

**BOARD OF ALDERMEN  
REGULAR MEETING  
NOVEMBER 6, 2008**

The Board of Aldermen of the City of Milford held their Regular Meeting on Thursday, November 6, 2008 in the aldermanic chambers of City Hall. Chairman B. Blake called the meeting to order at 7:40 p.m. welcoming everyone and asked those present to join in saluting our flag and reciting the Pledge of Allegiance.

**1. Roll Call**

Board Members Present

J. Blacketter  
B. Blake  
V. Ditchkus, Jr.  
A. Giannattasio  
M. Hardiman  
S. Manning  
R. Nunno  
J. Patterson  
J. Toohey  
N. Veccharelli  
P. Vetro  
R. Vitali  
S. Willey

Also Present

Mayor J. Richetelli, Jr.  
J. O'Connell, Mayor's Admin. Asst.  
A. Jepson, City Clerk  
M. Case, City Attorney

Excused

B. Lambert  
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.

F. Goodrich – 70 Regent Terrace – stated he addressed this Board last month concerning the budget and the lack of sidewalks on part of Gulf Street. He stated there are no sidewalks on the waterside of Gulf Street and explained his concerns. He also spoke concerning the Ordinance #6 on the agenda concerning burning commenting when there is so much smoke it blocks the street or there are ashes flying these two concerns need to be addressed. He stated he would be in support of this Ordinance if these items are addressed.

M. Ludwig – 28 South Street – spoke as to Ordinance #2 concerning trees. She stated there is an active tree program here in Milford and noted there is an inventory that needs to be updated. She stated they have had support from this Board as well as the Mayor. She urged the Board to pass this Ordinance in light of what trees do for all of us. She also spoke as to the global warming affective and the need to be proactive. She also spoke regarding the program we have in our schools reiterating the importance of trees. She stated passing this Ordinance would show the importance of our trees.

D. Miller – 30 Lawrence Avenue – stated he spoke last month regarding the open burning Ordinance. He stated under no condition could the Board should remove the nuisance language. He also expressed his disappointment this had been pulled from the agenda again this month. He also spoke concerning recreational burning and stated this should be removed from the Ordinance. He stated if the word nuisance is removed from the Ordinance it would lose any enforcement needed. He also spoke regarding the Ordinance concerning high mileage cars stating he applauded the idea but had concerns with the way it was written. He stated the Board should give a one-time exception and extend the expiration date. He also stated it has been difficult to get these Ordinances and asked why they are not posted when the agenda is posted adding this stuff is just not readily available to the public and makes it difficult to participate.

3. Consideration of the Minutes of the Regular Meeting of the Board of Aldermen held on October 6, 2008.

Ald. Vetro and Ald. Patterson made and seconded to approve the minutes of the Regular Meeting of the Board of Aldermen held October 6, 2008 meeting as presented. Motion carried unanimously.

4. Consideration of the Minutes of the Budget Meeting of the Board of Aldermen.

None.

5. Chairman's Report and Communications.

Chairman Blake congratulated those who ran for office. He thanked for the time they put in adding they served their community well and wished them well in Hartford. He stated he also wished to thank City Clerk Alan Jepson and his office for their work and keeping Democracy.

6. Mayor's Report and Recommendations:

Mayor Richetelli stated he respectfully asked the Board's affirmative action regarding items 8a-8c on the agenda. He also asked the Board to consider proposed item 9a and asked the Board to take action under item 9. – New Business. He stated he also wished to invite all of the aldermen to the Veterans Day events being held. He stated the annual parade would take place on Sunday, November 9, 2008 at 2:00 p.m. and on Veteran's Day a wreath laying ceremony at 11:00 a.m. He stated on Wednesday, November 12, 2008 at 2:00 p.m. WWII Veteran, Doug Kearney would be receiving his bronze star at a public ceremony in City Hall.

7. Unfinished Business:

None.

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

8b. Ald. Vetro and Ald. Hardiman made and seconded a motion to approve the request to accept the Assistance to Firefighter's Grant from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) in the amount of \$120,000 for the replacement of Phisio-Control Mono-Phasick Lifepack 12 Defibrillators in accordance with the approval given by the Board of Aldermen on March 3, 2008, to authorize the City's cost share (20%) of \$24,000 and, further, to authorize the Fire Chief and the Mayor to

take all steps necessary including signing all documents necessary to effectuate the acceptance of this grant per information provided.

Ald. Manning asked about the \$24,000 in the budget.

Chief LaVecchia stated he wished to thank the Board. He stated they were proposing to buy defibrillators with the current budget until they were all replaced. He explained the current Standard, which calls for all defibrillators to be replaced and explained they are looking to replace 9 and were looking to do that over the next 9 years. He explained the grant they received and that they would be able to use that as well as budget monies to purchase 6.

Chairman Blake expressed his concern with the way the motion is written “20% of \$24,000”. He stated believed it should be “or”.

Mayor Richetelli stated the wording is correct in the FEMA grant noting this is a typographical error in the agenda.

Ald. Blacketter spoke as to the wording and that it appears to allow for 6 more. She stated she wished clarification as to the number they are purchasing is 6 and not the original 15.

Chief LaVecchia explained they couldn’t purchase the 6 as originally requested.

Ald. Blacketter asked why the maximum amount.

Chief LaVecchia stated they are purchasing the amount limited by the government.

Ald. Ditchkus thanked the Chief for his time and effort in putting together these grants. He also commented in the past when the budget and monies were tight, they would hold off on items. He asked if there were any possibility of holding this money and not purchasing and just going ahead with the 5 with the grant money.

Chief LaVecchia stated the current equipment does not meet the Standards, which changed earlier this year. He stated the purpose of the grant was to move the time frame from 9 years to 4 years.

Ald. Patterson commented in looking at the figures he questioned if an additional \$20,000 would be necessary.

Chief LaVecchia responded no because they are only buying 5.

Motion carried unanimously.

8b. Ald. Vetro and Ald. Patterson made and seconded a motion to approve the request for Allocation Transfer No. 6 (FEMA Grant Defibrillators). Motion carried unanimously.

8c. Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve the request to authorize the City of Milford to apply for and accept a grant from the United States Department of Housing and Urban Development (HUD) with Economic Development Initiative (EDI) funds in the amount of \$341,432.00 (Grant Number B-08-SP-CT-0544) specified by congress on December 17, 2007, to be used for the repair, maintenance and

installation of the bridge over the Wepawaug River (connecting the North Street and the West River Street sides of the park) and environmental landscape enhancement in the pond area. The Board further authorizes the Mayor to sign all documents and take all steps necessary to effectuate said grant.

Ald. Ditchkus commented he was glad to see money coming back to Milford. He stated it has been a long time since that bridge has been out adding it's a beautiful park and this would make it easier for the public to enjoy. He expressed his hope the Board would look favorably on this.

Ald. Blacketter and Ald. Nunno made and seconded a motion to amend the motion replacing the word "effectuate" in the last sentence with the word "**accept**".

Mayor Richetelli stated he wished to point out to the Board they have a December 31, 2008 deadline adding he was not sure what the change would affect that date. He stated they needed to take advantage of this money. He also stated there are environmental studies that have to be done as well as other groups that would need input. He asked if Ald. Blacketter could explain the new wording "accept".

Ald. Blacketter stated she is concerned there has been a lot of interest in the park and that she had concern with the vagueness of the language and the numbers as well as the proposal and modifications that may have to be made. She stated because of this she wanted to have it come back to this Board for approval.

Mayor Richetelli explained the reason for the vagueness is that it has not gone out to bid. He stated the money set aside is \$341,000. He further explained they have not gone to full design because the plans have to be acceptable to the DEP, Army Corp of Engineers, Inland/Wetlands, etc. He stated the amount of money earmarked by the Federal Government should be enough to repair the bridge and also do landscaping around the pond area. He stated there are no other plans at this time because they have not gone to full scale design and that they need to know the money is approved and coming.

Ald. Blacketter responded concerning the design. She re-iterated for clarification that once this Board gives approval they have to spend the money on what they say they are going to spend it on which is the bridge and landscaping around the bridge. She spoke as to the Youth Conservation Corp and establishing that and if that is something they can use the money for.

Mayor Richetelli responded they have sat down with those folks. He also explained the purpose of the grant that is for environmental capital improvements to the park.

Marcia Winter (Grant Writer for the City) – explained the process started in December 2005 when they started appropriations and went on to explained the process for appropriations. She stated they have put together the best possible design for the use of the money. She also explained the application process after they send it to the government and that they then send it back with all the necessary requirements and that the process finally goes to the Community Development Office.

Ald. Veccharelli referred to the capital outlay and if that is the plan they are going to follow.

Mrs. Winter responded yes, adding it is conservative with no fluctuation.

Ald. Veccharelli asked if it is all passive adding this would make for better passage by repairing the bridge.

Mrs. Winter explained there would be emergency access as well as pedestrian access adding it is all necessary for any liability issues. She also commented there would be a focal point to begin work in the park. She stated they are hoping this would begin a collaborative process and other groups would be ready to jump in and help as well.

Ald. Giannattasio asked if it was safe to say in order to finish this application this Board's approval was necessary.

Mrs. Winter responded yes.

Ald. Ditchkus asked if the bridgework would eat up most of the money.

Mr. G. Sorge responded at least 75%, which is the higher side. He explained the details with regard to the bridge and structural support, which have certain elements. He stated he believed this to be a responsible plan and that it is the bridge that needs to be addressed and then they would proceed with any landscaping.

Ald. Ditchkus stated he wished to clarify if this is approve, then it would have to come back before this Board and also the plan could not be deviated from.

Mr. Sorge responded he would imagine that is correct.

Ald. Ditchkus further commented this work is specific to the bridge repair which will eat up most of the money and landscaping and if this is approved it could not be deviated from.

Mr. Sorge stated they have spoken with DEP and are confident this plan is permissible adding they are not touching the water in the pond. He reiterated the only work would be around the pond.

Ald. Ditchkus asked to the City Attorney through the Chairman what the language change would mean.

Attorney Case responded that language would limit the Mayor and the plans would have to come back to this Board.

Ald. Ditchkus further stated the plans then could not go to HUD without another meeting of this Board.

Mayor Richetelli stated he did not believe that was the intent of the amendment, but if it is then this Board might as well just kiss the grant goodbye.

Ald. Ditchkus stated essentially they were doubling their efforts.

Ald. Blacketter stated she has considered the comments made and wished to clarify. She also pointed out this it sounds as though these things are just made to come across the agenda and not discuss. She stated what she is hearing is the bridge is a big part of this whether it is 60% or 80%.

Ald. Blacketter and Ald. Nunno made and seconded a motion to amend the amendment further by adding “**but the Board reserves the right to approve final plan and budget in accordance with government accepted plan and budget prior to implementation**” and the wording “**accept said grant**”.

Mrs. Winter stated she wished to point out to the Board they would have to have a public hearing for the environmental piece of this grant and that it does not fall in line with December 31, 2008, but after that. She further pointed out there would be another opportunity for the public on this.

By roll call vote, the amendment to the amendment carried 8 yes (Blacketter, Blake, Hardiman, Manning, Nunno, Patterson, Veccharelli, Vetro) and 5 no (Ditchkus, Giannattasio, Toohey, Vitali, Willey).

By roll call vote, the amendment carried 8 yes (Blacketter, Blake, Hardiman, Manning, Nunno, Patterson, Veccharelli, Vetro) and 5 no (Ditchkus, Giannattasio, Toohey, Vitali, Willey).

Ald. Patterson questioned if there are any cost share to the City.

Mayor Richetelli responded they would spend no more money than what comes to the City. He also commented with regard to the passing of this amendment concerning obstacles and that the Board has backed themselves against the wall with a grant this City is going to get. He stated he believed they needed to listen better to make better judgment.

On the main motion, motion carried unanimously.

The Board took a 5-minute recess at 8:29 p.m.

Chairman Blake reconvened the Board at 8:37 p.m.

9. New Business not on the Agenda which may be introduced by a two-thirds (2/3) vote of those present and voting.

Ald. Vetro and Ald. Veccharelli made and seconded a motion to add to the agenda proposed item 9a – East Broadway Pump Station Replacement. Motion carried unanimously.

Ald. Vetro and Ald. Toohey made and seconded a motion to approve the request for 1) a temporary construction easement by the State of Connecticut to the City of Milford; 2) a permanent sanitary sewer easement by the State of Connecticut to the City of Milford; 3) a temporary easement for abandonment of the existing sanitary sewer line by the State of Connecticut to the City of Milford; and 4) a Quit claim deed from the City of Milford to the State of Connecticut as to any previously granted sewer line easements in Silver Sands State Park. This approval is in accordance with the Planning and Zoning Board’s prior approval of this project at its meeting held on June 17, 2008 and the Board of Aldermen’s approval at its meeting held on August 4, 2008; per request of the State DEP.

Mayor Richetelli stated he wished to point out the Planning and Zoning Board approved this changed language at their meeting last night.

Motion carried unanimously.

## 10. Budget Memo Transfers

None.

## 11. Refunds

(a) Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve Consideration of Refunds in the amount of \$29,390.24. Motion carried unanimously.

## 12. Report of Standing Committees:

a. Ordinance Committee – Chairman Patterson reported the Committee met earlier this evening to consider four (4) Ordinances. He reported Ordinance items 4 and 6 were removed from the agenda and #1 was part of the comprehensive Green Fleet Committee, which will meet next month (December 9, 2008).

Ald. Ditchkus and Ald. Toohey made and seconded a motion to waive the reading of Ordinance (#2 on the agenda) in its entirety. Motion carried unanimously.

Ald. Patterson and Ald. Ditchkus made and seconded a motion to approve an Ordinance amending Chapter 18, Article XVII, Sections 18-200 through 18-209 of the Code of Ordinances of the City of Milford (Tree Commission and Tree Warden).

Ald. Manning stated she wished to make the following changes: p2 – 12a Section 18-20218-205 Duties, 3<sup>rd</sup> sentence should read “programs *with* regards to”; also Section 18-206 General Regulations sub-section (b)(2) to rephrase the language of this statement to protect our neighbors from any liability, citing as an example the Margaret Egan Center where there a lot of trees that hang over into the residential area. She asked if this language could be less harsh.

Attorney Case asked if there was language she was offering to change this. He explained if a tree limb is hanging over as Ald. Manning stated one could call the tree warden. He stated this Ordinance is offered to assist in the removal of trees that hand over onto ones property.

Chairman Blake offered if a limb hangs over they are able to trim it.

Ald. Manning asked where that language could be found in the Ordinance.

Chairman Blake asked if the word the City Attorney used was “on” city property, stating at the Ordinance Committee meeting the City Attorney referred to a citizen being allowed.

Attorney Case stated the specific question asked at that time was whether a property owner could trim a tree hanging over his or her property. He stated what Ald. Manning is asking you could call the tree warden.

Chairman Blake responded the point is whether a homeowner could cut the limb and that Ald. Manning is asking where that is written.

Attorney Case explained it is a matter of law and cases that have been decided here in Connecticut.

Ald. Nunno referred to 18-206 12(b)(2) reading that language. He stated they needed to make it clear the homeowner is not liable.

Attorney Case pointed out the operative words are “*if there is damage so as to require. . .*”

Mayor Richetelli stated members of the tree commission were present adding the tree commission, tree warden and city attorney all worked together to put this Ordinance forward.

Brian Mancini – stated the line being referred to is directly out of State Statutes.

Mayor Richetelli stated this is not inconsistent with what the city attorney has stated. He reiterated if a portion of a tree is hanging over it has been stated in case law they could possibly be liable.

Chairman Blake spoke as to the Statute in point which would override case law adding they would then have to amend this portion. He asked if the city attorney could offer adjusted wording.

Attorney Case replied he could offer language, but absent a motion to that affect. He also pointed out he was not sure it was something they could do right now.

Ald. Ditchkus stated the language has to deal with trees on municipal property and nothing more. He stated if a limb hangs over you have that right to trim it. Ald. Ditchkus also spoke as to a hate tree and asked if anyone had ever seen one and explained what one is. He stated the Board is missing the point and that they don’t have to have language to tell people what they can do on their property. He reiterated this is municipal property. He also pointed out to the Chairman there are people on this side that wish to speak and are not being acknowledged and expressed his hope the Chairman would acknowledge them.

Chairman Blake stated there would be no harm in adjusting this language. He stated they needed to make this crystal clear.

Ald. Veccharelli pointed out the homeowner should not have to go on the defense. He stated the Tree Commission representative stated a person would be liable for damages if they cut it down. He stated he would like to take a 5-minute recess and have the City Attorney look at this. He expressed concern this gentlemen from the Tree Commission states there would be a problem cutting it down.

Ald. Hardiman requested a 5-minute recess. The Board recessed at 8:58 p.m.

Chairman Blake reconvened the Board at 9:13 p.m.

Ald. Veccharelli and Ald. Patterson made and seconded a motion to amend Section 18-206 (b)(2) to read “Where any Tree has been removed **or** trimmed, **not withstanding on private property**, without authorization or damaged so as to . . . .”

Attorney Case stated he wished to clarify this is a State Statute that clearly says if a tree is a municipal tree a property owner can not remove it, it does not say trim. Therefore, he stated a property owner does have a right to trim a tree, but if as a result of that trimming the tree dies the City would hold that person responsible. He reiterated you cannot remove the tree, but you can trim it.

Chairman Blake suggested the Ordinance spruce this up.

The amendment carried unanimously.

On the main motion, motion carried unanimously.

Ald. Ditchkus and Ald. Toohey made and seconded a motion to waive the reading of Ordinance (#3 on the agenda) in its entirety. Motion carried unanimously.

Ald. Patterson and Ald. Ditchkus made and seconded a motion to approve an Ordinance amending Chapter 7, Section 7-70 of the Code of Ordinances of the City of Milford (Same-Insurance Prerequisite to issuance; required notice of insurance cancellation).

Ald. Blacketter stated the language “*Same-insurance prerequisite to insurance; required notice of insurance cancellation*” should not start “*same*”. She asked the word that would be represented by the word “*same*” be included because this is too confusing. She also asked for some background information as to Sec. 7-70 as to dollars.

Attorney Case explained the City has a new insurance carrier as of July 1, 2008 and as part of that they have been reviewing Ordinances that have any insurance in them. He stated this has been discussed with the City’s Risk Manager as well as insurance consultant (Tim). He also pointed out this Ordinance dates back to 1972.

Ald. Blacketter questioned the wording stating the word “accident” is not the term normally used that would protect you against an incident or occurrence.

Chairman Blake interjected stating he believed the question is whether the wording is sufficient.

Attorney Case stated the language is from the original Ordinance and it was felt the wording was sufficient.

Motion carried unanimously.

Ald. Ditchkus and Ald. Vetro made and seconded a motion to waive the reading of Ordinance (#4 on the agenda) in its entirety. Motion carried unanimously.

Ald. Patterson and Ald. Ditchkus made and seconded a motion to approve an Ordinance amending Chapter 16, Sections 16.1-35, 16.1-39, 16.1-49, 16.1-55, 16.1-57, 16.1-58, 16.1-60, 16.1-61, 16.1-62, 16.1-65, 16.1-67, 16.1-68, and 16.1-71 of the Code of Ordinances of the City of Milford (Harbor Management Plan).

Ald. Manning stated she would like to add the old language from sub-section (b) and include the language “*to the Board of Police Commissioners shall designate parking spaces*”. Also, the language “*parking for all*”

Milford residents become' "with a current resident sticker between May 31 through October 31". Also, p2 of this Ordinance (in the agenda packet) keep sub-section (b) as (c). Change Sec. 16.1-58 (e) in the first sentence change the word "to" to "for". On p6 sub-section (i) add "**notification to the public be posted**," and Sec. 16.1-67 sub-section (b) in the last sentence change "*Harbor Master*" to "**Harbor Management Commission**". She stated she would also recommend including a time period instead of saying "*by discretion*". Ald. Manning stated she was making these changes in the form of a motion.

Ald. Nunno seconded the motion.

Ald. Giannattasio stated there is a Harbor Master for a reason that reports to the Commission.

Mayor Richetelli pointed out the changes to this Ordinance were the recommendation of the Harbor Management Commission and under State statute the Harbor Management Director is authorized to do this. With regard to parking restrictions, the Mayor pointed out this is the sole responsibility of the Board of Police Commissioners and these changes may be overstepping their authority.

Chairman Blake stated the provisions changes are more applicable through the Harbor Master.

Mr. R. Swift, Harbor Master was present. He stated all of the changes made in the Ordinance were discussed at length with the Harbor Management Commission and their Ordinance Committee. He stated the proposed changes are also in line with the Harbor Management Plan and made to read the same as that plan so there was no conflict. Mr. Swift stated with regard to the parking there might be a way to address parking in the off-season but that he understands there is a demand for parking. He referenced a construction project that will begin at the Naugatuck Avenue Bridge. He also pointed out there are those who just wish to come down for a few minutes for a cup of coffee and stay a short period of time. He stated designating three parking spaces with a 30-minute limit would hamper vehicles with trailers because first and foremost it is a boat ramp.

Mayor Richetelli asked if the changes have to be changed by State DEP as well.

Mr. Swift explained they were approved here and then sent up to DEP. He stated the Harbor Management Plan was approved.

Ald. Ditchkus asked if Ald. Manning could clarify why the specific number of 31 ft was picked.

Ald. Manning replied it is relative to the designated feet specified in sub-section (e).

Ald. Ditchkus pointed out a vessel under 31' would not require the permission of the Harbor Master.

Mr. Swift explained this would come into play with the floating dock on the south side of the harbor. He stated he did not understand the requirement for different sizes and explained currently it is first come first served which works. He stated the 31' requirement might complicate things.

Ald. Ditchkus asked Mr. Swift they went to DEP for approval.

Mr. Swift replied they went to DEP when the Harbor Management Plan was approved.

Ald. Ditchkus expressed concern with removing the Harbor Master and asking the Harbor Commission to do the work. He stated this would be similar to removing the fire chief and police chief. He stated he would like to see this go back to the Harbor Commission to see if they can live with these changes. He stated this simply is micromanaging.

Ald. Toohey asked who the liaisons are to the Harbor Commission and where they were when these changes were discussed and why the disconnect. She also questioned asking boat owners to go to the Harbor Commission and if they would be available.

Mr. Swift stated he is available during the day and as Harbor Master attends the Harbor Commission meetings and briefs them. He stated they work together and reiterated he is there everyday and can answer questions as needed.

Ald. Toohey asked how day-to-day questions would be addressed and asked if they would now have to wait for the Commission and if there would be a special meeting needed. She also pointed out this Commission as well as the Golf Commission do very well and now this Board is looking to take away much of what they do. She expressed concern as to the impact of these changes and questioned why this Board would look to do that to a financially viable, sound harbor.

Mr. Swift responded it does work well and that they are conscious of the needs of the people. He also stated it is very busy there and that they work well with everyone and it continues to work. He stated if there was a situation he would have to track someone down. He also stated the changes were discussed at length. He agreed something could be done with parking, but nothing else. He reiterated it works fine and believed they are doing a good job.

Mayor Richetelli stated the changes were at the recommendation of the Harbor Management Commission and the intent of that Commission is to delegate the authority to the Harbor Master adding this is a well-run operation. He referenced the City's Code of Ordinances, Section 18-84-2 and read that language. He also spoke to the appointing authority.

Ald. Manning stated she is not looking to relinquish the power of the Harbor Master and that he does a good job. She asked about the screw type anchors and some of the proposed changes.

Mr. Swift responded it is the Harbor Master's job to administer the mooring and by State Statute it is his job to administer those mooring assignments and the fitness of the equipment.

Ald. Blacketter asked about the parking spaces as it relates to the Police Commission.

Mayor Richetelli responded he did not have an answer.

Ald. Blacketter asked through the Chair if Mr. Swift could speak as to the screw type anchors.

Mr. Swift responded they are secured by Helix anchor. He stated at Housatonic they use the screw type anchor and that it is more secure and lasts longer. He explained the way they have always done it is that permission is given. He stated the problem is they are permanent and it takes specialized equipment to remove it.

Ald. Blacketter asked why there is not guidelines that are exclusive to those give moorings.

Mr. Swift responded it has to do with boat size and weight. He stated out of 90 moorings 88 belong to members of Housatonic. He also explained they have a fleet captain that works with them.

Ald. Blacketter suggested it might be feasible to put in the Ordinance for a given mooring this change would be acceptable that it be defined instead of left to discretion.

Ald. Ditchkus stated he disagrees with the language changing Harbor Master to Harbor Commission stating you are taking away his job. He stated with regard to the 31' change sub-section c (b) he wanted to clear that he did not want this change.

Ald. Vetro asked how many double Helix in Housatonic.

Mr. Swift responded they are all single and that there are no double. He stated there are double mushrooms, possibly 25-30%.

By roll call vote, the amendment fails 3 yes (Blake, Manning, Nunno) and 10 no (Blacketter, Ditchkus, Giannattasio, Hardiman, Patterson, Toohey, Veccharelli, Vetro, Vitali, Willey).

The Board took a 5-minute recess at 10:00 p.m.

Chairman Blake reconvened the Board in public session at 10:05 p.m. asking if there was any further discussion on the motion.

By roll call vote, the main motion fails 5 yes (Ditchkus, Giannattasio, Toohey, Vitali, Willey) and 8 no (Blacketter, Blake, Hardiman, Manning, Nunno, Patterson, Veccharelli, Vetro).

Ald. Ditchkus and Ald. Vetro made and seconded a motion to waive the reading of Ordinance (#5 on the agenda) in its entirety. Motion carried unanimously.

Ald. Patterson and Ald. Ditchkus made and seconded a motion to approve an Ordinance establishing Chapter 18, Article XX, Sections 18-215 through 18-217 of the Code of Ordinances of the City of Milford (Government Access Television Committee).

Ald. Blacketter and Ald. Patterson made and seconded a motion to amend Sec. 18-216 (d) by adding "***and shall maintain a complete collection of DVD's of all Milford Public meetings filmed at the Milford Public Library for citizens to view, free of charge***".

Mayor Richetelli asked through the Chair to Ald. Blacketter how this would be paid for.

Ald. Blacketter responded they would charge the amount of the cost.

Mayor Richetelli pointed out the City is eligible for \$100,000 worth of grants noting the Statute allows for it.

Ald. Willey asked for clarification if the intent was to have the person check this out of the library as they do other DVD's, books, etc.

Ald. Blacketter responded yes.

Motion carried unanimously.

Chairman Blake asked if there was any further discussion on the main motion.

Ald. Blacketter and Ald. Hardiman made and seconded a motion to change Sec. 18-217 sub-section (b) to delete the language “by the mayor with the approval of the board of aldermen” and replace it with “**by majority vote of the Board of Aldermen**”.

Mayor Richetelli stated it is clear the intent of the amendment. He stated he has always maintained an excellent balance of power and majority of the Board of Aldermen in the spirit of not only bipartisanship but to maintain a balance of power. He stated all other Commissions appointed by the mayor are with the approval of the Board of Aldermen. He also spoke as to the minimum majority requirement and reiterated the final decision rests with the Board that seems to be sufficient in checks and balances. He stated he would ask the maker of the motion to withdraw this amendment.

Ald. Ditchkus agreed with the Mayor. He stated he understood who the party in power is, but this was just being short sided and selfish and although he hated to say it greed. He stated it is the Board that has the final say and also pointed out this Commission will be here a long time after this Board. He stated they needed to look to the future of that Commission and not what is here now, but look beyond that and what the City is here for.

Ald. Blacketter commented this is about bringing this to people's homes.

Ald. Toohey commented she has listened tonight to a play she has never been a part of. She stated this is taking away what this City stands for. She stated the amendment is mean, petty, disgusting and in a word she does not like – “minutia”. She stated the way they have been doing it brings before this Board the people who will do the best job for the citizens of Milford. She stated this goes beyond reasonable and the norm and goes beyond the respect of what the people expect adding it was just plain ridiculous of all the ridiculous amendments heard here tonight.

Ald. Willey stated he agreed with Ald. Toohey pointing out he knew there was no changing the minds of the other side adding it is just petty partisanship. He expressed his disappointment this evening.

Ald. Vitali spoke as to the bipartisanship here tonight, not the partisanship. He stated he attended the Ordinance Committee this evening and noted these Ordinances were forwarded to the full Board with a majority vote. He also pointed out the Ordinances were brought forth with the recommendation of the experts to the Board and then voted down. He asked what message this Board was sending stating he was very disappointed. He stated the majority is trying to micro manage and reiterated the people coming forward have the expertise in their field, adding they should be questioned.

Mayor Richetelli stated he wished to remind the Board the purpose of this Ordinance is to bring government to the people and that prior to his being mayor there was not government television. He stated there is no one more in favor of bringing this to the people than he. He stated he also wished to remind the Board that the people of the entire city elected him. He referred the Board to the City Charter, Article III, Section 2 reading that language. He stated he was pointing this out to the Board noting the motion to amend is in opposition to the Charter and that if it goes forward he will file an injunction.

Ald. Giannattasio commented to the Chairman he was voted to lead this Board and asked if he could offer his feelings.

Chairman Blake responded this as been presented as an amendment and gave a breakdown of the appointment of the various Boards and Commissions by the Board of Aldermen, Mayor and Mayor with the approval of the Board of Aldermen.

Ald. Blacketter requested a 5-minute recess. The Board recessed at 10:25 p.m.

Chairman Blake reconvened the Board in public session at 10:32 p.m.

Ald. Ditchkus stated this Ordinance came out of Committee with a full favorable recommendation to this Board with no changes and no discussions. He stated he found this hard to believe pointing out the camera wasn't running during the Ordinance Committee meeting, but it is now. He reiterated it was ok then and sent with a favorable recommendation, but now with cameras rolling its not.

By roll call vote, the amendment carried 7 yes (Blacketter, Blake, Manning, Nunno, Patterson, Veccharelli, Vetro) and 6 no (Ditchkus, Giannattasio, Hardiman, Toohey, Vitali, Willey).

On the main motion, by roll call vote, the motion carried 8 yes (Blacketter, Blake, Hardiman, Manning, Nunno, Patterson, Veccharelli, Vetro) and 5 no (Ditchkus, Giannattasio, Toohey, Vitali, Willey).

b. Public Safety and Welfare Committee – no report.

c. Public Works Committee – Ald. Vetro reported leaf pick up would begin November 15. He also stated he was glad to see so many residents take advantage of the Hazardous Waste Day last month. He reported the work is progressing at the Parsons Government Center. He also reported on the Safety Incentive Program and also reported the new plow truck is due in January.

Mayor Richetelli interjected asking for a point of clarification. He stated the Chairman of the Ordinance Committee mentioned a meeting next month of the Green Fleet Committee. The Mayor asked who appointed that Committee, who set the date and how it was noticed so that the people of Milford could attend.

Chairman Blake stated it is a committee meeting of the Ordinance Committee.

Ald. Patterson reported the meeting is scheduled for December 9, 2008.

Mayor Richetelli stated the Resolution that was passed did not say Ordinance, but Green Fleet Committee and again asked who gave the Ordinance Committee that authority. The Mayor asked who appointment the

Committee. He also stated the Ordinance Committee Chairman gave a time and date of a meeting and reiterated who gave the authority. He pointed out the Resolution did not give this authority. The Mayor stated there is a problem and that the people of Milford deserved to know.

Chairman Blake asked if the Ordinance Committee Chairman could clarify the nature of the meeting referenced and if it would be properly noticed.

Ald. Patterson explained it is the fleet initiative and that it was decided it should be run through the Ordinance Committee.

Mayor Richetelli stated they had violated the State Charter.

The Chairman called for a 5-minute recess at 10:40 p.m.

Chairman Blake reconvened the Board in public session at 10:43 p.m.

d. Claims Committee – Ald. Hardiman reported the Claims Committee met earlier in the evening to discuss one claim.

Ald. Hardiman and Ald. Vetro made and seconded a motion to approve Consideration of Public Works employee Charlie Rogers (PPD Award) as discussed in Executive Session in accordance with the recommendations of the City Attorney. Motion carried unanimously.

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. – Ald. Blacketter reported the Commission met yesterday. She reported they discussed a number of things including interest in adding another Bocci court; expanding facility rental fees and delegating clean up. She also reported there was a presentation on Bodie's Place which will be located at Eisenhower Park in the area by the handball courts and the existing playground. Ald. Blacketter also reported they had another historical marker and they looked at a Caswell Cove draft Ordinance.

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 – Ald. Hardiman reported the Commission met in October. He reported the Rotary Golf outing went well. He also reported rounds are up. They also discussed the issue of carts and that the matter is still with the city attorney's office and that they have heard nothing to date. Ald. Hardiman reported Phase I of the building work has been completed and that the contractor would be submitting a proposal for the Phase II work which includes painting of various areas of the building and replacement of windows.

m. Inland Wetlands Agency – no report.

n. Milford Academy Community Campus Bldg. Committee – no report.

o. Courthouse Expansion Committee – no report

p. Liaison Health Department – no report.

q. Milford Legislative Action Committee – no report.

r. Devon Revitalization Committee – no report.

s. Department of Youth and Family Services – Ald. Vetro reported they would be moving to their new location on November 24, 2008. He also reported they are preparing Thanksgiving baskets and anyone in need during the holidays should contact the office directly.

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.

Chairman Blake stated he would entertain a motion to go into Executive Session with the full Board, the Mayor, City Attorney and City Assessor to discuss the following:

14a. Status report and consideration of settlement of  
Design Land Developers of Milford, Inc. v. City of Milford  
RE: "0" Oronoque Road

14b. Status report and consideration of settlement of  
Michael Dedonato, Trustee vs. City of Milford  
RE: 464 Oronoque Road

Ald. Vetro and Ald. Veccharelli made and seconded a motion to adjourn to Executive Session. The Board adjourned to Executive Session at 10:50 p.m. Motion carried unanimously.

Chairman Blake announced the Board was out of recess at 11:07 p.m.

Ald. Vetro and Ald. Patterson made and seconded a motion to authorize the City Attorney to enter into settlement in accordance with the recommendations of the City Assessor as discussed in Executive Session

regarding Design Land Developers of Milford, Inc. v. City of Milford re: “0” Oronoque Road. Motion carried unanimously.

Ald. Vetro and Ald. Patterson made and seconded a motion to authorize the City Attorney to enter into settlement in accordance with the recommendations of the City Assessor as discussed in Executive Session regarding Michael Dedonato, Trustee. v. City of Milford re: 462 Oronoque Road. Motion carried unanimously.

Ald. Ditchkus raised a point of clarification noting the Chairman announced the Board was out of recess when in fact they were in Executive Session and that he believed the Board needed a motion to come out of Executive Session.

Ald. Vetro and Ald. Manning made and seconded a motion to come out of Executive Session. Motion carried unanimously.

Chairman Blake reconvened the Board in public session at 11:09 pm. Chairman Blake stated in light of the clarification the motions be offered out of Executive Session.

Ald. Vetro and Ald. Patterson made and seconded a motion to authorize the City Attorney to enter into settlement in accordance with the recommendations of the City Assessor as discussed in Executive Session regarding Design Land Developers of Milford, Inc. v. City of Milford re: “0” Oronoque Road. Motion carried unanimously.

Ald. Vetro and Ald. Patterson made and seconded a motion to authorize the City Attorney to enter into settlement in accordance with the recommendations of the City Assessor as discussed in Executive Session regarding Michael Dedonato, Trustee. v. City of Milford re: 462 Oronoque Road. Motion carried unanimously.

Ald. Vetro and Ald. Patterson made and seconded a motion to adjourn at 11:10 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen K. Huber  
Recording Secretary