



Stratford, Connecticut

MINUTES OF MEETING

STRATFORD TOWN COUNCIL

JUNE 9, 2008

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, JUNE 9, 2008 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT.

CALL TO ORDER: 8:00 p.m.

PRESIDING: Council Chairman Michael Henrick

COUNCIL MEMBERS IN ATTENDANCE: Mr. Michael Julian, Mr. Alvin O'Neal, Mr. Gavin Forrester, Ms. Emma Brooks, Ms. Amy Wanamaker, Mr. William Stroemer, Mr. Thomas Moore, Mr. Joseph Kubic, Mr. Michael Henrick

COUNCIL MEMBERS ABSENT: Mr. John Dempsey

OTHERS IN ATTENDANCE: Mayor James Miron, Town Attorney Richard Buturla

PUBLIC FORUM — continued

The following member of the public addressed the Stratford Town Council:

- Madeline Neupert, 362 Riverdale Drive

Stratford Town Council meeting recessed: 8:06 p.m.

Stratford Town Council meeting reconvened: 8:15 p.m.

INVOCATION PRESENTED BY EIGHTH DISTRICT COUNCIL MEMBER THOMAS MOORE FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

1. APPROVAL OF MINUTES — Minutes of: Public Forum, Regularly scheduled meeting and Executive Session of May 12, 2008 and special meetings of May 5 (with executive session), May 7, May 21, and May 27, 2008.

RESOLVED: That the reading of the foregoing minutes be dispensed with as copies thereof have been previously provided to each Council Member and the same be and are hereby approved.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO APPROVE THE FOREGOING MINUTES. THE MOTION PASSED UNANIMOUSLY.

2. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM

Mr. Julian — re: Motorcycle harassment, Long Beach West, Shakespeare Theater

Mr. Stroomer — re: Long Beach West

Mr. Moore — re: Motorcycle harassment

Mr. Kubic — re: Motorcycle harassment, resolution re: Democratic Registrar of Voters Richard Miron

Mr. Miron — Long Beach West, Council Chambers sound system

Mr. Henrick — re: Shakespeare Theater

3. COMMUNICATIONS — None

4. MAYOR’S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY’S REPORTS

4.1 MAYOR’S REPORT

4.1.1 RESOLUTION RE: 2008 NEIGHBORHOOD ASSISTANCE ACT

SPONSOR: The Stratford Town Council

WHEREAS, Chapter 228a of the Connecticut General Statutes provides for a tax credit for businesses which sponsor community programs that have received State and local approval; and

WHEREAS, the State of Connecticut Department of Revenue Services is responsible for administering this program, known as the Neighborhood Assistance Act; and

WHEREAS, in accordance with the guidelines established for the 2008 program, the Town of Stratford solicited applications from eligible non-profits and municipal agencies and conducted a public hearing on June 9, 2008, concerning the applications that were received by the established deadline of June 5, 2008;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Stratford does hereby approve the one application submitted by the Stratford YMCA for submission to the State Department of Revenue Services for inclusion in the 2008 Neighborhood Assistance Act Program; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Stratford authorizes and directs the Mayor, James R. Miron, to submit such applications to the Department of Revenue Services by the July 1, 2008 deadline and to provide such additional information as may be necessary.

A MOTION WAS MADE BY MR. O’NEAL SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.1.2 RESOLUTION RE: ELDERLY AND DISABLED DEMAND RESPONSIVE MUNICIPAL GRANT PROGRAM

SPONSORED: Stratford Town Council

BE IT RESOLVED that the Mayor of Stratford, James R. Miron, is authorized to enter into a contract on behalf of the Town of Stratford with the State of Connecticut 13b-38bb Elderly and Disabled Demand Responsive Municipal Grant Program for the amount of \$58,166 for the Town's Transportation Program; to execute any amendments, revisions or rescissions thereto; and to act as the authorized representative for the Town of Stratford.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. STROOMER TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.1.3 RESOLUTION RE: MEDICAL RESERVE CORPS GRANT – CONTRACT # MRC 08 0447

SPONSOR: Stratford Town Council

WHEREAS, NACCHO has received a grant from the Department of Health and Human Services (Grant Number: 1 MRCSG061001-02, CFDA Number: 93.008) (the "Grant") to build the capacity of local Medical Reserve Corps ("MRC") units;

WHEREAS, pursuant to the terms of the Grant, NACCHO has agreed, among other things, to provide support to MRC units and to encourage these units to provide certain information to the Office of the Surgeon General's Office of the Civilian Volunteer Medical Reserve Corps ("OSG/CVMRC");

WHEREAS, Organization either houses or is itself an MRC unit that is registered in good standing with the OSG/CVMRC;

WHEREAS, pursuant to the terms of the Grant, NACCHO desires to provide funding in an amount not to exceed \$5000 to the Town of Stratford in exchange for the Town of Stratford agreeing, among other things, to undertake the activities indicated in their capacity building application or oversee such activities and to provide certain information to the OSG/CVMRC.

NOW, THEREFORE, NACCHO and the Town of Stratford, intending to be legally bound, in consideration of the promises and mutual covenants and obligations contained herein, hereby agree as follows:

NOW THEREFORE, BE IT RESOLVED BY THE Town Council:

1. That it is cognizant of the Town grant application and contract to the NACCHO for funds to implement a community level, MRC program in Stratford.

MAYOR'S REPORT — continued

RESOLUTION RE: MEDICAL RESERVE CORPS GRANT – CONTRACT # MRC 08 0447 —
cont'd

2. That it hereby authorizes, directs and empowers the mayor or his designee to execute and file such application with NACCHO, MRC Grant Program, to provide such additional information and to execute such other contracts and documents as maybe necessary under this program.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. STROOMER TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.1.4 RESOLUTION RE: HEALTH DEPARTMENT LOCAL CAPACITY BUILDING GRANT PROGRAM

SPONSORED: Stratford Town Council

WHEREAS, This is an Agreement between the Child Health and Development Institute of Connecticut, Inc (CHDI) and the Town of Stratford (Grantee). This grant is jointly funded by the Children's Fund of Connecticut (Children's Fund) and the Williams Caspar Graustein Memorial Fund (Memorial Fund). The Children's Fund and the Memorial Fund have made funds available to conduct a comprehensive community planning process funded by the public-private local capacity building grant program of the Early Childhood Education Cabinet, (ECE) the Department of Education, (SDE) and the Memorial Fund. This grant will be administered by the CHDI with oversight provided by the Collaborative Management Team for the local capacity building grants with representation from the ECE Cabinet, SDE, CHDI and the Memorial Fund

WHEREAS, it is desirable and in the public interest that the Town of Stratford (Grantee) submit an application to the Child Health and Development Institute of Connecticut, Inc. (CHDI) in an amount not to exceed \$20,000 for the common purpose of engaging the health sector and integrate health needs into the development of the comprehensive local community planning process.

WHEREAS, it is both desirable and in the public interest to execute a grant agreement with the (CHDI), ECE Cabinet, the SDE and the Memorial Fund and to accept funding in connection with this project.

NOW THEREFORE, BE IT RESOLVED BY THE Town Council:

1. That it is cognizant of the Town grant application and contract to the Child Health and Development Institute of Connecticut, Inc for funds to implement a community level, local community planning process in Stratford.

MAYOR'S REPORT — continued

RESOLUTION RE: HEALTH DEPARTMENT LOCAL CAPACITY BUILDING GRANT PROGRAM — continued

2. That it hereby authorizes, directs and empowers the mayor or his designee to execute and file such application with Child Health and Development Institute of Connecticut, Inc, to provide such additional information and to execute such other contracts and documents as maybe necessary under this program.

A MOTION WAS MADE BY MR. O'NEAL SECONDED BY MR. JULIAN TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

4.1.5 AN ORDINANCE APPROPRIATING \$14,800,000 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2008-2009 (#08-07)

Sponsored by: The Stratford Town Council

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.
(Ordinance appended as pages 16-17)

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY.

4.1.6 AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$14,800,000 BONDS OF THE TOWN TO MEET THE APPROPRIATION FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2008-2009 AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#08-08)

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.
(Ordinance appended as pages 18-20)

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY.

MAYOR'S REPORT — continued4.1.7 OVERFLOW PARKING LEASE

Mr. Miron requests taking the foregoing item into executive session for the purpose that it is a property acquisition and disclosure of the facts and circumstances may result in a value increase. Mr. Miron would like that motion to include members of the Council, the Town Attorney, Special Assistant Attorney Miller and himself.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. KUBIC TO ENTER INTO EXECUTIVE SESSION PRIOR TO THE CONCLUSION OF THIS MEETING AT THE REQUEST OF THE MAYOR TO DISCUSS THE ABOVE CITED ITEM WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE MENTIONED INDIVIDUALS. THE MOTION PASSED UNANIMOUSLY.

4.1.8 COMMUNICATIONS — INFORMATIONAL ITEM. ACTION NOT REQUIRED.

- a) Memo re: Pirhala Farm (dated May 21, 2008)

4.1.9 PROCLAMATIONS — INFORMATIONAL ITEM. ACTION NOT REQUIRED.

- a) American Cancer Society Relay for Life Days (May 16-17, 2008)
- b) Paddle Smart Months (May and June, 2008)
- c) Stratford Rotary Club Day (May 31, 2008)

4.2 COMMITTEE REPORTS4.2.2 FINANCE AND CLAIMS COMMITTEE — The Finance and Claims Committee conducted a meeting on May 19, 2008 with the following claims referred to Council for final approval:

A. Claim of: Liberty Mutual Aso N. Bisbett, d/I: 4/15/08. EMS driver backed into insured's vehicle stopped behind him. Driver was looking for an address. The insured has filed a separate notice of injury. AMOUNT: \$4,740.62

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the amount not to exceed \$4,740.62 be and is hereby approved/denied.

B. Claim of: Allstate Aso Marcurcio, Marcurcio, Williams, D/I: 2/18/08. Recycling truck backed into vehicle. Allstate filed subro claim. Marcurcio is also seeking reimbursement for car rental expense for 27 days. AMOUNT: (1) \$10,059.47 (2) \$1,326.74.

COMMITTEE REPORTS — continued

FINANCE AND CLAIMS COMMITTEE — continued

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the amount not to exceed (1) \$10,059.47 be and is hereby approved/denied.

RESOLVED: that the recommendation of the Finance and Claims Committee is accepted and the amount not to exceed (2) \$1,326.74 be and is hereby approved/denied.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO APPROVE THE FOREGOING TWO CLAIMS (A. AND B.). THE MOTION PASSED UNANIMOUSLY.

4.2.26 BLIGHT COMMITTEE (a.k.a. Property Maintenance Review Committee per § 161-7 of Stratford Town Code) — Information regarding this committee is not available for the month of May 2008.

Mr. Forrester requested meeting information from the Mayor.

4.3 TOWN ATTORNEY'S REPORT

4.3.1 AIRPORT PURCHASE — continuing item. NO BUSINESS FURNISHED.

4.3.2 WEST LONG BEACH — Town Attorney Buturla requests taking the foregoing item into executive session for the purpose being a property acquisition that disclosure of the facts and circumstances may result in a value increase. Mr. Buturla would like that motion to include members of the Council, The Mayor, and himself.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. KUBIC TO ENTER INTO EXECUTIVE SESSION PRIOR TO THE CONCLUSION OF THIS MEETING AT THE RECOMMENDATION OF THE TOWN ATTORNEY TO DISCUSS THE ABOVE CITED ITEM WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE MENTIONED INDIVIDUALS. THE MOTION PASSED UNANIMOUSLY.

4.3.3 QUESTIONS TO THE TOWN ATTORNEY

Mr. O'Neal — re: West Long Beach

5. QUESTIONS TO MAYOR OR STAFF

Mr. Julian — Missing garbage receptacles at the seawall, cars parked after hours at the seawall.

Mr. Forrester — re: EMS liability, incident at Odd Fellows Hall

Ms. Brooks — re: ceremonial renaming of Stratford Ave. for Reverend Johnson.

Mr. Moore — re: Test with emergency operation center

Mr. Kubic — re: (1) disrepair of Huntington Road north of the Parkway. (2) Renaming North End Park as James Dillon Park.

Mr. Henrick — re: (1) Disrepair of Carol Road due to Gas Company cuts (2) Lack of attendant for collecting fees at Long Beach.

WAIVER OF COUNCIL RULES OF ORDER

At request of the Town Attorney, A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO WAIVE THE COUNCIL RULES OF ORDER TO ADD AN ADDITIONAL ITEM TO THE AGENDA ENTITLED “STRATFORD VS. SOUTHERN CT GAS COMPANY”. THE MOTION PASSED UNANIMOUSLY.

STRATFORD VS. SOUTHERN CT GAS COMPANY

Attorney Buturla requests taking the foregoing item into executive session for the purpose of discussion regarding strategy and negotiations with respect to pending claims or litigation toward the town or a member thereof as a party. Mr. Buturla would like that motion to include members of the Stratford Town Council, the Mayor, and himself.

A MOTION WAS MADE BY MR. FORRESTER, SECONDED BY MR. JULIAN TO ENTER INTO EXECUTIVE SESSION PRIOR TO CONCLUSION OF THIS MEETING AT THE RECOMMENDATION OF THE TOWN ATTORNEY TO DISCUSS THE FOREGOING CASE FOR THE REASON STATED ABOVE WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE NAMED INDIVIDUALS. THE MOTION CARRIED UNANIMOUSLY.

QUESTIONS — continued

Mr. O’Neal — re: A list of Town employees to be forwarded.

6. UNFINISHED BUSINESS

6.1 SAEP — NO BUSINESS FURNISHED.

6.2 DISCUSSION AND/OR ACTION re: CHARTER REVISION DRAFT REPORT

Chairman Henrick requested Mr. Florek, Chairman of the Charter Revision Commission, respond to questions and comments. Mr. Forrester, Mr. Moore, Ms. Brooks, Ms. Wanamaker, Mr. O’Neal, Mr. Julian and Mr. Henrick posed questions to Mr. Florek.

Stratford Town Council meeting recessed: 9:55 p.m.

Stratford Town Council meeting reconvened: 10:03 p.m.

Chairman Henrick affirmed that a special Council meeting will take place re: the foregoing matter on June 23, 2008.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. STROOMER TO PLACE THE FOREGOING ITEM ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

6.3 TABLED ORDINANCES AND RESOLUTIONS — All tabled Ordinances remained on the table.

6.4 TABLED APPOINTMENTS

6.4.1 VETERANS’ MONUMENT PRESERVATION COMMISSION FOR ACADEMY HILL (ord. #04-04) Established May 10, 2004, at least 9 members and no more than 11 members, appointed by Town Council, 4-year terms, Chairman appointed by Town Council.

6.4.1.1 REPRESENTATIVES-AT-LARGE

A. RESOLVED: that ROBERT NEWALL of 4800 MAIN STREET be and is hereby appointed a representative-at-large of the Veterans’ Monument Preservation Commission for Academy Hill.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O’NEAL TO REMOVE THE FOREGOING APPOINTMENT FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O’NEAL TO APPOINT ROBERT NEWALL OF 4800 MAIN STREET TO THE FOREGOING POSITION. THE MOTION PASSED UNANIMOUSLY.

UNFINISHED BUSINESS — continued

6.4.6 GREATER BRIDGEPORT REGIONAL PLANNING AGENCY — Per CGS § 8-31A & Town Code § 29-3, Two (2) electors appointed by Council.

6.4.6.1 One-year term from date of appointment and thereon after for a two-year term

RESOLVED: that EDWARD WARD of 542 FREEMAN AVENUE be and is hereby appointed a member of the of the Greater Bridgeport Regional Planning Agency. (one-year term)

A MOTION WAS MADE BY MR. STROOMER SECONDED BY MR. FORRESTER TO REMOVE THE FOREGOING APPOINTMENT FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. STROOMER SECONDED BY MR. FORRESTER TO APPOINT EDWARD WARD TO THE FOREGOING POSITION. THE MOTION PASSED UNANIMOUSLY.

7. ORDINANCES AND RESOLUTIONS

7.1 RESOLUTION REGARDING TAXATION OF VACANT RESIDENTIAL REAL ESTATE

sponsored by: Hon. John Dempsey, Fifth district Councilman

WHEREAS, there are numerous residents and taxpayers who own undersized nonconforming lots; and

WHEREAS, the Town council has expressed concern that such taxpayers are paying taxes on raw land that may not be capable of being developed;

NOW THEREFORE, be it resolved:

The Town Council requests that the Tax Assessor, pursuant to her statutory duties, assess said taxpayers for the nonconforming lots in a fair and reasonable manner consistent with state law taking into account the nonconforming nature of the respective parcels of raw land.

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

7.2 RESOLUTION DEMANDING THE RESIGNATION OF RICHARD MIRON AS REGISTRAR OF VOTERS OF THE TOWN OF STRATFORD, CONNECTICUT.

Sponsor: Hon. Joseph A. Kubic, Ninth District Councilman

WHEREAS, Richard Miron has long served and continues to serve as the Town of Stratford's Democratic Registrar of Voters, and

WHEREAS, The Position of Registrar of Voters requires the utmost integrity given that a Registrar's duties include maintaining and updating voter lists, organizing and overseeing primaries and elections, and interpreting election law; and

WHEREAS, a Registrar is required to interact directly on a daily basis with the citizens of the Town of Stratford (the "Town") as to their voting rights and privileges as a citizen of the Town, the State of Connecticut and the United States of America; and

WHEREAS, any appearance of impropriety by a Registrar greatly diminishes the respect and faith the public has in the Office of the Registrar of Voters and may seriously compromise the effectiveness of such Registrar and further have a negative impact on public opinion and faith in the honesty and integrity as to the government of the Town as a whole; and

WHEREAS, Richard Miron has admitted that he has taken money from scores of bereaved people who came to him seeking a marker for their loved one's final resting place; and

WHEREAS, Richard Miron has admitted that, in many cases, the money he received from those people was used by him for other expenses, and that he did not order nor did he tell his customers that he did not order, the items that they had purchased; and

WHEREAS, as a result of these actions, Richard Miron has been charged by state law enforcement authorities with a violation of the criminal laws of the state of Connecticut; and

WHEREAS, the actions of Richard Miron involve serious criminal acts any one of which, if true, greatly diminishes his effectiveness as Registrar and has created and continues to cause great negative public perception of the Town of Stratford as a whole, and calls into question the integrity and honesty of the Office of the Registrar of Voters; and

WHEREAS, Richard Miron's failure to resign his position as Registrar has harmed and continues to harm the reputation of our Town, the Office of Registrar of Voters and the citizens of the Town;

NOW THEREFORE BE IT RESOLVED, that the Town Council, for and in the best interests of the Town of Stratford, insists and demands that Richard Miron resign immediately as Registrar of Voters of the Town of Stratford.

RESOLUTION DEMANDING THE RESIGNATION OF RICHARD MIRON AS REGISTRAR OF VOTERS OF THE TOWN OF STRATFORD, CONNECTICUT. — continued

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER (FOR DISCUSSION PURPOSES) TO APPROVE THE FOREGOING RESOLUTION. MR. O’NEAL OFFERED A FRIENDLY AMENDMENT AS FOLLOWS:

WHEREAS, Mr. Miron, the elected Democratic Registrar of Voters, has served in that capacity for many years. Over that period of time, he has professionally, faithfully and honestly carried out the responsibilities of that office; and

WHEREAS, recently, Mr. Miron ~~has admitted to civil crimes and~~ has been accused of illegal activity; and

WHEREAS, this position requires unquestionable integrity and any appearance of impropriety is unacceptable; and

WHEREAS, as of this date, to the best of our knowledge, Mr. Miron continues to serve as democratic Registrar of Voters; and

WHEREAS, the Town Council believes, in view of the foregoing, it would be in the best interests of the Town of Stratford that Mr. Miron resigns immediately from his position as Democratic Registrar of Voters;

NOW THEREFORE BE IT RESOLVED, that regrettably, we must insist and demand Mr. Miron’s resignation.

MESSRS. KUBIC AND FORRESTER ACCEPT MR. O’NEAL’S FRIENDLY AMENDMENT.

*Stratford Town Council meeting recessed: 10:10 p.m.
Stratford Town Council meeting reconvened: 10:12 p.m.*

A MOTION WAS MADE BY MS. BROOKS SECONDED BY MR. STROOMER TO PLACE THE FOREGOING RESOLUTION ON THE TABLE. THE MOTION PASSED WITH 7 IN FAVOR AND 2, MESSRS. FORRESTER AND HENRICK, OPPOSED.

8. NEW BUSINESS

8.1 TOWN COUNCIL 22A-19 INTERVENTION INTO AVALON BAY COMMUNITIES APPLICATION FOR AFFORDABLE HOUSING AT 1600 CUTSPRING ROAD AND 140 CIRCLE DRIVE.

In 2002, the Stratford Town Council intervened under CGS §22a-19 into Superior Court appeals of Avalonbay Communities, Inc. zoning and wetland application denials. Avalonbay objected to our

22A-19 INTERVENTION INTO AVALON BAY COMMUNITIES — continued

intervention and the Superior Court struck our pleading. Following legal victories at the Appellate and Supreme Court, the Town Council was made a party to the appeal. Now on remand, this Council reaffirmed it's right to intervene and did so in May. Again Avalonbay objected and has filed a freedom of information complaint that our intervention is without merit. Therefore, to resolve any purported ambiguity, a motion to clarify this Council's intent is as follows:

RESOLVED: that Council Chairman Michael Henrick is authorized to execute a verified pleading in accordance with CGS §22a-19 and to direct Attorney Kevin C. Kelly to intervene under that statute on our behalf into the application of Avalonbay Communities, Inc. for site plan approval, 1600 Cutspring Road and 140 Circle Drive. Be it further resolved to authorize and intend that the Town Council will remain a party in the Zoning application and any inland wetland and watercourse application which may result, as well as any other administrative body or legal appeal.

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. FORRESTER TO AUTHORIZE TOWN COUNCIL CHAIRMAN MICHAEL HENRICK TO EXECUTE A VERIFIED PLEADING IN ACCORDANCE WITH CGS §22a-19 AND TO DIRECT ATTORNEY KEVIN C. KELLY TO INTERVENE UNDER THAT STATUTE, ON OUR BEHALF, INTO THE APPLICATION OF AVALONBAY COMMUNITIES, INC. FOR SITE PLAN APPROVAL, 1600 CUTSPRING ROAD AND 140 CIRCLE DRIVE WHICH WAS REMANDED BY THE CONNECTICUT SUPREME COURT IN 2007. WE FURTHER AUTHORIZE AND INTEND THAT THE TOWN COUNCIL WILL REMAIN A PARTY IN THE ZONING APPLICATION AND ANY INLAND WETLAND AND WATERCOURSE APPLICATION WHICH MAY RESULT, AS WELL AS ANY OTHER ADMINISTRATIVE BODY OR LEGAL APPEAL. THE MOTION PASSED UNANIMOUSLY.

8.2 APPOINTMENTS

8.2.1 WATERFRONT HARBOR MANAGEMENT COMMISSION — § 210-3 OF Town code, appointed by Council

8.2.1.1 REGULAR MEMBERS — 5-YEAR TERM

A. RESOLVED: that _____ of _____ be and is hereby appointed a regular member of the Waterfront Harbor Management Commission. (term of Devin Jon Santa expired May 31, 2008)

B. RESOLVED: that _____ of _____ be and is hereby appointed a regular member of the Waterfront Harbor Management Commission. (term of Bill Rock expired May 31, 2008)

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO PLACE THE FOREGOING TWO APPOINTMENTS (A. AND B.) ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS — continued

APPOINTMENTS — continued

WATERFRONT HARBOR MANAGEMENT COMMISSION — continued

8.2.1.2 ALTERNATE MEMBER — 2-YEAR TERM

A. RESOLVED: that _____ of _____ be and is hereby appointed an alternate member of the Waterfront Harbor Management Commission. (term of Devin Jon Santa expired May 31, 2008) Mr. Santa replaced Mr. Cody as a full member in March 2007. Mr. Santa’s alternate position was never filled.

B. RESOLVED: that _____ of _____ be and is hereby appointed an alternate member of the Waterfront Harbor Management Commission. (term of Amy Wanamaker expired May 31, 2008)

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O’NEAL TO PLACE THE FOREGOING TWO APPOINTMENTS (A. AND B.) ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

8.2.2 JOINT MAYOR-COUNCIL TASK FORCE ON ENERGY AND ENVIRONMENT — unspecified terms, 7 members, 3 members appointed by Town Council per Resolution passed May 14, 2007

A. RESOLVED: that COUNCIL MEMBER GAVIN B. FORRESTER, III of DISTRICT 3 be and is hereby appointed a member of the Joint Mayor-Council Task Force on Energy and Environment.

B. RESOLVED: that COUNCIL MEMBER WILLIAM STROOMER of DISTRICT 7 be and is hereby appointed a member of the Joint Mayor-Council Task Force on Energy and Environment.

C. RESOLVED: that COUNCIL MEMBER AMY WANAMAKER of DISTRICT 6 be and is hereby appointed a member of the Joint Mayor-Council Task Force on Energy and Environment.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MOORE TO APPOINT COUNCIL MEMBERS FORRESTER, STROOMER AND WANAMAKER TO THE FOREGOING POSITIONS. THE MOTION PASSED UNANIMOUSLY.

9. OLD BUSINESS

9.1 SHAKESPEARE THEATER — Mr. Miron presented a progress report. Discussion ensued re: the progress report.

Stratford Town Council meeting recessed: 10:35 p.m.
Stratford Town Council meeting reconvened: 11:09 p.m.

SHAKESPEARE THEATER — continued

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. MOORE TO CREATE A NEW SHORT-LIST AS FOLLOWS:

- KKP, Inc.
- Frank Tobin Enterprises
- Theater-by-the-Sea

THE MOTION PASSED UNANIMOUSLY.

ACTION ITEMS REFERRED FROM EXECUTIVE SESSION

4.1.7 OVERFLOW PARKING LEASE

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MOORE TO INSTRUCT THE TOWN ATTORNEY TO PROCEED WITH THE LEASE NEGOTIATIONS AS PER THE OUTLINE OF THE DRAFT AGREEMENT PRESENTED IN EXECUTIVE SESSION. THE MOTION PASSED UNANIMOUSLY.

4.3.2 WEST LONG BEACH

A MOTION WAS MADE BY MR. KUBIC SECONDED BY MR. MOORE TO AUTHORIZE THE TOWN ATTORNEY’S OFFICE TO SCHEDULE A PUBLIC HEARING PURSUANT TO CGS §7-163E. THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT — Hearing no further discussion in connection with the above agenda items or further business, the Chairman called for a motion to adjourn. ON A MOTION MADE BY MS. BROOKS, SECONDED BY MR. FORRESTER, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 11:15 P.M.

ATTEST:

Carol Cabral
Carol Cabral, Council Clerk

AN ORDINANCE APPROPRIATING \$14,800,000 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2008-2009 (#08-07)

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD

Section 1. The sum of \$14,800,000 is hereby appropriated to meet the estimated costs of the public improvements set forth below, as more fully described in the narrative description of such public improvements in the capital improvement and equipment program of the Town for the fiscal year ending June 30, 2009, said appropriation to be inclusive of administrative, financing, legal and costs of issuance related thereto, and any and all State-grants-in aid thereof:

TOWN FACILITIES

Animal Control Facility	\$	1,000,000
Parking Lot Resurfacing	\$	100,000
Stand by Generators: Emergency Management for Municipal Facilities	\$	600,000
Boothe Park Improvements	\$	50,000
Improvement of EMS Headquarters	\$	150,000

ROADS AND SEWERS

Road Resurfacing	\$	1,000,000
Road Reconstruction	\$	1,000,000
Barnum Avenue Streetscape Improvements	\$	1,500,000
West Broad RR Underpass Drainage	\$	500,000
Bruce Brook improvement at Sage	\$	1,000,000

PARKS AND RECREATION

Birdseye/Stratford Acad. Field Renovations	\$	725,000
Playground Renovations	\$	100,000
Restoration/Improvements at Penders Fields	\$	750,000
New Playground Equipment	\$	225,000
Parking Lot Resurfacing at Short Beach	\$	100,000

CAPITAL EQUIPMENT

Lift Truck	\$	160,000
Dump Truck (3)	\$	400,000
Bucket Truck	\$	160,000
Refuse Truck (2)	\$	325,000

Ordinance #08-07 — continued

Vehicle Replacement for Engine 2	\$	450,000
Purchase Used Replacement Engine 7	\$	200,000

BOARD OF EDUCATION

Stratford Academy Honeyspot House Design Phase	\$	750,000
Stratford High School Library and Science Lab Retrofit	\$	650,000
Board of Education Technology Infrastructure	\$	500,000
Bunnell High School Capital Improvement Projects	\$	400,000
Various Schools Flooring Replacement	\$	575,000
Franklin and Nichols Elementary Bus Drop off and Pick up	\$	300,000
Various Schools Window Replacement	\$	275,000
Various Schools Heating and Ventilation Replacement	\$	<u>855,000</u>
TOTAL:	\$	<u>14,800,000</u>

Section 2. Any of the estimated amounts for the public improvements set forth in Section 1 not required to meet the actual cost of such public improvement may be transferred by the Mayor and the Director of Finance to meet the actual cost of any other public improvement set forth in Section 1.

Section 3. The ordinance entitled "An Ordinance Appropriating \$6,254,000 For Various Public Improvements In The Capital Improvement Program For Fiscal Year 2006-2007 {#0613}" enacted by the Town Council at its meeting on June 22, 2006," is hereby amended to increase the appropriation for the public improvement line item "Replacement of Roofing at Lordship" set forth therein by \$275,000 from \$600,000 to \$875,000, said additional appropriation to be paid for by State grants in aid thereof.

Section 4. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.0 of the Town Charter.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$14,800,000 BONDS OF THE TOWN TO MEET THE APPROPRIATION FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2008-2009 AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#08-08)

Section 1. To meet the appropriation of \$14,800,000 made in the ordinance enacted together herewith for various public improvements in the capital improvement and equipment program for fiscal year ending June 30, 2009 (the "Project"), \$14,800,000 bonds of the Town may be issued maturing not later than the twentieth year after their date (the "Bonds")

.Section 2. The Bonds may be issued in one or more series as determined by the Mayor and the Director of Finance. The amount of Bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amounts and timing of State and Federal grants-in-aid for the Project, provided that the total amount of Bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of the Bonds outstanding at the time of the issuance thereof, and to pay for costs of issuance of the Bonds. The Bonds shall be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor and the Director of Finance, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The Bonds shall be general obligations of the Town and each of the Bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such Bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The Town shall levy taxes in each year to meet principal and interest due and payable on the Bonds issued pursuant to this ordinance. The aggregate principal amount of the Bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, the date, time of issue and sale and other terms, details and particulars of such Bonds, including the approval of the rate or rates of interest, shall be determined by the Mayor and the Director of Finance in accordance with the General Statutes of Connecticut, Revision of 1958, as amended (the "Connecticut General Statutes").

The Bonds shall be sold by the Mayor and the Director of Finance in a competitive offering or by negotiation in their discretion. If sold in a competitive offering, the Bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the Bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and

Ordinance #08-08 — continued

municipal bonds. If the Bonds are sold by negotiation, the provisions of the bond purchase agreement shall be approved by the Mayor and Director of Finance.

Section 3. The Mayor and the Director of Finance are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of the Bonds. Notes evidencing such borrowings shall be signed by the Mayor and the Director of Finance, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor and the Director of Finance, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor and the Director of Finance pursuant to Section 7-373 of the Connecticut General Statutes. The Notes shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing, to the extent paid from the proceeds of such renewals or the Bonds, shall be included as a cost of the Project. Upon the sale of the Bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 4. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 5. The Mayor and the Director of Finance are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the Bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 6. It is hereby found and determined that the estimated period of utility for the Project is at least twenty years.

Ordinance #08-08 — continued

Section 7. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.