

**MINUTES FOR ONE (1) PUBLIC HEARING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, SEPTEMBER 16, 2008; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL: Mark Bender, Frank Goodrich, Janet Golden, Kathy Patterson, Kim Rose, Kevin Liddy, Susan Shaw, Greg Vetter, Victor Ferrante, Jeanne Cervin, Chair.

Staff: David Sulkis, City Planner; Emmeline Harrigan, Assistant City Planner, Phyllis Leggett, Board Clerk.

C. 8-24 APPROVAL

1. **CAPITAL IMPROVEMENT PLAN** – Request of Mayor James Richetelli, Jr. for CGS 8-24 approval of the City of Milford Capital Improvement Plan 2008-2013.

Mayor Richetelli: Requesting the Board's 8-24 approval of the annual Capital Improvement Plan for the time period 2008 to 2013. Stressed the point that the Capital Improvement Plan is a planning tool of the basic needs of the City for the next five years. The Plan does not set priorities and it does not carry any funding obligation. At a later date, the obligations and expenditures will be set by the Board of Finance and Board of Aldermen.

Due to the current economic situation, difficult decisions will have to be made as to which projects can be funded and those that must be deferred. The majority of the dollars that are marked are for education facilities and for wastewater sewer system installations. An item that has been in the plan for approximately 10 years but never put through for funding is an addition to the Police Department, which has not been renovated in 30 years. Due to the changes that have taken place in law enforcement over the last 30 years, it is necessary to accelerate this item on the list. There are department heads present tonight to answer any specific questions about individual departments.

Mr. Goodrich: Glad to see the Gulf Street sidewalks have been funded from the Planning and Zoning sidewalk fund, as well as the Naugatuck/Bridgeport Avenue drainage project. The Police and Fire Departments have stated their communication systems are old and prone to breakdown. Are lives being put at risk for not providing funding to improve these systems?

Mayor Richetelli: No. Lives are not being put at risk. Summarized the software upgrading that will take place in the Police Department, which will take place in stages at a cost of approximately \$800,000, which was approved by the Board of Finance and Board of Aldermen last March. The overhaul of communications in both departments will cost approximately \$1.2 and \$2 million. This item is in the Plan, but is not an emergency at this time.

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Mme. Chair: The Gulf Street sidewalks have been in the Plan previously. It has been one of the Board's pet projects. Is there any progress on that?

Mayor Richetelli: The main impediment to this project is a legal one. The owner of much of the property where the sidewalks will go does not wish to have sidewalks on his property. He has shown a deed restriction from 1972 that is on the land records which dates back to the previous owner who stipulated with the City that no sidewalks or other improvements could be made on that portion of land. This matter is being followed up legally to see what recourses the City has. It is a priority and it is hoped that something can be done about this without spending thousands of dollars in court.

Mr. Liddy: Gulf Street is in his district. Since this is a safety issue, why not invoke Eminent Domain?

Mayor Richetelli: That option is being considered.

Mrs. Patterson: The Plan shows sewage projects north of the Post Road. Is that a priority?

Mayor Richetelli: It is a priority because a stipulation of the Avalon Bay approval at Wolf Harbor Road was that they would install the sewer line along their property. This will not be done until they build and it does not appear likely they will build in the near future due to the economy. If the City was to undertake this venture on its own, it would cost the taxpayers \$1-2 million. Would rather Avalon pay for the sewers and wait a little longer to save the taxpayers the expense.

Mrs. Patterson: Certain neighboring streets are experiencing problems with drainage, seepage of sewage and clogged leaching fields. This item has been on the capital plan for some time. Could the sewers come in through other roads to this area?

Mayor Richetelli: Have heard from many residents in this and other areas about the problem. Will check with the engineering consultants about this. The design has always been that the project will originate at Avalon.

Ms. Shaw: Asked about shoreline beach erosion that is slated for 2011. A drainage study had been done. Asked for an update.

Mayor Richetelli: Beach erosion is a problem in Milford, the State and the entire east coast of the US. Will be going to Washington and will speak to CT senators and congressional representatives. There are 17 miles of coastline in Milford. Erosion is not specific to one area. A good portion of the area is privately owned. This will have to be a federal, state, local and private partnership.

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Drainage studies of the Point Beach, Naugatuck/Bridgeport Avenues and other areas of the City have been done. It will be a major undertaking, beginning with a study that will be costly and eventually multi millions of dollars in repairs.

Ms. Rose: Under recreation, Walnut Beach Park improvements, has the money been granted?

Mayor Richetelli: The money has been approved by the State Bond Commission but it has not been received as yet. The paperwork that has to go to the Board of Aldermen has not been received. It can take 6-8 months to receive the funds from the time the funds have been approved.

Ms. Rose: Eisenhower Park Environmental. Asked for an explanation for park security and building expenses of \$320,000.

Mayor Richetelli: The plan for Eisenhower Park is to go forward with this project only when there is grant money. Last year CL&P and UI completed their work at Eisenhower Park and the City received \$700,000 as part of the settlement for them coming through the City with the 345 KV lines. A federal grant has been approved in the range of \$380,000. A committee will determine how the funds will be used. Working with other State departments and may need to work with a consultant. Work that will be done will be repair of dams, footbridges and to improve water quality. Maintenance of existing conditions. Nothing new.

Ms. Rose: Sewers and wastewater expenses are a large portion of the Capital plan. A huge portion of the expense appears to be going toward consulting fees. Asked for a total of the consulting fees appropriated in the Plan.

Mayor Richetelli: Does not have a total of the consulting fees. 10% is the norm when pricing a project when it involves a consultant. Not all projects require a consultant.

Ms. Rose: Asked if in-house installation of these projects could be done in order to save taxpayer funds.

Mayor Richetelli: Not aware of the City ever doing sewer work in-house. The wastewater maintenance department maintains the facilities, but no sewer work has ever been done in-house to his knowledge.

Ms. Rose: Clarified she was speaking about design work.

Mayor Richetelli: Going back many years, does not remember any design work being done in-house. Engineering Department is not equipped to do that type of work. Liability on a project is a major concern. Outside companies who do the project design and installation provide liability insurance, which is a large savings to the City.

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Ms. Rose: Who pays for repairs when work is done by an outside company?

Mayor Richetelli: If an error is made by the design engineer or general contractor, they would be responsible for correcting the problem.

Mrs. Golden: Regarding the Board of Ed projects, what is at the top of the list in improving the schools? Foran High School has an asbestos and lead situation.

Mayor Richetelli: Referred to page CP2 summary of Board of Ed projects. In the fiscal year 07-08 the City spent approximately \$12M on Foran and Law high school upgrades. That was phase 2 of a 4-5 year phase-in project. Described all the work that had been done and will continue to be done. Discussed lead and asbestos found in areas of Foran and how the lead and asbestos tile are being removed. There will be in excess of \$30-\$40 million for both high schools at the end of the phase-in period. When that is finished both schools will be brought to a state that meets the current and projected enrollment figures and meets all codes for compliance and safety issues for the next 20 years and beyond. After the high school projects are completed in the next three years, the East Shore Middle School, over 50 years old, improvements will take place.

All of the roofs were recoated 6-7 years ago to extend their warranty. In the next 3-5 years, all or many of the schools will need roof replacements. The good news is this expenditure will be eligible for State reimbursement.

Ms. Rose: How will remediation for lead removal be paid?

Mayor: Through bond authorization.

Ms. Rose: Had a personal situation with lead treatment for her son, but believes the amount of lead is small and self-contained, so does not pose an immediate threat to health. Asked if there could be another project that could take priority over this upcoming \$1M expenditure.

Mayor Richetelli: It is very important to keep the schools lead free at all costs as quickly as possible for the welfare of the children. Also, prices escalate and do so quickly. A project that costs \$2M now will only cost more in the future, especially where the materials involve steel and petroleum. It is prudent to do the removal now as it is in the third year of a five year phase in.

Mrs. Patterson: A new firehouse in the northwest section of the City is being proposed. Is the land set aside for that project?

Mayor Richetelli: There is City owned property on Red Bush Lane. Could be used in the future. Do not want to expend the funds for an investigative study until a decision is made as to whether a firehouse is to be built.

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Mr. Liddy: Questioned wastewater projects at Housatonic and Beaverbrook at a combined cost of \$54 million.

Mayor Richetelli: That is the escalated price. When the study and design of this project began in 1998-99, it was contemplated that the entire project would be eligible for Clean Water Fund and low interest loans and grants. The project was estimated at \$64.5M with \$10M coming back in grants and \$53 M coming back in low interest loans at 2%.

The Mayor further explained how funding for both treatment plants did not come about due to a change in the formula used for funding by the State and even though funds were ultimately received, the projects were delayed causing the project costs to escalate.

Mr. Goodrich: Made a motion to approve the Capital Improvement Plan for the years 2008-20013.

Mr. Vetter: Second.

All the members voted in favor. The motion was approved unanimously.

D. PUBLIC HEARING; closes by 10/21/08

2. **62 WEST MAIN STREET (ZONE RO)** Petition of Beverly Streit-Kefalas and Nicholas Kefalas for a Special Exception and Site Plan Review to convert an existing first floor office to two apartments on Map 65, Block 313, Parcel 13, of which Beverly Streit-Kefalas and Nicholas Kefalas are the owners.

Mme. Chair: The reason for this Special Exception is this building is in an RO zone, which is basically a single family zone. They are asking for a three-family unit.

Leo Carroll, Esq., 26 Cherry Street, Milford, representing Judge Beverly Streit-Kefalos and her husband Nicholas Kefalos for a Special Exception at 62 West Main Street, Milford. Described the location of the building. Submitted a photograph of the building. Property is used as an office (currently unoccupied) and a second floor apartment. The building is on the National Registry of Historic Structures, which means the appearance cannot be changed without permission. Also on the local preservation list approved by the City historian.

The building was a single family residence through the 1970's. The doctor who owned it converted it to the first floor office with an apartment on the second floor. The building was purchased by Judge Kefalos and her husband in 1996. They lived in the apartment and the judge had her law practice in the office on the first floor.

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House is in an RO zone. There are two RO zones left in the City. It is a restrictive zone. Difficult to develop properties in it. The neighborhood is mixed. Behind the property are single family residences. On West Main Street there are many multi and single family structures, as well as a factory building that dates back to the last century. Due to this mix, the neighborhood could benefit from some creative development.

The judge was elected to probate judge in 1999. Her duties as probate judge increased and she closed her law office on West Main Street. She attempted to lease out the first floor office, for over a year, through George J. Smith and there was no significant interest from anyone to rent the office.

The neighborhood is mostly residential but there is a parking lot across the street, the municipal ball field, the municipal offices, etc. There is still a demand for residences in Milford and there is no demand for offices. The Kefaloses would like to convert the first floor area to two one-bedroom apartments, keeping the second floor apartment exactly as it is. The exterior of the house will not be altered in any way.

Mr. Carroll, via a site plan display, showed the existing first floor, the layout of the proposed two first floor apartments and the existing floor plan of the second floor apartment. There will be two entrances to each of the apartments. There is sufficient parking on the site for all the uses. There will be no changes to the exterior. The buffer in the back of the property is significant with twelve evergreen trees.

The need for a Special Exception is due to the fact the house is in an RO zone, which requires a portion of the building be used as an office. The request is to waive the necessity for an office space. The regulations for a Special Exception take into consideration:

- 1) 1) That the use (location, site and intensity of the use) will be in harmony with the neighborhood. The house is already in harmony with the neighborhood as it is part of the neighborhood. The only difference from today's use is the sign for the law office will be removed.
- 2) The nature, size and intensity of the use will be in harmony with the neighborhood. There are many apartments in the neighborhood. Nothing that exists on the present property will hinder or discourage the appropriate development of the neighborhood. The only change to the house is the office would be removed and apartments put in its place.

The Residential Office zone may have outlived its usefulness. Must be creative in order to find uses that are compatible with the neighborhood. There is still a demand for apartments in that neighborhood, but not much demand for office space in the RO zone. Therefore, the request for a change in use to allow two small apartments in the space where one large office exists.

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Judge Beverly Streit-Kefalos: Described the status of their house, which is on the National Historic Registry, built in the 1860's and their desire to maintain its character. The economic market has not allowed them to maintain its use as an office. Neighbors have inquired if the space could be converted to apartments as the first floor accessibility is desirable.

Mme. Chair: Asked the City Planner for his comments.

Mr. Sulkis: None.

Mr. Goodrich: Questioned the square footage of the proposed apartments. The plans did not have all the dimensions to show they meet the minimum square footage requirements in the regulations.

Mr. Carroll: The floor plans were not professionally scaled out. Will do so if it is a requirement. Second floor apartment's square footage is 1,234 SF.

Mr. Sulkis: Agreed with Mr. Goodrich and stated the apartment's square footage could not include stairways or common areas.

Ms. Shaw: Asked for clarification on parking.

Judge Kefalos: Clarified that the photo shows only one driveway but there are two driveways in total with parking in the rear that can accommodate 6-8 cars.

Mr. Carroll: All the requirements of the RO zone are met in this application, i.e. parking, landscaping and buffers.

Mr. Vetter: Asked about a hallway on the first floor and did it give access to the basement.

Judge Kefalos: Clarified it was an internal hallway and stairway in the back of the building that is a second egress for the second floor, which is separate from the present office space.

Ms. Rose: Asked if the property would be subject to inspection by the fire marshal should it be approved.

Mr. Sulkis: Once it becomes a three-family it is subject to meeting the fire code.

Mme. Chair: Anyone to speak in favor? (No response.)

Anyone to speak against?

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Mr. Lofthouse, 54 Maple Street, Milford. Expressed his opposition to the proposed application for a change in use. Not against the owners of the property, rather to the land and what it will be 10-20 years from now. In effect, this is a change of zone because it will become a multi-family property in an RO zone, which is technically a single-family zone. Multi-family is not allowed in a single-family zone. Considers this spot zoning and sited Sec. 3.4.1.3 of the regulations. Other RO zones will want to do the same. Neighbors are fearful of this change in that they do not want an increasing number of apartments to abut their back properties. The RO zone should be upheld. Referred to an excerpt from the Plan of Conservation and Development. Cannot decide property by property. Need to decide what the zone will be in the future.

Jack Jansen, 22 Russell Road, Milford. Agrees with Mr. Lofthouse. Have to protect the zones that exist. There is nothing in the regulations to prevent the Board from changing this zone to all residential, however, be careful about what you wish for. Mr. Carroll stated that the RO zone's time has passed. If you look down Cherry Street, the zone is very effective. The regulations are crafted to prevent the type of thing this application is requesting, which is multi-family. The regulations for Special Exceptions are detailed as to what is required of the applicant. It sounds like they are not quite ready if all the dimensions are not on the drawings. Make sure everything is in place before a decision is made.

Leslie Darling, 54 Winthrop Court, Milford. Lives directly behind this property. Opposed to granting the Special Exception. Years ago a developer was granted the same thing and it resulted in many apartments being squeezed on to what had previously been a single family property that is directly behind Winthrop Court. Worried about what could potentially happen with this property in the future.

Mr. Carroll: Noted that two of the speakers were former members of the Planning and Zoning Board. He denied Mr. Lofthouse's statement that this application was actually a zone change. This is not a single-family zone, it is a residential office zone which has outlived its usefulness. He argued that the zoning regulations that were rewritten in 2004 did not allow for the adaptive reuse of any of Milford's properties. Stated the Board has to decide on a piece-by-piece basis because Milford has not rezoned it. Milford has changed from being a small town to a small city. There are many different uses on that street that are not single-family uses, including a large multi-family building. Apologized for sounding like he was attacking Messrs. Lofthouse and Jansen and stated that was not his intention. The Board's job is to look at the regulations as a living plan which should be subject to change as necessary. Asked the Board to consider what the street would look like if the first floor office space remains vacant for many years.

Mr. Lofthouse: Objected to Mr. Carroll's statements about him. Disagrees with Mr. Carroll's rebuttal. Believes this zone should remain RO or change the zone all together and not play it property by property. Change it and make it uniform or leave it the way it is.

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Mr. Jansen: Purpose of a zone is that people who buy properties in a certain zone know what can be done in that zone. If regulations can be changed so readily, the property owners who think they have a certain type of protection under these rules do not. The regulations are in place to protect the people in those zones.

Mr. Carroll: Apologized again to Messrs. Lofthouse and Jansen for insulting them. His passion was directed at the regulations, which he finds difficult to work with. Would like the opportunity to provide the Board with the scaled square footage and of the proposed two apartments, in response to Mr. Goodrich's observation.

Mme. Chair: Will keep the public hearing open to the next meeting on October 7th, in order to accept the material requested.

(A short recess was taken at 8:55 p.m. The Board reconvened at 9:07)

E. PUBLIC HEARING; exp. 11/6/08

3. **232 AND 242 BOSTON POST ROAD, 64 CLARK STREET AND 86 PLAINS ROAD (ZONE CDD-1)** Petition of John Knuff, Esq. for a Special Permit and Site Plan Review to construct a 16,000 SF retail food store on Map 53, Block 304 Parcels 81, 81F, 81D and 81A, of which TVJL, LLC is the owner.

Mr. Liddy: Made a motion to approve the application with conditions, in accordance with the motion prepared by Staff.

Mr. Vetter: Second.

Mrs. Patterson: Asked if the lighting at the back of the property had been addressed.

Mr. Sulkis: Stated the lighting had not been an issue. The site plan that was provided with the lighting plan showed adequate lighting levels throughout the entire parcel. The public will not be using the back portion of the property, so this should not present a security problem.

Mr. Goodrich: Asked Staff about the property lines and setbacks and was he comfortable with that.

Mr. Sulkis: Stated there are tax parcels and actual parcels. They are being counted as all combined. There will be one parcel for this application. That's the only way it will work. The final as-built will reflect the removal of those lines.

Mr. Liddy to Mr. Sulkis: Asked why there was a condition for landscaping which had appeared very adequate.

Mr. Sulkis: Wants a detailed plan noting names and varieties of plantings.

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Mr. Vetter: What will Mr. Sulkis expect from the applicants if the tree mentioned in Condition No. 3 does not survive.

Mr. Sulkis: They will have to plant other landscaping to afford the neighbor the privacy he is used to. Will work with the engineer and Tree Commission to come up with an appropriate screening for that location, should the tree not survive.

Nine members voted in favor. Ms. Rose abstained having not been present at the public hearing.

Mme. Chair: This will be a great addition to this part of the Post Road and the City.

F. PROPOSED REGULATION CHANGES - No report.

G. LIAISON REPORTS –

Mrs. Patterson: Reported on attending the meeting of the Police Commission. There were concerns about the speed bumps at Lexington Green West. Concerned it would be a safety feature and the buses would go in there on their own.

H. PLANNING COMMITTEE – No report

I. APPROVAL OF MINUTES – (9/2/08)

Mr. Bender: Approve.

Mr. Liddy: Second.

All members voted in favor of approving the minutes as recorded.

J CHAIR'S REPORT

The Board reviewed information received from the Land Use Academy seminar on November 1st. The Planning and Zoning Office will pay for members who attend.

Ms. Rose: Reviewed her efforts to have the Planning and Zoning Board's meetings televised on MGAT.

The method of achieving this would be for the Board to pass a resolution, which would be sent to the Board of Aldermen. The Board of Aldermen would pass it to the Mayor requesting that he approve this and make it happen.

Mme. Chair: Stated she had spoken to people at MGAT on this subject to learn more details. It is hard to determine the cost to value of this project. Cost would be

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approximately \$75 based on a three hour meeting or approximately \$1,600.00 for the year. Asked for a general consensus from the Board.

The members discussed the cost of televising the meeting, passing the resolution and then leaving it up to the Board of Aldermen for their decision.

Mr. Ferrante: Made a motion that the Board state it is not opposed to being televised if the Aldermanic body so chooses.

Ms. Rose: Second.

Mrs. Patterson: Her concern was to make sure there was enough money for this project and was okay with the Board of Aldermen making that determination.

Ms. Rose: Stated this had to be done in a certain manner and therefore she wrote a resolution.

The Board reviewed the documents Ms. Rose had prepared. Mr. Ferrante removed his motion. Ms. Rose removed her second.

Mr. Bender: Stated he was against spending any sum of money on this project.

Mr. Vetter: Said a stipulation on the total cost should be specified in the request to the Aldermen.

Ms. Rose: Stated the reasons she felt the Board meetings should be televised to the public.

Made a motion to proceed with presenting the Resolution with a letter to the Board of Aldermen.

Mr. Goodrich: Second.

A vote was taken: Eight members voted in favor. Two voted against (Bender and Patterson). The motion passed.

STAFF REPORT:

Mr. Sulkis: Nothing to report.

Mr. Liddy: Has had inquiry from a couple of constituents asking about installing windmills for conservation of energy.

Mr. Sulkis: If there are businesses that would like to install windmills they should speak with him. These would be considered Special Exceptions.

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Ms. Shaw: Mr. Sulkis, I know that you are aware of Personas Mortgage and some issues that arose over the signs. Was hoping you could update the Board on that.

Mr. Sulkis: There is currently an enforcement action and that is all I am going to say. I cannot discuss publicly enforcement actions, but I will tell you that an action has been taken against the person who put the sign up.

Mr. Ferrante: Asked about the cutting of trees on the river's edge and plantings over a large course of land.

Mr. Sulkis: Clarified the location was at Baldwin Station. The area has been inspected by Planning and Zoning as well as Inland Wetlands. They are in the process of putting in public walkways, which were required when the project was approved. They are putting in extensive landscaping. If they have been over zealous in cutting down trees, they will be required to replace what has been removed.

Mr. Goodrich: Asked about the Caswell Cove gate. Also street renumbering in his area.

Mr. Sulkis: That matter has been returned to the Board of Aldermen for their action, due to the fact it is a license agreement and not a lease.

Smith's Point Road had to be renumbered because house numbers were randomly selected over the course of many years and that had become a problem. The Planning and Zoning office had to reassign the addresses on the street to correct the problem.

Mrs. Patterson: Asked about the Downs House.

Mr. Sulkis: Nothing to report.

Ms. Shaw: Asked for a brief history of the Caswell Cove situation.

Mr. Sulkis: Replied by providing a brief history of this matter.

Mr. Bender: Motion to adjourn.

Mr. Ferrante: Second.

Phyllis Leggett, Board Clerk