

**BOARD OF ALDERMEN  
REGULAR MEETING  
OCTOBER 2, 2017**

The Board of Aldermen of the City of Milford held their Regular Meeting on Monday, October 2, 2017, in the aldermanic chambers of City Hall. Chairman P. Vetro called the meeting to order at 7:34 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 the victims and families of the Las Vegas shooting.

1. Roll Call

Board Members Present

B. Anderson  
E. Beatty  
B. Bevan  
M. Casey  
D. German  
A. Giannattasio  
J. Golden  
J. Grant  
M. Hardiman  
F. Smith  
A. Sutton  
N. Veccharelli  
P. Vetro  
R. Vitali

Also Present

Mayor Benjamin G. Blake  
S. Fournier, Mayor's Admin. Asst.  
J. Berchem, City Attorney  
P. Erodicti, Finance Director  
J. Rohrig, City Clerk

Excused

B. Bier

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 and not to make derogatory or offensive remarks.

F. Matthews - 40 Founders Way - thanked the Board for the work they do. He stated he was speaking about the dredging of the ponds, which he has heard may be taking place. He spoke of the ponds as the one time jewels of the city that now look like cesspools. He spoke of the flood of 1982 that flooded this building and at that time it was the wisdom of the board of aldermen at that time was to build flood gates. He explained the thinking was that the gates would close when necessary. He stated those same gates are filled with pond, etc and cannot be moved at this point. Mr. Matthews asked that common sense prevails when the dredging begins, specifically where the dredging begins. The silk should move in a downward pattern, thus the dredging should begin at the North duck pond. He expressed his hope this work would move forward.

J. James - 72 Old Field Lane - she stated her concerns were regarding the ponds and specifically the ecosystem. She stated it is like the Wild West in the area around Gulf Pond. Ms. James stated her concerns are with the oysters, egrets, etc. She stated her other concern is no one knowing who and how many come people into the area in and around Gulf Pond. She stated it is important someone look over this.

A. Oliver - 404 Gulf Street - spoke about her concerns of Gulf Pond and the commercial harvesting of oyster in that pond. She cited an incident well before the official opening date, which was September 21<sup>st</sup> and they came out there in full force. She explained dredging which means a huge rake stirs up the pond by raking the bottom of the pond. She stated she is tired of having her property invaded by people who come right up onto her property which is on Gulf Pond. DEEP opened Gulf Pond two months ago for commercial oystering at which time she witnessed thousands of oysters being removed from the pond for which Milford has never received any funds. She stated she felt Milford should have the right to restrict this type of behavior, or at the very least put in some of restrictions, specifically what has been brought up by the Harbor Commission. She stated it is time Milford takes advantage of the legal ability it has to take control of the situation.

P. Berube - 11 Bertrose Avenue – questioned the timing of the acquisition of Oronoque Road property. He also asked what would be done ahead of time to see if there is contamination on that property.

D.Cotton - 60 Corona Drive - here tonight to thank the aldermen and mayor for coming to participate in Orange Avenue PTA School of Excellence Award. He stated he was appreciative of members of the first and fifth districts who participated in PTA meetings, which he commented were a big part of receiving this award.

A. Berman - 77 Pelham Street – stated she was happy she attended tonight’s Ordinance Committee meeting and thanked the aldermen for bringing Jennifer Seskind to the meeting. She stated she hoped this Board would approve the Ordinance tonight.

J. Drabb - 41 Jackson Drive – expressed concern regarding the acquisition of the property alongside of the transfer station. He stated it is October 2 and the State still has no budget, ECS funds have been cut and there is idea of whether or not those funds will be coming. He questioned the value of the acquisition at this time.

3. Consideration of the Minutes of the Regular Meeting of the Board of Aldermen held on September 7, 2017 Regular Meeting as presented.

Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the minutes of the Regular Meeting held on September 7, 2017. Motion carried unanimously.

4. Consideration of the Minutes of the Special Meeting.

None.

5. Chairman's Report and Communications.

Chairman Vetro shared with the Board an invitation from National Marine Fisheries to attend their open house on October 14, 2017, from 9:00 a.m. – 1:00 p.m.

6. Mayor's Report and Recommendations:

Mayor Blake stated over the course of the last month, this world has been faced with destruction and tragedy. He stated his heart goes out to those affected by the events of last night, as well as Puerto Rico. Mayor Blake asked the Board's consideration of items 8a-8i and that he would be happy to answer questions as they arise.

7. Unfinished Business

None.

8. New Business (from Mayor's Report Item 8a-8g)

8a. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for the Agreement between the City of Milford and the South Central Regional Water Authority for Wampus Lane resurfacing and restoration within the public rights-of-way and to authorize the Mayor and Public Works Director to take all steps necessary, including, but not limited to, the signing of documents, to effectuate said agreement. Motion carried unanimously.

8b. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the Agreement between the City of Milford and the South Central Connecticut Regional Water Authority for Golf Street resurfacing and restoration within the public rights-of way and to authorize the Mayor and Public Works Director to take all steps necessary, including, but not limited to, the signing of documents, to effectuate said agreement. Motion carried unanimously.

8c. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for the Agreement between the City of Milford and the South Central Connecticut Regional Water Authority for Old Buckingham Lane resurfacing and restoration with the public rights-of-way and to authorize the Mayor and Public Works Director to take all steps necessary, including, but not limited to, the signing of documents, to effectuate said agreement. Motion carried unanimously.

8d. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for the Policy Regarding Disposition of Junk or Salvaged Vehicles.

Ald. Bevan asked what is currently done with the vehicles.

Mayor Blake stated this request actually came from the chief of police. He explained there were a series of police vehicles that were totaled and sat in the police parking lot. He stated this request comes to the BOA to seek permission to release these vehicles that are a total loss.

Motion carried unanimously.

8e. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request pursuant to §8-24 of the Connecticut General Statutes, for the acquisition of a 10 acre portion of the property located at 1125 Oronoque Road, and to authorize the Mayor and City Attorney to take all steps necessary, including, but not limited to, the signing of documents, to effectuate said acquisition.

Ald. Vitali asked the purpose of the purchase of this property.

Mayor Blake stated the purchase of this property cost neutral at the end of the day. He stated the reason is twofold. If there is another storm such as Irene or Sandy, this area would need a place for storm debris. He stated the city currently uses the bottom area of Eisenhower Park. Mayor Blake also explained the city is looking for a site to put the debris from the dredging of the ponds. He stated with that project moving forward they will need somewhere to place the debris. He referred to Director Saley for further explanation.

Ald. Vitali stated he appreciated the idea of the ponds moving forward, but asked about the concept of the cost being neutral.

Director Saley stated they are looking for creative ways to get these projects done. He explained this is a 10 acre parcel which is adjacent to the transfer station. It is a debris management area that will be used during major events. He also stated they are trying to be proactive instead of reactive when incidents arise. Director Saley provided the Board with the background regarding the process of the pond dredging. He stated each of the ponds has varying logistics. He stated with approval from the Board of Aldermen they would go out to RFQ to seek bids for the work. He provided a lengthy explanation of the scope of the work.

Ald. Vitali expressed hope of starting with a realistic approach, common sense being starting north moving south.

Director Saley stated he appreciated the comments, but it came down to testing, contamination, etc.

Attorney Berchem clarified tonight on the agenda is a proposed contract. He stated there have been no feasibility or phases put forward at this time.

Director Saley stated before the aldermen tonight is the option to move forward.

Ald. Beatty suggested going into Executive Session for further discussion.

Ald. Giannattasio followed up on Ald. Vitali's comments. He asked what the plan is moving forward if there is contamination and the city is unable to purchase the property.

Director Saley stated it would be to house at the North Street location, or it could potentially be "0" Plains Road.

Ald. Giannattasio asked why not use the Plains Road property.

Mayor Blake stated it is each year. He also stated due to the nature of the property it would be a different avenue with regarding to regulations.

Director Saley stated the city is being more creative going out to bid and saving money for the residents.

Ald. Giannattasio commented he just did not see this as a priority and that he was not comfortable housing pcb's from dredged ponds and that he would prefer to see them hauled off. He also asked who is monitoring who brings what materials in. Ald. Giannattasio also commented since there is a freeze on higher and that the same should apply to the purchase of property. He stated they needed to listen to the constituents who spoke tonight.

Ald. Veccharelli asked the cost if this has to be shipped out to.

Director Saley stated the two ponds the cost would be approximately \$720,000 for the removal.

Ald. Veccharelli asked about the 3rd pond.

Director Saley stated he believe the cost to be \$800,000.

Ald. Veccharelli asked about storage.

Director Saley stated the timing is effectively a few months, but they did not know the specific permits that may be required at another property.

Ald. Veccharelli asked the appraisal on the property.

Director Saley is \$2.2-2.7M depending on the soil component.

Ald. Veccharelli asked if the city would still be able to dredge the upper pond if the aldermen did not approve this purchase.

Director Saley stated they would have to seek approval from DEEP before moving forward.

Ald. Anderson asked some of the other advantages to the city for the acquisition of this property in addition to the location for dredging.

Director Saley stated it is the proximity of the transfer station in the event of a storm, etc.

Ald. Anderson asked Director Saley to quantify what bulk is costing now.

Director Saley stated bulk pick up would still be processed the same.

Ald. Bevan asked about the premises as being sold "as is." He asked if there would be a right of refusal if the soil is contaminated.

Attorney Berchem stated that would be part of the feasibility study, at which time the city could back out.

Ald. Bevan asked the finance director if the purchase had gone through the Board of Finance or if it would.

Mr. Erodici stated he believed it did not.

Mayor Blake stated the next item is an allocation transfer.

Attorney Berchem reminded Ald. Bevan this is only a draft contract.

Ald. Bevan asked if the actual documents would then come before the aldermen.

Attorney Berchem stated they were asking for authority tonight for this document or a similar document.

Ald. Casey clarify this is not hypothetical, even if there are issues, it would be up to the discretion of the city attorney.

Attorney Berchem replied yes.

Ald. Casey referred to p. 15 - Schedule B. He asked if Beard would be allowed to remain on the property and asked for clarification.

Attorney Berchem replied it is a form document, so no.

Ald. Casey asked if the city has permits to move forward.

Director Saley replied as long as the city owns the property and it is regulated they would seek the necessary permits.

Ald. Grant raised concern about this property being along the river.

Director Saley stated Eisenhower is in the flood plain and lower, whereas this property is higher and not in a flood plain.

Ald. German asked the average at the transfer station.

Director Saley stated he did not have the answer in front of him, but believed it is approximately 2 1/4 acres.

Ald. German asked what the volume of material coming out of the three ponds would be.

Director Saley stated 3 cubic yards.

Ald. German asked if they could take a portion of the property, and not take the full piece of property.

Director Saley stated the idea behind this making this revenue neutral for the city.

Ald. Veccharelli spoke of the added values the purchase of this property would bring to the city. He also suggested it could find itself to become an enterprise such as the golf commission and the harbor commission.

Ald. Giannattasio asked if the intent is to outsource the transfer station, why not have them purchase the property.

Director Saley stated they are looking to open it up to a larger company. A smaller company may not be able to do that.

Ald. Giannattasio commented the only advantage seems to be storage. He reiterated "0" Plains Road is a perfect opportunity. He added when the city went out for bonding for the ponds, this should have been disclosed. He stated he just did not see the benefit of taking the risk.

Director Saley stated many municipalities have what they call a host, which leads to benefits for the city. He also stated this is not costing the city.

By roll call vote, the Motion carried 8 yes (Anderson, Beatty, Golden, Hardiman, Smith, Sutton, Veccharelli, Vetro) and 6 no (Bevan, Casey, German, Giannattasio, Grant, Vitali).

8f. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for Allocation Transfer No. 1 (Oronogue Road property).

Ald. German stated he wished to amend and keep it open until the next meeting. Ald. Bevan stated he would second.

Ald. Anderson understood the intent, but it was more of a suggestion and not a motion.

Ald. German requested a 5 minute recess. The Board recessed at 9:17 p.m.

Chairman Vetro reconvened the Board in public session at 9:20 p.m.

Ald. Bevan withdrew his second on the amendment. Ald. German withdrew his amendment.

On the main motion, by roll call vote, the motion carried 8 yes (Anderson, Beatty, Golden, Hardiman, Smith, Sutton, Veccharelli, Vetro) and 6 no (Bevan, Casey, German, Giannattasio, Grant, Vitali).

8g. Ald. Veccharelli and Ald. Golden made and seconded a motion to approve the request for Commercial Energy Sales Agreement between the City of Milford and Champion Energy Services, LLC for the purchase of electricity, and to authorize the Mayor and Purchasing Agent to take all steps necessary, including, but not limited to, the signing of documents, to effectuate said agreement.

Mayor Blake requested that a member of the aldermen consider the following amendment, striking “Champion Energy Services, LLC” and replacing with “lowest priced qualified supplier.” Mayor Blake explained they are moving forward with micro grid, we want the contract to take into consideration the mirco grid.

Ald. Veccharelli and Ald. Golden moved to amend the motion to delete “Champion Energy Services, LLC” and replace with “**lowest priced qualified supplier. . .**”

Ald. Anderson asked the length of the lock in period and whether the supplier could assign their interests under said agreement.

Mayor Blake stated the proposal is for a 5 year term, however, this is specifically for Milford and specific buildings, meters and property meters.

Mr. Abella stated it is 60 months and the contract is assignable.

Motion carried unanimously.

On the main motion, motion carried unanimously.

Ald. German asked the rate.

Mr. Abella stated the current rate as of 4 pm today is .07470, adding it is a commodity trade that changes daily. He stated they are recommending the fixed rate for 5 years.

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

Ald. Veccharelli and Ald. Golden made and seconded a motion to approve Consideration of Refunds in the amount of \$18,140.75.

12. Report of Standing Committees:

a. Ordinance Committee – Ald. Smith reported the Ordinance Committee met earlier in the evening and voted unanimously to forward to the full Board of Aldermen with a favorable recommendation An Ordinance Establishing Chapter 12, Prohibiting the Storage, Disposal or Use of Waste from Oil and Gas Explosives or Extraction Activities, or any Derivative thereof, Sections 12-1 through 12-5 of the City of Milford Code of Ordinances.

Ald. Smith stated that was his motion.

Ald. Beatty seconded.

Ald. Smith added that Ms. Jen Seskind attended the Ordinance Committee meeting and remained for the aldermanic meeting and would be happy to address any questions and/or concerns.

Motion carried unanimously.

- b. Public Safety and Welfare Committee – no report.
- c. Public Works Committee –
- 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 – Ald. Grant invited the aldermen to attend the Friends of the Library event on October 21, 2017.
  
- 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.

Ald. German announced the City's Health and Wellness Fair would take place on October 19, 2017 at the Parson's gymnasium.

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.

14(a) Discussion concerning litigation concerning the manufacturing and distribution of prescription opiates.

14(b) Consideration of settlement of Milford Beach Associates, LLC v. City of Milford, regarding 80 East Broadway.

14(c) Consideration of settlement of Newport Associates, LLC v. City of Milford, regarding 81-91 Robert Treat Drive and 1 Robert Treat Drive.

14(d) Consideration of settlement of Robert Treat Associates, LLC v. City of Milford, regarding "0" Robert Treat Drive.

14(e) Consideration of settlement of Li Meng v. City of Milford, regarding 212 Honeycomb Lane.

14(f) Consideration of settlement of McDonald's Real Estate Company, regarding 439 Bridgeport Avenue.

14(g) Consideration of settlement of Elizabeth Ippolito v. City of Milford, regarding 286 Broadway.

Ald. Veccharelli and Ald. Hardiman made and seconded a motion to adjourn to Executive Session. Motion carried unanimously.

Mayor Blake announced those entering Executive Session for item 14a would be the Mayor, City Attorney and full Board. He stated for items 14(b)-(g), the Mayor, along with the City Attorney, Jonathan Berchem and City Assessor, Daniel Thomas.

The Board adjourned to Executive Session at 9:36 p.m.

Mr. Thomas, City Assessor entered Executive Session at 9:52 p.m.

Chairman Vetro reconvened the meeting in public session at 10:13 p.m.

14a. No action required.

14(b) Ald. Veccharelli and Ald. Golden made and seconded a motion to authorize settlement in the matter of Milford Beach Associates, LLC v. City of Milford, regarding 80 East Broadway, in accordance with the recommendations of the City Attorney, as discussed in Executive Session. Motion carried unanimously.

14(c) Ald. Veccharelli and Ald. Beatty made and seconded a motion to authorize settlement in the matter of Newport Associates, LLC v. City of Milford, regarding 81-91 Robert Treat Drive and 1 Robert Treat Drive, in accordance with the recommendations of the City Attorney, as discussed in Executive Session. Motion carried unanimously.

14(d) Ald. Veccharelli and Ald. Golden made and seconded a motion to authorize settlement in the matter of Robert Treat Associates, LLC v. City of Milford, regarding "0" Robert Treat Drive, in accordance with the recommendations of the City Attorney, as discussed in Executive Session. Motion carried unanimously.

14(e) Ald. Veccharelli and Ald. Golden made and seconded a motion to approve settlement in the matter of Li Meng v. City of Milford, regarding 212 Honeycomb Lane, in accordance with the recommendations of the City Attorney, as discussed in Executive Session. Motion carried unanimously.

14(f) Ald. Veccharelli and Ald. Vitali made and seconded a motion to approve settlement in the matter of McDonald's Real Estate Company, regarding 439 Bridgeport Avenue, in accordance with the recommendations of the City Attorney, as discussed in Executive Session. Motion carried unanimously.

14(g) Ald. Veccharelli and Ald. Beatty made and seconded a motion to approve settlement in the matter of Elizabeth Ippolito v. City of Milford, regarding 286 Broadway, in accordance with the recommendations of the City Attorney, as discussed in Executive Session. Motion carried unanimously.

Chairman Vetro reminded the Board of the Boys and Girls Club "Pumpkins on the Pier" event this coming weekend.

Being no further business to discuss, Ald. Veccharelli and Ald. Smith moved to adjourn. Motion carried unanimously.

The Board adjourned at 10:18 p.m.

Respectfully submitted,

Kathleen A. Kennedy  
Recording Secretary