

**BOARD OF ALDERMEN
REGULAR MEETING
AUGUST 4, 2014**

The Board of Aldermen of the City of Milford held their Regular Meeting on Monday, August 4, 2014 in the aldermanic chambers of City Hall. Chairman P. Vetro called the meeting to order at 7:30 p.m.

1. Roll Call

Board Members Present

B. Anderson
B. Bier
M. Casey
D. German
S. Fontana
A. Giannattasio
M. Hardiman
D. Kubek
S. Shaw
F. Smith
G. Stanford
N. Veccharelli
S. Shaw
P. Vetro
R. Vitali

Also Present

Mayor Benjamin G. Blake
Jonathan D. Berchem, City Attorney
Peter Erodici, Finance Director
Joanne Rohrig, City Clerk
S. Fournier, Mayor's Admin. Asst.

Absent

J. Golden

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.

W. Rollins – 49 Shadows End Road – stated he was here to address an issue not on the agenda. If stated he wished to point out for the record that if the public went to the records to see if this item were on the agenda they would not know. He stated that lack of information could have affected attendance at tonight's meeting. He stated he was strongly opposed to the tower, not only for health reasons, but for aesthetic reasons as well. Reading from a prepared statement he cited the numerous negative effects of the proposed tower. Mr. Rollins also distributed a map for the aldermen to review which depicted where other towers are currently located. He stated there is another tower located on Melba Street as well as two smaller towers within a 1 ½ mile radius of the proposed location. He also pointed out the Sitting Council sees no need for this tower. He urged the Board to read their report. He asked who AT&T is concerned about, commenting it certainly was not the residents. He stated there have been other tower proposals in recent years one in the area of the YMCA and another location, both of which were rejected. Is the safety of

our children as important as the children in those areas? He expressed his hope the Board would see the merit of this logic and reject the proposed cell tower.

E. Vanchot – 858 New Haven Avenue - spoke regarding property values which he shared with the Board. He stated the results of the survey showed cell towers impact a property and the price someone is willing to pay for a property. He continued reading from a prepared statement. He also cited a case in New Mexico. He spoke of the Telecommunications Act. He also spoke of the homes on Alpha Street which he stated are small starter homes. He stated future first time home buyers could be denied a loan. He stated the Telecommunications Act clearly states no other carrier can be rejected. Therefore, he stated another carrier could put a cell tower at this location if they wanted to. He stated if the Board approves the proposed cell tower it could open a whole can of worms for Milford.

M. Gambardella – 39 Shadows End Lane – confused about this item. She stated the item is not on tonight's agenda; therefore others who may have come did not come. She stated cell phone towers just don't belong in residential areas. Ms. Gambardella stated at the information session they were showed what the tower would look like. She questioned what would happen to property values if a 130 foot tower is erected. She also stated these towers are not safe. She stated if there were a hurricane, the tower would topple onto their homes. She stated if the proposed cell tower goes through she along with her neighbors would request a new revaluation of their homes and a reduction of their assessment. She also stated it was absurd if this Board did not think it would harm their children. She asked why this item was not on the agenda, when it would be on the agenda and how they would be notified.

L. Flynn – 10 Alpha Street – stated she is a teacher who had to retire early due to a brain tumor. She stated she is not the only person who taught at in her school that developed some type of a tumor. She stated here are numerous studies all of which contradict one another. She stated she carries a cell phone, but it is only for emergencies, so it is always off. She stated she also has a microwave oven which she rarely uses and when she does use it she leaves the room. She stated those are her choices and the choices she chooses to make. She stated she has a choice here tonight and she does not want the cell tower. She strongly urged the Board to vote against this.

D. Blackwell – (no address given) spoke regarding the emissions from a cell tower. He also spoke of studies which are inconclusive most of which were conducted in 1985.

B. Berkovich – 86 Hawley Avenue – stated she was here tonight on behalf of the Milford Cooperative Pre-school located on New Haven Avenue. She stated she sent some letter out to her aldermen and read one of those letters. She encouraged the Board to turn down the approval of the cell tower request. She stated this also has to do with conducting business, which they are in essence. She pointed out while they are celebrating their 60th year in the community, a tower in the neighborhood will make them undesirable.

T. Cook – 31 Captains Walk – when I walk out my front door I can see a tower. He stated he is totally opposed to this. He expressed his hope the aldermen had done their research and would vote this down.

K. Osborne – Lambert Drive – this tower replaces a tower that sustains our municipal equipment which will make it an incremental risk of the structure.

J. Pricso – 11 Riverdale Road – here about senior citizens assessment which is \$600. He stated he has requested \$200 more. He stated the senior citizens are the backbone of this community. He asked the Board to please try and help the senior citizens.

3. Consideration of the Minutes of the Regular Meeting of the Board of Aldermen held on July 7, 2014.

Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the minutes of the Regular Meeting held on July 7, 2014. Motion carried unanimously.

4. Consideration of the Minutes of the Special Meeting.

None.

5. Chairman’s Report and Communications.

Chairman Vetro stated he hoped everyone was enjoying their summer. He also stated he wished to point out that in accordance with the aldermanic rules, all aldermen are required to attend all meetings. He stated in addition, if an aldermen is not able to attend they are required to notify the Chairman of the Board.

6. Mayor’s Report and Recommendations:

Mayor Blake extended a happy summer to all! He stated it was great to see such an engaged group from the community come out tonight regarding an issue. He stated it is a great exercise of democracy. Mayor Blake also stated he wished to provide the Board with an update on this building. He stated the new chairs in the auditorium are a gift from the library and have been repurposed for this auditorium. He also stated he was pleased to report the clock tower is now complete and that the scaffolding will be coming down shortly.

Mayor Blake asked the Board’s consideration and action on those agenda items 8a-8l and that he would be happy to answer any questions the Board may have. He also stated he would like to request an the opportunity to have Ms. Dolan, Beth El, Lesley Darling, Deepa Joseph from the Health Department address the Board. He explained a group of City employees and community members engaged a task force to address the issue of panhandling in the City.

Ms. Joseph stated they recently meet as a task force. She stated representatives from the health department, police department, social services, and city attorney’s office met regarding the number of panhandlers in our city. He stated these groups of individuals dealing with multiple issues and part of a larger society in need of help. She stated they need to focus on education and outreach. Ms. Joseph stated she is working on the education portion of it and that they have come up with came up with the “Have a Heart – Give Smart campaign. She explained the focus of the campaign is to educate and encourage members of the public to find alternative ways of

giving. The focus of this campaign is to give to larger organizations that can then assess these individuals and work with them. She stated the plan is a multimedia approach.

Lesley Darling, Milford Health Department spoke regarding the social services side. She stated they met to see how the needs of these individuals could best meet and those of the Milford community as well. She stated Beth El Shelter, Dial 211, United Way of Milford were some of those organizations. She stated they also determined thatd Beth El could help with those services.

Toni Dolan, Beth El shelter stated the task force has worked very hard to be sensitive to these groups. She also pointed out that those who have been identified are not residents of the Beth El Shelter and are not necessarily homeless or living outside. They are not able to find the needed services. As part of the task force they are reaching out educating about panhandling and the dangers, etc. Ms. Dolan also stated they plan to send their staff out to speak directly to those who are panhandling in the community. She stated a part of the focus will be to encourage a lifestyle change, etc. She stated they will continue to provide outreach until the panhandlers have been provided services.

Chairman Vetro thanked Ms. Joseph, Ms. Darling and Mr. Dolan for their presentation.

7. Unfinished Business

(from June 2, 2014, Item 8a Board of Aldermen approval is requested following the approval of the Planning and Zoning Commission pursuant to §8-24 of the Connecticut General Statutes, for AT&T to erect a tower for Police Department use at Eels Hill Road and for the City to accept ownership of such tower from AT&T once construction is completed and for the cell tower to be leased to AT&T, or its subsidiary.)

Ald. Anderson and Ald. Shaw moved to remove from the table request for the approval of the Planning and Zoning Commission pursuant to §8-24 of the Connecticut General Statutes, for AT&T to erect a tower for Police Department use at Eels Hill Road and for the City to accept ownership of such tower from AT&T once construction is completed and for the cell tower to be leased to AT&T, or its subsidiary.

Ald. Casey stated this Board heard discussion from the public that this was not on the agenda. He stated he realized the matter was table and that it should have appeared on the agenda. He stated he believed that FOIA would require this on the agenda. He asked the city attorney to address any concern that this matter not properly noticed.

Attorney Berchem stated that tabled items usually appear as unfinished business and are put on the agenda by the city clerk's office. He stated at the informational meeting held in July he stated this this item would be on the Board of Aldermen's August agenda.

Ald. Vitali stated he felt it was a loophole and to say it was left off by the clerk's office when the agenda is created by the Mayor, majority and minority leaders is unfair. He stated to his

colleagues in the 5th district that this matter should not come up until it is properly put on the agenda.

Mayor Blake stated he did inquire as to the legality. He stated this is more about parliamentary procedure. He stated that this matter was properly noticed for the June meeting, however the matter was tabled. He explained in the past the city clerk's office as a courtesy has put tabled items on the agenda. Mayor Blake stated this Board does not have a parliamentarian, so the Board chairman serves in that capacity. Mayor Blake stated it would be the decision of the Chairman if this item should move forward.

Chairman Vetro recalled the audience tonight commented on Mr Anderson's remarks and further that Ald. Anderson had notified as many residents at the informational meeting that this matter would be taken up at the Board of Aldermen's August meeting. Chairman Vetro stated as a representative of the fifth district, Ald. Anderson did a fine job.

Ald. Anderson stated the reason he moved to take this item off the table is to have the matter dispensed with. He stated he would like to have this issue dispensed with and finally give the residents peace of mind

Ald. Vitali suggested Mr. Anderson rescind his motion. He stated the lack of the item being on the agenda could have discouraged people from coming out tonight.

Ald. Bier requested a 2-minute recess. The Board recessed at 8:15 p.m.

Chairman Vetro reconvened the Board in public session at 8:16 p.m.

Ald. Bier commented in light of the group of people here tonight it appears they were somehow aware of this matter.

Ald. Casey spoke of the importance of this issue. He stated he too has heard from a lot of people regarding this cell tower. He also stated it speaks to transparency and making sure people are aware of what is going on. He expressed his hope that moving forward the public would be better informed.

Ald. German stated he told some of his constituents that this matter was not on the agenda.

Chairman Vetro stated his ruling was that he would allow the motion.

By roll call vote, the motion to remove from the table carried 10 yes (Anderson, Bier, Giannattasio, Hardiman, Kubek, Shaw, Smith, Stanford, Veccharelli, Vetro) and 4 no (Casey, Fontana, German, Vitali).

Ald. Anderson and Ald. Hardiman made and seconded a motion to approve the request for the approval of the Planning and Zoning Commission pursuant to §8-24 of the Connecticut General Statutes, for AT&T to erect a tower for Police Department use at Eels Hill Road and for the City

to accept ownership of such tower from AT&T once construction is completed and for the cell tower to be leased to AT&T, or its subsidiary.

Ald. Anderson commented this was a housekeeping item and that in the future these items should appear on the agenda so it is clear to the residents. He stated he wished to acknowledge many residents who commented, researched, etc. He stated it is a public process and a show that democracy works. He expressed his hope that the public remain engaged. Ald. Anderson stated the Mayor was instrumental in making sure neighbors had an opportunity to receive as much information as possible. He stated the July 11th informational meeting was helpful to the public. He also thanked Attorney Berchem, Chairman Vetro and Ald. Kubek. Ald. Anderson stated that informational meeting revealed there our four towers on Eels Hill Road. He stated the municipal tower was erected several years ago and according to expert opinion it can continue functioning and that there is no need to replace the current tower. Ald. Anderson continued reading from a prepared stated and spoke to a report that indicated that AT&T residents have full coverage and that the conclusion is that there is no need to replace the current tower. He continued reading citing public law. He urged his fellow aldermen to vote no for this tower. He also spoke of a proposed tower on Derby Milford Road, Orange and Jones Hill Road in West Haven and urged a no vote there as well.

Ald. Stanford stated she would vote against this tower. She stated she is old enough to remember when as a college student cigarette companies would pass out cigarettes, when there was asbestos in the schools which was to save on energy and later the excessive costs to remove it. She stated the biggest reason for her saying not is for her concern for children. She stated as a former science teacher she is aware of the learning process of young children.

Ald. Bier commended the group of citizens that came out tonight. He stated he was involved in a tower fight several years ago when a cell tower was proposed at the YMCA. It shows we have a voice in government.

Chairman Vetro stated he wished to thank the Mayor, City Attorney Berchem and Assistant City Attorney Kelly who sought the necessary information to answer the questions for the public. He also apologized to the public for not having the original information on the agenda tonight. He stated he made his decision to move forward tonight as a courtesy to all who came out this evening.

Ald. Vitali commended everyone for coming out, adding they were complimented on democracy and process. He questioned what the outcome could or would have been back in July had he not made the original motion to table this motion when it was clear at that time that the aldermen needed more information on this matter.

Ald. Shaw stated this board took great care during the public hearing and also Ald. Vitali for initially tabling this matter and the due diligence of Ald. Anderson.

Ald. Smith commented it seemed they were all in consensus about this matter and the fulfillment of our democratic processes. He stated it was only fair that the Board allow AT&T to address this Board.

Mayor Blake asked if there was any updated information that has come up since the informational meeting.

Alex Murshteyn, Site Acquisition Specialist (Centerline Communications) stated he wished to point out the existing antenna have extensions that extend past the 100 ft mark. He also stated there are benefits to the city which have been discussed. He also stated it is a new opportunity to replace equipment for the police department. He stated it is unfortunate but that he does understand especially for those who have children and live in the area

Ald. Smith asked the need for this tower and whether it is a question of positioning.

Mr. Murshteyn explained it would provide capacity coverage in the area. He stated the capacity is needed due to the amount of usage, not just in the area but for people driving through that area.

Ald. Smith asked Mr. Murshteyn if he was suggesting the additional capacity would help emergency responders.

Mr. Murshteyn replied yes. He stated with increased usage in the area it would help emergency response, but stated he is was an engineer and not his area of expertise.

Ald. Veccharelli commented it is a city owned tower with a life span of 30 years. He stated the city is functioning quite well and there is no need to do anything different. Having a tower 30 feet higher was disturbing to the neighbors.

Ald. Giannattasio thanked the residents for coming out and exercising their rights. You are the ones who would be impacted. He stated he too was thankful to all that came out. He also stated he wished to thank those who emailed him. He stated he felt they would be presently surprised with the outcome of the vote. He stated he too would be voting against this item.

By roll call vote motion failed 0 yes and 14 no (Anderson, Bier, Casey, Fontana, German, Giannattasio, Hardiman, Kubek, Shaw, Smith, Stanford, Veccharelli, Vetro, Vitali).

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

8a. Ald. Veccharelli and Ald. made and seconded a motion to approve the request for the appointment of (U) John Carissimi, 64 Kirkside Avenue, 06460, from an alternate to a regular member of the Historic District Commission to fill the present vacancy (five-year term expiring 1/1/15). Motion carried unanimously.

City Clerk Rohrig gave the oath of office to Mr. Carissimi.

8b. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request for the acceptance of a grant in the amount of \$780,480 under the Community Development Block Grant – Disaster Recovery (CDBG-DR) program for reconstruction of the Morningside Revetment located at 167 Morningside Drive and to authorize the Mayor, Finance Director and

Public Works Director to take all steps necessary, including signing all documents, to effectuate said grant.

Ald. Giannattasio stated he had questions for the City Engineer and Public Works Director who he did not see present.

Mayor Blake explained the approval does not include any design or engineering work. He stated that would come if this Board accepts the grant. Mayor Blake stated he would be happy to provide a brief background for all three projects. He stated the Morningside reventment was constructed in the 1960's. He pointed out there are underground utilities there which have the potential to be compromised so that it why this work is getting done.

Ald. Giannattasio asked the mayor if he could elaborate on the work.

Mayor Blake explained the reventment is like a seawall, but it is pitched. He explained the work proposed would allow waves to be disbursed.

Motion carried unanimously.

8c. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request for acceptance of a grant in the amount of \$503,500 under the Community Development Block Grant – Disaster Recovery (CDBG-DR) program for reconstruction of the Gulf Beach breakwater and to authorize the Mayor, Finance Director and Public Works Director to take all steps necessary, including signing all documents, to effectuate said grant.

Ald. Anderson commented Gulf Beach is a flagship beach identified in the community. He asked that the residents of the Gulf Beach area be included in the design and any long range planning.

Ald. Veccharelli commented basically the work proposed would stop the circular motion of washing away the sand.

Mayor Blake stated in recent history the beaches have eroded every 2-3 years and then sand is brought in. He stated the design would create correct this. He stated a study was done as to how the erosion occurred. He also explained the breakwater and jetty and the long term effects of the work.

Motion carried unanimously.

8d. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request for acceptance of a grant in the amount of \$150,000 under the Community Development Block Grant – Disaster Recovery (CDBG-DR) program for Community Coastal Resilience Planning and to authorize the Mayor, Finance Director and Public Works Director to take all steps necessary, including signing all documents, to effectuate said grant.

Ald. Giannattasio asked about the participation of the other towns in this grant.

Mayor Blake explained this grant is for a study and design of the coastline. He stated it is one engineering and design study for all three towns. He also stated there is another grant in the amount of \$700,000.

Ald. Anderson commented this city should be indebted to our State delegation, Senator Slossberg and State Representatives Davis and Rose for their assistance in making this happen for Milford.

Ald. German commented it is nice to see the study being done, but that he would like to see the actual work get done and he was hopeful this would be addressed.

Motion carried unanimously.

8e. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request for Resolution Re: Establishment of Accounts Related to Unsafe, Unsanitary and Blighted Properties. Motion carried unanimously.

8f. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request for Allocation Transfer #1 (Blighted Property).

Ald. Giannattasio asked where the monies were coming from and if the monies were seed monies to get started.

Mayor Blake stated it is an allocation transfer.

Ald. Giannattasio asked if this would be self-funding.

Attorney Berchem stated with regard to the dollar amount, there is a particular property that is currently being addressed. He we explained the questions that have arisen with regard to the property. He stated in this instance the house has been foreclosed on and is bank owned.

Ald. Giannattasio asked if going forward it would remain open.

Mayor Blake replied yes for any type of remediation for blighted properties.

Ald. Vitali asked the mayor or city attorney to elaborate on the process.

Mayor Blake explained with regard to the current matter, there is a lien on the property. He added that governmental liens come off the property first.

Motion carried unanimously.

8g. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request per the recommendation of the Planning and Zoning Board dated July 2, 2014, for the abandonment of the portion of the School house Road right-of-way located on Map 42, Block 335, Parcel 1,

and to authorize the Mayor and City Attorney to sign any documents and take all steps necessary to effectuate the acquisition of said easements. Motion carried unanimously.

8h. Ald. Veccharelli and Ald. Kubek made and seconded a motion to approve the request to Amend the City of Milford's Capital Improvement Plan 2013-2018 (as adopted by the Board of Aldermen on January 6, 2014) to add the project: Wireless Camera and Security Systems.

Ald. Giannattasio stated in reviewing the scope of work he noticed it did not mention anything about a warranty. He asked if there is one.

Mayor Blake stated he would look into it and get back to him.

Motion carried unanimously.

8i. Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve the request for Resolution Re: State of Connecticut Local Capital Improvement Program Assistance for Wireless Camera and Security Systems. Motion carried unanimously.

8j. Ald. Veccharelli and Ald. Haridman made and seconded a motion to approve the request for Resolution Re: Cash advance for State of Connecticut Local Capital Improvement Program Assistance for Wireless Camera and Security Systems. Motion carried unanimously.

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

a. Consideration of Budget Memo Transfers #13 and 14, FY14.

Ald. Veccharelli and Ald. Hardima nmade and seconded a motion to approve Consideration of Budget Memo Transfers #13 and 14, FY 14. Motion carried unanimously.

11. Refunds

a. Consideration of Refunds in the amount of \$3,932.81.

Ald. Veccharelli and Ald. Hardiman made and seconded a motion to approve Consideration of Refunds in the amount of \$3,932.81. Motion carried unanimously.

12. Report of Standing Committees:

- a. Ordinance Committee – no report.
- 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 – 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 – 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.

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. Status update and discussion concerning Keepers v. City of Milford.

Chairman Vetro announced those individuals entering Executive Session would be the full Board, Mayor and City Attorney.

Ald. Veccharelli and Ald. Hardiman made and seconded a motion to go into Executive Session as announced by the Chairman. Motion carried unanimously.

The Board adjourned to Executive Session at 9:09 p.m.

Chairman Vetro reconvened the meeting in public session at 9:26 p.m.

There being no further business to discuss, Ald. Veccharelli and Ald. Hardimen moved to adjourn at 9:26 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen K. Huber
Recording Secretary