

**BOARD OF ALDERMEN  
REGULAR MEETING  
OCTOBER 5, 2006**

The Board of Aldermen of the City of Milford held their Regular Meeting on Thursday, October 4, 2006 in the aldermanic chambers of City Hall. Chairperson T. Beirne called the meeting to order at 7:36 p.m. asking everyone present to stand and join in the Pledge of Allegiance.

1. Roll Call

Board Members Present

T. Beirne  
B. Bier  
B. Blake  
V. Ditchkus, Jr.  
J. Garbus  
B. Genovese  
M. Hardiman  
B. Lambert  
J. Patterson  
J. Politi  
K. Rowland  
J. Toohey  
N. Veccharelli  
P. Vetro

Also Present

Mayor J. Richetelli, Jr.  
J. Doneiko, Finance Director  
A. Jepson, City Clerk  
M. Lipton, Esq. City Attorney

Chairman Beirne spoke regarding his good friend, Walter Farley stating words spoken at a funeral are too late. He spoke of how they all said their good-bye before Walter left us and that he told him he had had a good run and that his only regret was that he did not live to be 99 years old and go at the hands of a jealous husband.

Ald. Genovese added she goes back with Walter many years. She stated the Saturday before he died she spent the day with him along with Ald. Toohey and that he told them he did not have much time left but he still spoke of politics. She stated he was a gentleman and that he was honest, distinguished and respectful and that he worked hard for this City. She stated she told him she loved him and that he loved her.

2. Public Statements

Public statements are limited to the legislative function of the Board of Aldermen. The time limit granted to each speaker shall be three minutes. Residents, taxpayers or electors may address the Board. Chairperson Beirne also reminded the public the Board does not respond to questions.

J. Paul – 54 Terrace Road – stated she is Vice President of the Morningside Association. She thanked the Board and the Mayor. She spoke regarding Item 8e and how 6 years ago a construction truck damaged that area. She stated they want to rebuild. She thanked the Board for their consideration.

B. Milton – 32 Elm Street – she thanked the Mayor and Chief K. Mello who put together a Resolution regarding mis-use of parks and land trusts and spoke of her commitment to open space.

A. Reimann – 20 Pond Street – stated he is opposed to the proposed Historic District. He stated he is a professional landscape architect and land planner with over 20 years experience. He stated he did not believe the objective the proposed district is to preserve the historic nature of the structures located in the district. He read from a prepared statement and commented about the procedure used and his concerns as to how the district was formed. He also spoke of excluding the commercial businesses as well as certain residential homes in this area and stated he felt it was done to slide the vote to a favorable manor. He stated he asked questions about his windows, doors, lights, roof, etc and the only response he received was they would let him know if it is appropriate, but he was told they would allow him to pick his own mailbox. He spoke of the land use regarding condominiums that is already in place and questioned if this is really preserving the historic nature. He also commented that people do not want to buy in a historic district. He stated he does not want to be a part of his program and that it is not beneficial.

Chairman Beirne reminded him of the time limit and that he was not shutting him down but the time allowed is 3 minutes.

Mr. Reimann asked about being excluded from this and noted that Ald. Veccharelli who's home was built in 1953 was allowed to remove his home from the proposed district.

J. Prisco – 11 Riverdale Road – commented it is hard to hear in this hall and that the speakers are not loud enough. He asked if there is a mosquito problem in Milford and about the company that keeps coming around and asked who is paying for this spraying. He also spoke regarding senior citizens and asked about a tax freeze for senior citizens. He spoke of what the Town of Cheshire recently did for their senior citizens and asked if Milford could look into something like that. He finished by reading a poem "Say Thanks".

F. Goodrich – 70 Regent Terrace – stated he is a member of Planning and Zoning. Stated he is hearing a lot of complaints and noted the problem is people don't care until it affects them. He stated the Regulations are available to all citizens. He also commented regarding a call for a citizen's advisory and spoke of why it would not work. He stated there are 34 Boards and Commissions in this City and approximately 250 people serve on these Boards and Commissions and that the only elected Board is Planning and Zoning. He encouraged citizens to read the regulations and stated if anyone has a question including any aldermen they should talk to them. He stated they care but once a process has been started.

S. Borer – 204 Anderson Avenue – spoke regarding an article concerning a citizen who had difficult dealing with the City Attorney's Office. He stated something needed to be done about that and all departments. He stated everyone should be treated with concern and respect. He added the Mayor is a gentlemen and he treats people with respect and that we need treat all with respect and

3. Consideration of the Minutes of the Regular Meeting of the Board of Aldermen held on September 11, 2006.

Ald. Genovese and Ald. Vetro moved to approve the minutes of the September 11, 2006 meeting as presented. Motion carried unanimously.

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

None.

5. Chairman's Report and Communications.

No report.

6. Mayor's Report and Recommendations (see Items 8a-8j).

Mayor Richetelli stated he would respectfully ask the Board to consider Items 8a-8j as listed and also asked the Board to consider under Item #9 – New Business, items 9a and 9b, which he stated, could be introduced with a 2/3 vote.

7. Unfinished Business:

None.

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

8a. Ald. Genovese and Ald. Vetro moved to approve the request for Resolution RE: Electronic Voting Equipment Agreement-IVS Voting System – November 2006 election. Motion carried unanimously.

8b. Ald. Genovese and Ald. Ditchkus moved to approve consideration of the Resolution RE: Electronic Voting Equipment Agreement – LHS Optical Scan voting Machines – November 2007 election. Motion carried unanimously.

8c. Ald. Genovese and Ald. Vetro moved to approve the request to authorize the Finance Director to establish the Corporal Jordan C. Pierson Memorial Park Fund and to accept and deposit any donations into this fund as well as pay any expenses associated with the creation of this park as authorized by the Resolution passed unanimously by the Board of Aldermen at its September 11, 2006 meeting. Motion carried unanimously.

8d. Ald. Genovese and Ald. Ditchkus moved to approve the request for receipt of the "South of the Green" Proposed Historic District Study Report dated June 27, 2006, by the Milford Historic District Study Committee as well as receipt of the letters of approval of the Report from the City of Milford Planning and Zoning Board dated August 16, 2006, and the State of Connecticut Commission on Culture and Tourism – Historic Preservation and Museum Division dated September 12, 2006, in accordance with Connecticut General Statute 7-147b(c).

Ald. Politi asked for an explanation of the process if the Board votes to accept this.

Mayor Richetelli responded it is complex but outlined by State Statute and that that Historic District Committee has followed this meticulously. He explained the Board is being asked to acknowledge receipt of the study and not approve it. He stated the City Clerk will then conduct an election and that each property owner gets one vote. He commended the City Clerk's Office on the work that has been done to date and that it has been an arduous task. He also explained how the vote and explained the Board could then accept the report and the vote

and accept the district or make suggestions and send it back or reject it out right. He stated a committee would be formed to set its own regulations and get certificates of appropriateness.

Chairman Beirne asked if a vote would have to be taken again by the homeowners if this Board made suggestions.

Attorney Lipton replied no. She stated she would encourage the Board to meet with the Committee.

Ald. Lambert if there is an Architectural Review Committee in Milford.

Mayor Richetelli responded the simple answer is no, however it has been considered. He stated there are pros and cons and that it could be appointed in the future.

Ald. Lambert asked how the homeowners would have the experience to know if windows, doors, etc are architecturally correct.

Mayor Richetelli replied information is available from various places. He stated the State Historic Guidelines is one place where they turn to.

Ald. Toohey asked for clarification if they vote on this tonight and it is affirmative is it true they cannot change or add anything outside this report.

Mayor Richetelli explained it was his understanding they had three choices: 1) to accept the report and accept the vote and create the district; 2) make suggested changes; or 3) to reject it all together.

Ald. Toohey asked if when it comes back they could make changes to include areas or only the part in front of them tonight.

Mayor Richetelli stated the Board is not accepting the report but acknowledging receipt of the report. He explained if they accept it he would encourage the Board to meet with the Historic Study Committee.

Attorney Lipton responded she would rather study the statute and report on it next month.

Motion carried unanimously.

8e. Ald. Genovese and Ald. Vetro moved to approve the request to convey the triangular area (approximately 1,037+/- square feet) adjacent to Yale Avenue and Ridgewood Drive, more particularly known as Nourse Green (as depicted on a map from Codespoti & Associates, P.C. dated 0/27/06), to Morningside Association for a price of \$1 (one dollar). Motion carried unanimously.

8f. Ald. Genovese and Ald. Vetro moved to approve the request for the appointment of (D) Robert J. Carroll, 5 Snowapple Lane, to fill a vacancy on the Sewer Commission. (term to expire (12/31/07). Motion carried unanimously.

8g. Ald. Genovese and Ald. Ditchkus moved to approve the request for Five-Year License for Ingress and Egress, Placement of Tables and chairs and Awning Overhang for sidewalk at city owned property at 25-27 River Street, between the city of Milford and The Wine Bar, LLC, 33 River Street.

Ald. Blake stated he wanted to ensure public access and that he wished to amend the license agreement, paragraph 7 and add the words “use and enjoyment”. He stated he was making that in the form of a motion. Ald. Lambert seconded the motion.

Mayor Richetelli stated the owner was present and asked him to come forward.

Mr. C. Lettizio stated he was unsure if there was a questions and if they were asked to bring them into the patio.

Ald. Blake replied just the portion of the patio that the City owns.

Mayor Richetelli reminded the Board the agreement is the exact same agreement this Board gave to Café Atlantique for the previous 5 years and that things have gone remarkably smooth and that the agreement has met with the approval of those who use downtown. He stated he understood what Ald. Blake was saying however, it would put an unfair burden. He stated the sidewalk area is left open to the public as well as the grass area without an infringing.

Ald. Veccharelli commented that over time we seem to forget. He stated he wished to turn the clock back and reminded the Board these were building that were once an eyesore and that they bought that property and put a park there. He added it cost a it of money to tear down those buildings and make that area look nice. He stated there was a request to put table and chairs in that area and that anyone who comes into that area can sit there and that was ok, but the problem came when the liquor permit came and the fence was put up. He stated it was never discussed that it would be unavailable to other people who wished to sit down and stated we seem to forget it was open for all. He reiterated it was always supposed to be available to everyone and stated again the public should still be able to enjoy that area.

Mayor Richetelli stated to Ald. Veccharelli and the Board that the City wants them to be successful and until now Café Atlantique has been very successful with a good relationship to the downtown. He stated it has also been pointed out to him to impose such a restriction it would be difficult for them to get insurance. He also reminded the Board the space is there and that this agreement has been a tremendous partnership with the City. He encouraged the Board not to put such as restriction on Mr. Lettizio.

Ald. Ditchkus commented he concurred with the Mayor and that asking the owner to control people from the outside and to be responsible for those people was unfair. He also commented for the potential for lawsuits. He spoke of the situation and the decision between a lease or a license. He stated they have had a great relationship with this establishment and it has worked very well and that they have allowed this in the past and that they should not put such a burden on this new owner.

Ald. Rowland questioned why they have a license instead of a lease.

Mayor Richetelli deferred to the City Attorney.

Attorney Lipton replied it is not substantive difference and spoke of the rights of a license or lease. She also commented the license came through this Board as well as the Planning and Zoning Board.

Ald. Blake stated the interpretation is that you cannot obstruct public access and that he was just asking for use and enjoyment.

Mayor Richetelli pointed out that in Paragraph 7 that Ald. Blake is referring to he refers to the balance of the paved portion that cannot be obstructed. He stated they are not attempting to obstruct anyone's right to enjoy the park. He reiterated they have a public/private partnership that works and allows citizens access to this park.

Ald. Veccharelli commented he couldn't fault the Mayor for trying to persuade this Board and that he was not the Mayor when this was established. He spoke of how former Mayor Lisman prevailed and got this park and that they should not forget it was public funds that did it and it was always available. He stated he supported the fence because they needed it for their liquor license but he was never in agreement to allow them not to let people on the property. He stated they are discriminating taxpayers from using this property. He stated he the amendment being requested will make this a little easier and that they could re-visit this if the owner comes back to this Board and says he is struggling.

Mr. R. Chapman (citizen) – 44 Riverdale Road - raised a point of order. He referred to Ald. Ditchkus' earlier comments comparing the lease and license. He asked why he did not follow up concerning lawsuits and asked if the restaurant gets sued if the city is also liable.

Mayor Richetelli explained the business owner agrees to indemnify the City so they do not have liability. He stated the original agreement with Dr. Knori was for the use of the 12' section for use by Café Atlantique's restaurant and that is why the former mayor also put in park benches and the greenway and that the tables and chairs were for use by Café Atlantique. He also stated this Board voted for a similar agreement with Daniel Street Café, which was a unanimous vote. He reiterated this agreement is the same as Daniel Street Café and that they should stay consistent.

Mr. Chapman reiterated he wished to understand there was no liability.

Mayor Richetelli stated he was correct.

Ald. Toohey stated five years ago this Board vote unanimously to accept this adding that good points have been brought up but the fact remains the agreement is the same one they entered into with Café Atlantique.

Ald. Ditchkus stated they have gone through this over and over regarding food and alcohol. He stated this is no different from having a private party our own homes. He spoke again regarding license and lease and stated they would not want someone just "crashing" a party. He stated they would be doing a disservice to this restaurant and the current liquor permit. He urged the Board to support this as they have in the past.

Ald. Veccharelli stated it was always know that the tables and chairs were for public use. He stated he wholeheartedly disagrees with the previous statement made. He stated he did not wish to hurt this man's business but the agreement was that it was to be shared.

Ald. Blake requested a 5-minute recess at 8:47 p.m. Chairman Beirne reconvened the Board at 8:59 p.m.

Ald. Blake withdrew this motion.

Ald. Lambert withdrew her second.

On the main motion, by roll call vote motion carried 13 yes (Beirne, Bier,Blake, Ditchkus, Garbus, Genovese, Hardiman, Lambert, Patterson, Politi, Rowland, Toohey, Vetro) and 1 no (Veccharelli).

8h. Ald. Genovese and Ald. Ditchkus moved to approve the request to authorize the Mayor to notify the State Department of Transportation that the City does not wish to pursue conveyance of excess State property from State Project No. 083-156 (Clark Street Bridge) in light of environmental contamination reports, and in consideration thereof, the City will forgo payment of \$131,195.19 (Invoice Number TN101885).

Ald. Blake asked what the Phase I study showed and what Phase II tried to investigate that the 1997 report did not.

Mayor Richetelli deferred to the City Attorney.

Attorney Lipton explained they received the 1997 report in August 2006 and prior to that they had received a report that they had concerns regarding three of four of the properties and simply more than just the removal of underground tanks. He also commented they are unsure regarding under the buildings as it is unable to be identified.

Ald. Blake asked why they spent the money when the report already existing.

Attorney Lipton stated they had asked for the report. She reminded him this has been ongoing since the 1970's with numerous changes in personnel with new players coming in all the time. She stated they expended approximately \$5,000 and that they did not go forward with Phase II when they got the report.

Ald. Veccharelli commented they are charging kids \$100 to play sports and there are four properties that the State is going to give us. He noted there is some clean up involved and they will get these properties for next to nothing. He stated they needed to find out how much it is going to cost to clean up these properties and then find out the value of those properties. He reiterated the State is giving us these properties and that they needed to do some footwork find out the cost of the clean up and the value of the properties. He stated if they can make some money on these and put something into the "kitty" they should think about it. He added the easy thing would be to pass but asked instead that they ask for more time and get some answers such as cost of clean up and if they didn't do that the taxpayers would lose.

Mayor Richetelli stated they have been up front since the very beginning and that this Board was willing to investigate then. He stated in one breath Ald. Blake wants to know why we spent \$5,000 and Ald. Veccharelli is saying we should spend oodles of more. He explained they have asked the State on numerous occasions for extensions and they have granted them, however, now they will not give any more extensions. He stated their environmental consultants have said we are throwing good money against bad and deferred to the City Attorney for further explanation.

Attorney Lipton stated it is the Transfer Act they are concerned about and explained municipalities are exempt when they acquire but not when they sell. She stated it is the risk in the future and that they would have liability forever into the future.

Ald. Ditchkus stated they are dealing with contamination and it could leach into another site. He asked if this happened could they be liability.

Attorney Lipton replied yes.

Ald. Ditchkus commented he remembered when it was a gas station. He stated they should not throw away any more money into this and that he is thankful they had only spent \$5,000.

Ald. Blake stated he disagreed with the characterization that he was speaking out of both sides of the mouth. He stated he asked why a study was done when the results were already contained in a report. He stated that Ald. Veccharelli was speaking about a fiscal analysis and comparing and contrasting.

Ald. Bier asked if there was a timeframe so they might have time to digest this.

Mayor Richetelli replied the State gave them a deadline of September 27, 2006 and that the City Attorney was able to get an extension until October 12, 2006. He stated they have given the City until October 12, 2006 and if the City does not give an answer they will assume the City is no longer interested.

Ald. Veccharelli stated after 30 years he did not think another few months would be a big deal. He stated this Board is in charge of spending the City's money and when there is a possibility to get money, possibly a few million, they should look into it. He stated he was not saying they should buy the property but that they needed to look into this. He stated they needed to find out how much it will cost to clean up this mess. He stated this is an opportunity for the people of Milford otherwise some contractor is going to do the same thing. Ald. Veccharelli stated he was not talking just to talk and asked if the other side was listening. He stated they should know if there is some profit and that they should not let this property go blindly. He stated if the contamination is not that big they could make a bundle. He reiterated they should at least look into it.

Mayor Richetelli stated he wished to dispel any presumptions that a lot of money can be made here. He stated he is not an appraiser or a real estate agent but any notion that this property is worth \$4,000,000 is just not so and that they are nowhere near that. He agreed at one time it was thought there was a reasonable chance to make some money but that is just not so. He stated if it was he would be the first to do so. He reiterated they requested all the information and did due diligence and that they have had the environmental consultants tell them we would be throwing good money against bad and that it was not worth years of liability.

Attorney Lipton stated there are 55 caveats, which is an estimate and that they can't even get under many of the buildings. She explained the difference between the city as a purchaser and other purchasers and that other purchasers purchase for themselves or other LLC's. She stated the City is not such a purchaser and that is part of the issue here.

Ald. Toohey referred to the September 11, 2006 BOA meeting and read from the minutes of that meeting. She stated there is a deadline, which is two weeks away with a possible liability issue, and more importantly we



could save a life. She added they have discussed this before and it is nothing new. She stated it was time to move forward.

Mayor Richetelli explained they got the invoice and did the research and the work. He stated Ald. Toohey is correct and that we got the state to agree not to change the \$131,000 otherwise they would have. He stated we saved our citizens this money. He urged the Board to pass this.

Ald. Blake commented that Ald. Toohey did not read the entire paragraph and read another portion of the minutes from the BOA's September 11, 2006 meeting. He stated they needed to leave open the option of doing the due diligence.

Ald. Ditchkus referred to page 9 of the report regarding the right of way and stated they should not have to deal with. He stated this was not worth the risk.

Ald. Politi commented to Ald. Blake that he wanted this Board to do due diligence and asked what he wanted this Board to do. She spoke of the fiscal analysis to continue on with the studies in terms of contamination and remediation.

Ald. Bier commented they were looking at this short-sided and that they may profit down the road but have considerable loss down the road. He added the profit could be lost 10 fold down the road in 10 years.

By roll call vote the motion carried 12 yes (Beirne, Bier, Ditchkus, Garbus, Genovese, Hardiamn, Lambert, Patterson, Politi, Rowland, Toohey, Vetro) and 2 no (Blake, Veccharelli).

8i. Ald. Genovese and Ald. Ditchkus moved to approve the request for allocation Transfer No. 2.

Ald. Ditchkus asked if the original "loset" (sp) for this was denied.

Mayor Richetelli replied yes and explained they did not believe it qualified under a capital improvement plan.

Motion carried unanimously.

8j. Ald. Genovese and Ald. Ditchkus moved to approve the request for the appointment of (R) Paul S. Beckwith, 10 Butternut Lane, to complete the unexpired term of the late (R) Walter M. Farley, Jr. on the Board of Aldermen per recommendation of the Fifth District Republican Town Committee. (Term to expire 11/20/07).  
Motion carried unanimously.

City Clerk A. Jepson sworn in Mr. Beckwith to his new position and thanked him for continuing to serve this City.

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

Ald. Genovese and Ald. Ditchkus moved to add to the agenda the following items:

9a. Allocation Transfer No. 3 RE: Operation Off-Road

9b. Resolution RE: Operation Off-Road

Ald. Blake stated these items seemed fairly copious and asked if they could take a quick recess. The Board recessed at 9:36 p.m.

Chairman Beirne reconvened the Board at 9:51 p.m.

Motion carried unanimously.

9a. Ald. Genovese and Ald. Ditchkus moved to approve the request for Allocation Transfer No. 3 RE: Operation Off-Road. Motion carried unanimously.

9b. Ald. Genovese and Ald. Ditchkus moved to approve the request for Resolution RE: Operation Off-Road. Motion carried unanimously.

10. Budget Memo Transfers

None.

11. Refunds:

- a. Ald. Genovese and Ald. Patterson moved to approve Consideration of Refunds in the amount of \$31,348.96. Motion carried unanimously.

12. Report of Standing Committees:

- a. Ordinance Committee – Ald. Genovese reported the Ethics Commission met and that he asked them to address any concerns they may have with the Ordinance as well as any strengthens. He stated the ultimate decision is still with this Board. He reported he also looked at the State Ethics.

Ald. Lambert commented if it is clearly written if someone has a statement to make to the press they should put this name on it so there is no conflict and that they own that comment. She asked if there is a way to add that and reiterated if someone makes a statement they should attach their name and own it.

Ald. Ditchkus stated they could talk about it and see what can be done.

- b. Public Safety and Welfare Committee – Ald. Garbus reported he continues to work with Chief LaVecchia for a handout.
- c. Public Works Committee – Ald. Toohey reported Public Works is continuing with their paving schedule as well with work with bridges. She also reported the Golf Commission did a great job putting together the Casey dedication with a lot of help from behind the scenes.
- d. Claims Committee – no meeting.
- 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 – no report.
- f. Liaison Sub-Committee – Harbor Management Commission – no report.
- g. Liaison – Council on Aging – no report.

h. Permanent School Facility Building Committee – Ald. Genovese reported they met last night and things at J. Law are moving along and looking at Foran and support from the state legislature. She also reported she has contacted architect, Bill Silver and they are looking into ways for reimbursement for the project.

Ald. Genovese and Ald. Lambert moved to waive the reading of the rest of the reports. Motion carried unanimously.

- i. Liaison Sub-Committee – Library Board – no report.
- j. Liaison Sub-Committee – Fowler Memorial building – no report.
- k. Liaison Sub-Committee – Housing Authority - no report.

l. Golf Course Commission – Ald. Toohey gave her report with the Public Works report.

- 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.

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.

Consideration of Agreement between the Milford Board of Education and the Milford Association of School Administrators (Executive Session).

Ald. Genovese and Ald. Vetro moved to go into Executive Session to include the full Board of Aldermen, Board of Education Chairperson Cindy Kopazna, Attorney Floyd Dugas, Mr. Larry Schaefer, Associate Superintendent of Schools, Mrs. Wendy Kopazna, Personnel Director. It was noted that Mr. P. Beckwith would not be part of Executive Session.

The Board adjourned to Executive Session at 10:00 p.m.

Ald. Vetro and Ald. Rowland moved to come out of Executive Session at 10:47 p.m. Motion carried unanimously.

Chairman Beirne asked if anyone had a motion regarding Executive Session. Hearing none Chairman Beirne recognized Ald. Patterson.

Ald. Patterson and Ald. Vetro moved to adjourn. Motion carried unanimously.

The Board adjourned at 10:49 p.m.

Respectfully submitted,

Kathleen K. Huber  
Board Secretary