDERMEN
ORDINANCE COMMITTEE MEETING and PUBLIC HEARING
SEPTEMBER 10, 2012**

The Ordinance Committee of the Board of Aldermen held a meeting and public hearing on Monday, September 10, 2012. Chairman F. Smith called the meeting to order at 7:05 p.m.

MEMBERS PRESENT

F. Smith, Chairman
S. Shaw, Vice Chairman
A. Giannattasio
P. Smith
G. Gasper

ALSO PRESENT

Mayor Benjamin G. Blake
Jonathan D. Berchem, City Attorney

Chairman F. Smith stated tonight's meeting was being held in accordance with the legal notice in the New Haven Register on September 5, 2012. He stated there were five (5) Ordinances on the agenda to consider. Chairman F. Smith stated the first four were essentially identical dealing with fee waiver with regard to Tropical Storm Irene. He stated the Board would consider those four first. He went on to read the heading for each of those Ordinances pointing out the language was essentially the same.

Ald. Ald. Giannattasio and Ald. Shaw made and seconded a motion to waive the reading of the Ordinances in their entirety. Motion carried unanimously.

Ald. Shaw stated she has a shorefront home that was damaged during Storm Irene. She stated because these Ordinances could impact her directly she would be recusing herself from any discussion and voting.

Chairman F. Smith opened the public session of the Ordinance Committee at 7:10 p.m. regarding the following Ordinances.

- 1) An Ordinance Amending Chapter 6, Article I, Section 6-1.1(a) Of The Code O Ordinances Of The City Of Milford (Permit Fees – Waiver).

Speakers in Favor:

E. Granger – 104 Broadway – spoke regarding the issue of the one year window allowed for Planning and Zoning fees. He commended the Board for the six month waiver, but stated even with the six month waiver it still leaves the homeowner with an unfair position. Mr. Granger stated his house was just torn down on August 25, 2012, just days short of the one year anniversary. He stated most of his neighbors have already done their repairs. He also stated he did not receive his letter of substantial damage until January. He stated people with lesser damage have already been taken care of, but the people with the most damage were not/

Speakers in opposition – None.

Chairman F. Smith closed the public hearing at 7:13 p.m. regarding this Ordinance.

Ald. Giannattasio noted for the record that the Ordinances tonight have been duly noted.

Chairman F. Smith stated it had been reflected at the beginning of the meeting that the notices were posted in the New Haven Register.

Ald. Giannattasio stated this Committee heard tonight from a citizen that spoke in favor of this Ordinance and that he raised a point as to how we take care of everyone. He suggested an inventory be taken to see if people are able to pull permits in a timely manner.

Ald. P. Smith provided the Board with some history as to how the previous Board approved these Ordinances in September 2011 where a six month window was assigned. She stated it has taken longer than expected for these monies and that in hindsight the Board should not have put an expiration date on the Ordinances. Ald. P. Smith stated even with minor damage, some folks were not made whole by their insurance companies. She stated it would behoove this Board to approve without an expiration date this Ordinance and give these folks some relief.

Chairman F. Smith stated he received this proposed Ordinance from Ald. P. Smith several weeks ago and that he was very conflicted with this. He stated the very decent thing to do would be for this Board to extend this, but he questioned what the dangerous precedents could be. He stated the Ordinance, once in place would be reasonable to expect that citizens may petition for the same treatment. He also commented he looked at some of the number that had been put together by J. Mathisen, Director, Land Use and Permitting. Chairman F. Smith also stated the Ordinance as presented is lacking in several aspects. He stated there are no deadlines and it is retroactive to February. In perpetuity, he stated this could be open-ended. He also spoke of the work of the departments in determining the damage and who will receive the rebate. He noted some homeowners have sold their properties to contractors. He stated by extending this there could be a great deal of out-of-pocket expenses. Chairman F. Smith referenced the comments made during public comment, but pointed out the Assistant City Planner has been working with the Federal Government on behalf of Milford's citizens. Chairman F. Smith stated he would be opposed to this Ordinance as currently written. He stated he would like to see some kind of a sunset clause put in. He stated there are other issues going forward and it is difficult to determine who should be the beneficiary of the monies. Chairman F. Smith stated the Ordinance as currently written does not extend fairly to all citizens of Milford and sets a dangerous precedent.

Ald. P. Smith addressed the administration of these permits and stated it is incumbent upon the City to help its citizens. She pointed out the DPLU was done a great job and it has been a burden, but the departments have done a great job and although it has been a burden, but not nearly the burden the homeowners have seen with the extent of damage which has put the homeowners of Milford at an unfair advantage. She stated many are still working on their homes. Ald. P. Smith stated she left the date off this Ordinance because it was short sighted to put the date on it back in September. She stated she would be open to putting a date on this.

Ald. Gasper asked for a 5-minute recess at 7:25 p.m.

Chairman F. Smith reconvened the Board in Public Session at 7:28 p.m.

Ald. P. Smith and Ald. Giannattasio made and seconded a motion to approve An Ordinance Amending Chapter 6, Article 1, Section 6-1.1(a) Of The Code Of Ordinances Of The City Of Milford (Permit Fees – Waiver).

By roll call vote, motion fails 2 yes (Giannattasio, P. Smith) and 2 no (F. Smith, Gasper) and 1 abstention (Shaw).

Ald. P. Smith and Ald. Giannattasio made and seconded a motion to approve An Ordinance Amending Chapter 19, Article VII, Section 18-90.1(a) Of The Code Of Ordinances Of The City Of Milford (Planning and Zoning Board Application Fees – Waiver).

By roll call vote, motion fails 2 yes (Giannattasio, P. Smith) and 2 no (F. Smith, Gasper) and 1 abstention (Shaw).

Ald. P. Smith and Ald. Giannattasio made and seconded a motion to approve An Ordinance Amending Chapter 18, Article VII, Section 18-91.1(a) Of The Code Of Ordinances Of The City Of Milford (Zoning Board of Appeals Application Fees – Waiver).

By roll call vote, motion fails 2 yes (Giannattasio, P. Smith) and 2 no (F. Smith, Gasper) and 1 abstention (Shaw).

Ald. P. Smith and Ald. Giannattasio made and seconded a motion to approve An Ordinance Amending Chapter 18, Article XII, Section 18-166.1(a) Of The Code Of Ordinances Of The City Of Milford (Filing Fees – Waiver).

By roll call vote, motion fails 2 yes (Giannattasio, P. Smith) and 2 no (F. Smith, Gasper) and 1 abstention (Shaw).

Chairman F. Smith commented while he had voted again these Ordinances, he was not against the spirit of the Ordinances and would consider an amended Ordinance that better protects the City.

Chairman F. Smith opened the public session for the last Ordinance as follows:

An Ordinance Amending Chapter 20.5, Taxation, Section 20-5-6(4) Of The Code Of Ordinances Of The City Of Milford (Property Tax Relief For Qualified Elderly and Totally Disabled Persons).

Speakers in Favor – None.

Speakers in Opposition – None.

Chairman F. Smith closed the public hearing at 7:34 p.m.

Ald. Shaw and Ald. Giannattasio made and seconded a motion to forward to the full Board of Aldermen with a favorable recommendation An Ordinance Amending Chapter 20.5, Taxation, Section 20-5-6(4) Of The Code Of Ordinances Of The City Of Milford (Property Tax Relief For Qualified Elderly and Totally Disabled Persons).

Chairman F. Smith stated this Ordinance would increase the maximum relief for seniors and increase the eligibility pool by 100. He also commented he was certain many of these individuals had not any increase in some time.

Ald. P. Smith asked if there was any financial data available as to the financial impact. She also asked if the budget set earlier this year would be impacted.

Mayor Blake stated this Ordinance would not go into effect until the next fiscal year. He also stated the added revenue would be approximately \$65,000.

Ald. P. Smith stated she did not read any effective date in the Ordinance.

Mayor Blake stated the effective date is May 2013.

Ald. Shaw asked how many people have taken advantage to date.

Mr. Thomas, City Assessor responded 1,358 to date.

Ald. Shaw asked how many more people he expected may take advantage.

Mr. Thomas replied 100, possibly 150.

Ald. P. Smith stated she would like to have a confirmation as to the amount.

Motion carried unanimously.

Being no further business, Ald. Shaw Ald. Giannattasio made and seconded a motion to adjourn. Motion carried unanimously.

The Committee adjourned at 7:38 p.m.

Respectfully submitted,

Kathleen K. Huber
Recording Secretary