

**BOARD OF ALDERMEN  
ORDINANCE COMMITTEE MEETING and PUBLIC HEARING  
MARCH 2, 2015**

The Ordinance Committee of the Board of Aldermen held a meeting and public hearing on Monday, March 2, 2015. Chairman Smith called the meeting to order at 6:30 p.m.

**MEMBERS PRESENT**

F. Smith, Chairman  
S. Shaw, Vice Chairman  
M. Casey  
A. Giannattasio  
B. Anderson

**ALSO PRESENT**

Mayor Benjamin G. Blake  
Jonathan D. Berchem, City Attorney  
Steven Fournier, Mayor's Assistant

Chairman Smith stated the Committee was here tonight to consider three Ordinances. He stated the meeting was being held in accordance with the legal notice posted in the New Haven Register on February 24, 2015.

1. An Ordinance Establishing Chapter 18, Planning, Article XXI, Historic Preservation Commission, §§18-218 through 18-232 of the Milford Code of Ordinances.
2. An Ordinance Amending Chapter 6, Buildings and Building Regulations, Article I, In General; Demolition §§6-7 and 6-10 of the Milford Code of Ordinances.
3. An Ordinance Amending Chapter 19, Employment Condition and Benefits, Article V, General Provisions, §19-28 of the Milford Code of Ordinances.

Chairman Smith stated he wished to re-order the agenda and would entertain a motion to bring forwards item #3 first.

Ald. Shaw and Ald. Anderson made and seconded a motion to re-order the agenda and bring forward item #3. Motion carried unanimously.

Chairman Smith stated this is a new policy regarding the FMLA adopted by the City's Human Resources Director regarding FMLA for non-represented employees.

Ald. Shaw and Ald. Anderson made and seconded a motion to table An Ordinance Amending Chapter 19, Employment Condition and Benefits, Article V, General Provisions, §19-28 of the Milford Code of Ordinances. Motion carried unanimously.

Chairman Smith stated he was hopeful the Committee would take to the matter at the next meeting. He stated the next ordinance on the agenda tonight was proposed at the January meeting regarding the Historic Preservation Commission. He recalled there were some questions which have been addressed in the Ordinance being presented tonight. He stated the new ordinance the Committee is

being asked to consider has some new language. He deferred to Ald. Shaw to read the title of the Ordinance.

Chairman Smith opened the public hearing at 6:44 p.m.

An Ordinance Establishing Chapter 18, Planning, Article XXI, Historic Preservation Commission, §§18-218 through 18-232 of the Milford Code of Ordinances.

Speakers in favor:

M. Kramer - 104 W River Street – President, Milford Preservation Trust. She stated they have attempted to visit this on a number of times. She explained the genesis of this was the celebration of Milford's 375th birthday. She commented what better way to celebrate this milestone would be to rally and save Milford's dwindling collection of 18th century homes. Mrs. Kramer continued reading from a prepared statement. She stated the plan speaks to preserving neighborhoods and understanding properties and structures historical in nature. She stated the City should give this high priority and updated as needed. She stated this matter is before this Committee to protect those homes in historic districts. She also pointed out the homeowner must be willing to participate. She continued reading from a prepared statement speaking to the differences from the original Ordinance. Mrs. Kramer also referenced the Plan of Conservation of Development, reading sections of the plan. She stated this is an important step for Milford and encouraged the Committee to vote in favor.

R. Lutz - 56 Platt St - stated he has lived in many different sections of Milford over the years including historic districts and that he has no problem with the restrictions that come with these historic areas. He stated his point is that there is a great deal of houses in Milford protected by some condition. He stated he supported the Ordinance and expressed his hope the Ordinance would pass.

C. Coulter - 258 Gulf Street - stated he moved to Milford 7 years ago and bought his property because it was on Gulf Street and the area itself. He spoke of a situation with a neighboring home and another house that was renovated by questionable circumstances. He stated he would like to see the proposed Ordinance approved to help preserve the old homes in this town.

R. Cahill – no address provided - stated she is the Vice President Preservation Trust. She stated Milford residents that list their properties on the State registration are able to apply for state historical rebates. She also spoke of an economic study that was done as the result of a grant from the State.

R. Platt - 132 Platt La - former board member of the Historic Preservation Trust. He directed the Committee to a map which depicted the dwindling number of historic homes. He also spoke of a scrapbook he has kept of the number of historic homes that have been lost over the years and stated he does not want to add any more to the book.

Speakers Opposed: None

Chairman Smith closed the public hearing 6:57 p.m.

Ald. Shaw and Ald. Anderson made and seconded a motion to forward to the full Board of Aldermen An Ordinance Establishing Chapter 18, Planning, Article XXI, Historic Preservation Commission, §§18-218 through 18-232 of the Milford Code of Ordinances.

Ald. Giannattasio thanked the Ordinance Committee for bringing this back to the Committee. He stated he wished to offer an amendment. He stated he felt it was prudent that the Board of Aldermen approve the list recommended to the Mayor.

Ald. Casey and Ald. Giannattasio moved to amend the motion as follows: d) change the word *the* to ***"all"*** and add ***"and approval of the board of Aldermen, submit annual to the Mayor add "City Clerk."*** And in the last sentence add ***"Subject to prior Board of Aldermen approval the. . . ."***

Ald. Shaw commented it has been explained tonight that this is voluntary. She questioned if the intention of the amendment was to have the homeowner come to the Board of Aldermen.

Ald. Casey stated it was his understanding that any homeowner could apply to the National Registry. He stated this would at least provide the Board of Aldermen with some information and know what homes are being added to the registry.

Ald. Shaw reiterated this is voluntary, so homeowner would still come to the Board of Aldermen.

Ald. Giannattasio stated the debate is not that it is voluntary; the amendment only removes one section. He stated moving forward he felt it is prudent that the Board of Aldermen have some oversight since the Ordinance originated at the Ordinance level.

Mayor Blake pointed to Section 18-221 which he explained allows a mechanism so that the Board of Aldermen remains part of the process and that it is done appropriately. He stated in Section (b) the Board of Aldermen does approve the committee that is appointed.

Ald. Anderson referred to Section 18-223 reading the language. He stated under the circumstances, as he read this it appears that the members of the Board of Aldermen would be inserted into the process if that is what the amendment is seeking. I would not want to see the Board get in between the process.

Ald. Giannattasio pointed out it is with the property owner's consent. He stated this would be representing the people who are on the list and that the Board of Aldermen should have some oversight of the list.

Chairman Smith stated the historic preservation has stated this is voluntary. He stated no one is being forced onto the list. He reiterated the property owner is agreeing to be on the list. He also stated the Ordinance has plenty of other options in the Ordinance. Chairman Smith stated he felt the amendment could restrict the residents. He stated it would be his position that the additional language does not serve any useful purpose and only deters from the intent.

Ald. Giannattasio stated he respectfully would disagree with Chairman Smith. He stated this Committee should have oversight as it does with many other committees in the city. He stated he

would be more comfortable knowing that the Board of Aldermen could review the list and see if there is some disparity. If we can't amend this where we have some "skin in the game" he stated could not support it.

Ald. Shaw asked about the portion being revised, reading the language. She stated she was resisting the language because she did not want to see the legislative body come between the homeowner.

Ald. Giannattasio commented this Ordinance creates more bureaucracy. He stated he felt this language was necessary and he could not move forward without.

Chairman Smith stated the language is clearly delineated in the current Ordinance and not inserting the Board of Aldermen between the homeowner. He spoke of when this city was founded and that it is incumbent on the City to have a committee that will advise and work with the state registry. He stated this is different from the historic commission and that it is an at-large committee. Chairman Smith also stated he believed this is something that should be instituted in our city government, pointing out these are all volunteers.

Ald. Casey commented regarding the discussion that this would stand between the homeowners and Board of Aldermen. He suggested it could be a pilot program and come back before this board in a year and amended at that time.

Ald. Anderson stated this is language he could not vote for. He stated he wished to put on the record this does take on a sense of urgency due to the fact that the State of Connecticut intends to extend its property tax credit. He stated there are a number of Milford residents that could qualify. He stated there has been good give and take between this Committee and the Historic Preservation Committee.

Ald. Giannattasio stated when the Ordinance Committee first met when this was first tabled; the idea of opting out was discussed. He stated he felt it would be a good idea to refer this back to the Board of Aldermen because this Ordinance is coming out of the Board of Aldermen. He stated nothing is guaranteed as far as credits, etc. He stated he is entitled to see this list.

Chairman Smith likened this to other Boards, i.e. the Fine Arts and saying we need to see their art prior.

Ald. Casey stated in context the commission is being put in and this Ordinance empowers the committee being established to have some powerful authority. He stated he did not understand the intrepidation by the rest of this Committee.

Mayor Blake stated the purpose is to receive notification of the list. He stated Section 18-224 (a) calls for all city departments to be notified and that the Board of Aldermen could be considered a city department, therefore it does provide that annual notification to the Board. He also stated it would be published by the city clerk's office and available in the library.

By roll call vote, the amendment failed 2 yes (Casey, Giannattasio) and 3 no (Smith, Shaw, Anderson).

On the main motion, by roll call vote the motion carried 3 yes (Smith, Shaw, Anderson) and 2 no (Casey, Giannattasio).

Chairman Smith stated the second Ordinance on the agenda changes the waiting period for a demolition notice. He explained it was proposed at the January meeting at 180 days, however, there was a compromise of 120 days with a dated copy of the application to the building department.

Open the public session 7:24 p.m.

Speakers in favor:

R. Platt – 132 Platt Lane stated he has had the most experience with this Ordinance. He stated they are minor changes in this Ordinance. He stated he has asked when the 180 days begins, and many times there was confusion as to a start date. He stated it is very simple and gives the Ordinance consistency. He stated additionally, there is a third item he would like to add in the future.

M. Kramer - 104 W. River – stated she was in favor of the Ordinance. She commented the 120 days is not as great as 180 days, but better than 90 days proposed. She stated if the purpose of the demolition delay is to seek an alternative she is in favor.

Speakers Opposed: None

Chairman Smith closed the public session at 7:26 p.m.

Ald. Shaw and Ald. Giannattasio made and seconded a motion to forward to the full Board of Aldermen An Ordinance Amending Chapter 6, Buildings and Building Regulations, Article I, In General; Demolition §§6-7 and 6-10 of the Milford Code of Ordinances.

Ald. Giannattasio stated this Ordinance was originally 60 days then amended to 90 days and has remained at 90 days for some time. He stated he is not aware of any issues with the 90 days. He stated he felt the 120 days was excessive. He stated he felt the 90 days works and should stay that way.

Ald. Shaw stated she wished to recognize Mr. Platt and the reason for extending it to 120 days.

Mr. Platt commented for the great majority of times 90 days have worked out, but there was a special case last summer which he felt needed more time. He commented people were still making offers and that house, which was a significant loss and could have been saved. He stated once a house is lost, it is gone.

Chairman Smith pointed out that despite efforts to save these homes there is also a portion that flies in the face of a homeowner when they are attempting to obtain financing, a sale or purchase of home. He stated he felt the compromise was adequate.

Ald. Shaw stated she wished to be correct that this affects homes that are 75 years or older.



Mr. Platt stated that was true, but he did not know how many were 75 years or over. He spoke of an inventory that was completed several years ago.

Ald. Shaw stated just because a home is over 75 years old doesn't necessarily mean it will have to wait the 120 days.

Mr. Platt stated it is those significant houses in Milford they are attempting to save.

Chairman Smith pointed out this Ordinance would be implemented through the building department and allows the city historian to weigh in. This stated this has nothing to do with the historic preservation committee.

Ald. Giannattasio commented Mr. Platt stated in his comments that the 90 days has worked, except for one particular home last summer. He also pointed out it is up to the homeowner, not the city historian.

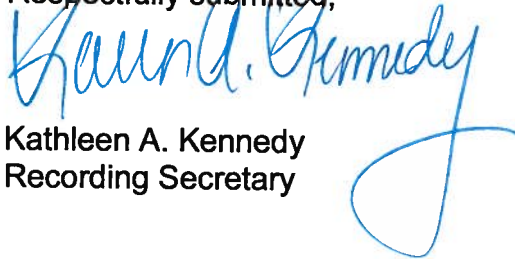
Chairman Smith stated he would vote in favor and there could be a full debate at the full Board of Aldermen level.

By roll call vote the motion carried 3 yes (Smith, Shaw, Anderson) and 2 no (Giannattasio, Casey).

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

The Committee adjourned at 7:36 p.m.

Respectfully submitted,



Kathleen A. Kennedy  
Recording Secretary