



Stratford, Connecticut

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## MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, NOVEMBER 14, 2011 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT PURSUANT TO NOTICE DULY POSTED.

CALL TO ORDER 8:15 p.m.

PRESIDING: Chairman Thomas Malloy

COUNCIL MEMBERS IN ATTENDANCE: Mr. Christian Barnaby, Ms. Stephanie Philips, Mr. Matthew Catalano, Mr. Jason Santi, Mr. John Dempsey, Mr. David Fuller, Mr. James Connor, Mr. Thomas Malloy, Mr. Paul Hoydick

COUNCIL MEMBERS ABSENT: Ms. Kimberly Meuse

OTHERS IN ATTENDANCE: Town Attorney Timothy Bishop, Asst. Town Attorneys John Florek and Kevin Kelly, Mayor John Harkins

INVOCATION PRESENTED BY Fourth District Council Member Hon. Jason Santi followed by the Pledge of Allegiance.

**1. APPROVAL OF MINUTES** — Minutes of Public Forum, regularly scheduled meeting and Executive session of October 11, 2011.

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. HOYDICK SECONDED BY MR. FULLER TO APPROVE THE FOREGOING MINUTES. THE MOTION PASSED UNANIMOUSLY.

*Stratford Town Council meeting proceeded in the order as follows:*

ORDINANCE COMMITTEE — A special meeting and a Public Hearing of the Ordinance Committee was conducted on November 14, 2011 at which time the following ordinances were referred to Council with favorable recommendation:

A. AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$7,364,800 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2011-2012 (#11-19)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage. (Ordinance appended as page 16)

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. SANTI TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE. THE MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE AS FOLLOWS: MR. BARNABY — YES, MS. PHILIPS — YES, MR. CATALANO — YES, MR. SANTI — YES, MR. DEMPSEY — YES, MR. FULLER — YES, MS. MEUSE — ABSENT, MR. CONNOR — YES, MR. MALLOY — YES, MR. HOYDICK — YES.

B. AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$10,611,970 OBLIGATIONS OF THE TOWN FOR THE COSTS ASSOCIATED WITH VARIOUS ENERGY IMPROVEMENT PROJECTS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#11-20)

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage. (Ordinance appended as pages 17-20)

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. SANTI TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE. THE MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE AS FOLLOWS: MR. BARNABY — YES, MS. PHILIPS — YES, MR. CATALANO — YES, MR. SANTI — YES, MR. DEMPSEY — YES, MR. FULLER — YES, MS. MEUSE — ABSENT, MR. CONNOR — YES, MR. MALLOY — YES, MR. HOYDICK — YES.

2. CEREMONIAL PRESENTATIONS AND AWARDS — Naming of Little League facility at Short Beach. (Resolution appended as pages 21-22)

A MOTION WAS MADE BY MR. BARNABY SECONDED BY THE ENTIRE COUNCIL TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

3. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM

Ms. Philips — re: Dog park, CDBG Funding, Wildlife feeding program  
Mr. Fuller — re: Dog Park, Mary Young’s comments

4. COMMUNICATIONS, BILLS, PETITIONS, REMONSTRANCES — None

**5. MAYOR’S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY’S REPORTS**

**5.1 MAYOR’S REPORT** Mayor Harkins reported:

- Steven Nucera is the New CAO
- The Planning position is still open.
- DEEP Commissioners met re: Raymark site and dredging.
- SAEP
- Nov. 30 – Tree Lighting and other Town events in Stratford Center beginning at 4:30 p.m. at the Stratford Library. Rain date of December 1.
- Dec. 6 – Paradise Green Tree lighting.
- Dec. 8 – Hanukah ceremony at Town Hall.

**5.2 COMMITTEE REPORTS**

5.2.1 **ORDINANCE COMMITTEE** — The Ordinance Committee conducted a Public Hearing and a special meeting on October 19, 2011 at which time the following was referred to Council without recommendation:

A. **ORDINANCE RE: MAYOR’S COMPENSATION PACKAGE (#11-18)**

Sponsored by the Town Council

Commencing with the first day of the Mayoral term following the Mayoral election subsequent to the passage of this ordinance, the salary for the Mayor of the Town of Stratford shall be \$110,000 annually. The Mayor’s salary shall not be subject to any further interim increase or decrease during said term of office and such salary shall continue until same is amended by proper ordinance in accordance with Charter Section 2.2.5 as same may be amended from time to time

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage.

A MOTION WAS MADE BY MR. CONNOR SECONDED BY MR. SANTI TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE. THE MOTION PASSED WITH 7 IN FAVOR AND 2 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. BARNABY — NO, MS. PHILIPS — NO, MR. CATALANO — YES, MR. SANTI — YES, MR. DEMPSEY — YES, MR. FULLER — YES, MS. MEUSE — ABSENT, MR. CONNOR — YES, MR. MALLOY — YES, MR. HOYDICK — YES.

B. **AMENDMENT TO CHAPTER 83, ARTICLE VII FEEDING OF WILDLIFE (#11-13)** (*ordinance appended as pages 13-15*)

sponsored by: Stratford Town Council

COMMITTEE REPORTS — continued

ORDINANCE COMMITTEE — continued

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage.

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. HOYDICK TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE. THE MOTION PASSED WITH 7 IN FAVOR AND 2 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. BARNABY — YES, MS. PHILIPS — NO, MR. CATALANO — YES, MR. SANTI — YES, MR. DEMPSEY — YES, MR. FULLER — NO, MS. MEUSE — ABSENT, MR. CONNOR — YES, MR. MALLOY — NO, MR. HOYDICK — YES.

5.2.2 PUBLIC WORKS COMMITTEE — The Public Works Committee conducted a regularly scheduled meeting on October 17, 2011 with the following referrals to Council with favorable recommendation

A. Contract modification for Bruce Avenue restoration project — construction administration budget. Corrective work includes: remilling and paving the west side of road to correct ponding, reworking handicap ramps at Boston and at Barnum, and correcting a steep driveway apron. The consultant will require additional time to oversee this and complete the DOT and Federal paperwork for the grant.

RESOLVED: that the recommendation of the Building Needs committee is accepted and the modification to the Tighe&Bond, Inc.’s contract for the amount of \$7,810.00 be and is hereby approved/denied.

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. SANTI TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE AS FOLLOWS: MR. BARNABY — YES, MS. PHILIPS — YES, MR. CATALANO — YES, MR. SANTI — YES, MR. DEMPSEY — YES, MR. FULLER — YES, MS. MEUSE — ABSENT, MR. CONNOR — YES, MR. MALLOY — YES, MR. HOYDICK — YES.

B. Contract Modification for Broad St. Bridge — Roadway reconstruction and culvert replacement at Broad Street over Ferry Creek.

RESOLVED: that the recommendation of the Building Needs committee is accepted and the modification to the STV contract for the amount of \$222,329.00 be and is hereby approved/denied.

COMMITTEE REPORTS — continued

PUBLIC WORKS COMMITTEE — continued

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. SANTI TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE AS FOLLOWS: MR. BARNABY — YES, MS. PHILIPS — YES, MR. CATALANO — YES, MR. SANTI — YES, MR. DEMPSEY — YES, MR. FULLER — YES, MS. MEUSE — ABSENT, MR. CONNOR — YES, MR. MALLOY — YES, MR. HOYDICK — YES.

5.3 TOWN ATTORNEY'S REPORT

5.3.1 CLAIMS REPORT — No business furnished.

5.3.2 PURCHASE OF 269 SEDGEWICK AVE.

Mr. Bishop requests taking the foregoing item into executive session for the purpose that it is a property transaction and disclosure of facts and circumstances may result in a value increase. Mr. Bishop would like that motion to include all members of the Stratford Town Council, Assistant Town Attorneys, the Mayor and the Mayor's staff and himself.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. FULLER TO ENTER INTO EXECUTIVE SESSION PRIOR TO CONCLUSION OF THIS MEETING TO DISCUSS THE ABOVE-CITED ITEM FOR THE REASON AS STATED ABOVE WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE MENTIONED INDIVIDUALS. THE MOTION CARRIES UNANIMOUSLY.

5.3.3 TAX LIEN TRANSFERS

Mr. Bishop requests taking the foregoing item into executive session for the purpose that it is third party strategy and negotiations with respect to claims. Mr. Bishop would like that motion to include all members of the Stratford Town Council, Assistant Town Attorneys, the Mayor and the Mayor's staff and himself.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. FULLER TO ENTER INTO EXECUTIVE SESSION PRIOR TO CONCLUSION OF THIS MEETING TO DISCUSS THE ABOVE-CITED ITEM FOR THE REASON AS STATED ABOVE WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE MENTIONED INDIVIDUALS. THE MOTION CARRIES UNANIMOUSLY.

TOWN ATTORNEY'S REPORT — continued

5.3.4 ACQUISITION OF 2 LOTS – SILVER LANE and TIMBER RIDGE

Mr. Bishop requests taking the foregoing item into executive session for the purpose that it is a property transaction. Mr. Bishop would like that motion to include all members of the Stratford Town Council, Assistant Town Attorneys, the Mayor and the Mayor's staff and himself.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. HOYDICK TO ENTER INTO EXECUTIVE SESSION PRIOR TO CONCLUSION OF THIS MEETING TO DISCUSS THE ABOVE-CITED ITEM FOR THE REASON AS STATED ABOVE WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE MENTIONED INDIVIDUALS. THE MOTION CARRIES UNANIMOUSLY.

5.3.5 QUESTIONS TO THE TOWN ATTORNEY — No questions.

**6. QUESTIONS TO MAYOR OR STAFF**

Mr. Fuller — re: status of Stratford High and Honeyspot schools renovations projects

Mr. Catalano — re: Damage to Bonds dock from Hurricane Irene, liability issues

Mr. Santi — re: relocation of Main Street near Airport

**7. UNFINISHED BUSINESS and/or OLD BUSINESS**

7.1 SAEP — Previously mentioned.

7.2 TABLED ITEMS — None

7.3 TABLED ORDINANCES AND RESOLUTIONS

7.3.1 RESOLUTION re: John Benjamin House at 1850 Elm Street (Tabled during meeting of May 9, 2011)

sponsored by: Hon. Matthew Catalano, Third District Council Member

WHEREAS; the John Benjamin House, a.k.a. “the white house”, a.k.a. Shakespeare Academy, located at 1850 Elm Street at the entrance to the Shakespeare Theater has significant historic value as recognized by its inclusion on the National Register of Historic Places and within the Stratford Federal Historic District; and

RESOLUTION re: John Benjamin House at 1850 Elm Street — continued

WHEREAS; this house is ~~a prime~~ the best example of Greek Revival architecture, circa 1840, and is the last Grand Mansion in Stratford; and it is also significant for the people who lived there, most notably Igor Sikorsky’s chief engineer and designer and,

WHEREAS; State and Federal grants may be available to restore and revive this mansion through the Historic Restoration Funding Program;

NOW THEREFORE BE IT RESOLVED, that ~~the members of the Stratford Historic District Commission do hereby petition~~ the Stratford Town Council authorize the Mayor and the Town Attorney to take necessary steps to incorporate this property into the Stratford Historic District and afford to it all the protections and considerations applicable thereunder.

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. SANTI TO TAKE THE FOREGOING RESOLUTION OFF THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. SANTI TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

7.3.2 RESOLUTION RE: PROJECT AGREEMENT WITH HONEYWELL INTERNATIONAL, INC. — Tabled during Council meeting of October 11, 2011

sponsored by: The Stratford Town Council

**WHEREAS**, the Town of Stratford Town Council previously acted to authorize the Mayor of the Town of Stratford to negotiate, execute and sign any and all documents required to enter into the overall Project Agreement with Honeywell International, Inc. to deliver the project and its related energy savings to the citizens of Stratford; and

**WHEREAS**, the cost of the Project Agreement shall be as follows:

Project Cost	\$10,477,470.00
Contingency Fund	\$250,000.00
Cost of Issuance	\$92,500.00
Less Grant	<u>(\$208,000.00)</u>
Total Financed Amount	\$10,611,970.00

**NOW THEREFORE, BE IT RESOLVED** by the **TOWN COUNCIL OF STRATFORD** as follows:

The Town of Stratford Town Council reaffirms the authority of the Mayor of the Town of Stratford to negotiate, execute and sign any and all documents required to enter into the overall Project Agreement, attached as Exhibit A, with Honeywell International, Inc. to deliver the project and its related energy savings to the citizens of Stratford.

RE: RE: PROJECT AGREEMENT W/HONEYWELL INTERNATIONAL, INC –cont’d

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. FULLER TO TAKE THE FOREGOING RESOLUTION OFF THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. DEMPSEY TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE AS FOLLOWS: MR. BARNABY — YES, MS. PHILIPS — YES, MR. CATALANO — YES, MR. SANTI — YES, MR. DEMPSEY — YES, MR. FULLER — YES, MS. MEUSE — ABSENT, MR. CONNOR — YES, MR. MALLOY — YES, MR. HOYDICK — YES.

7.4 TABLED APPOINTMENTS

7.4.1 STRATFORD HOUSING PARTNERSHIP — § 5-63 of Town Code. Council chairman, with advice of Council, appoints the members of the Partnership and shall make all appointments for vacancies and unexpired portion of terms.

A MOTION WAS MADE BY MR. HOYDICK SECONDED BY MR. BARNABY TO REMOVE THE FOLLOWING THREE APPOINTMENTS, [(1), (2), and (3)] FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

Chairman Malloy appointed the following and asked for ratification of the appointments.

7.4.1.1 REPRESENTATIVES OF THE LOCAL BUSINESS COMMUNITY — (3 Members, 3-year terms)

(1) RESOLVED: that DAVID FULLER of 48 SUNNYBANK AVENUE be and is hereby appointed the Business Community representative to the Stratford Housing Partnership. (term of Alvin O’Neal ended February 22, 2004)

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. HOYDICK TO RATIFY THE APPOINTMENT OF DAVID FULLER. THE MOTION TO RATIFY PASSED UNANIMOUSLY.

(2) RESOLVED: that THOMAS MALLOY of 80 SEKELSKY DRIVE be and is hereby appointed the Business Community representative to the Stratford Housing Partnership. (term of Walter N. Harris ended February 22, 2004)

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. HOYDICK TO RATIFY THE APPOINTMENT OF THOMAS MALLOY. THE MOTION TO RATIFY PASSED 8 TO 0 WITH ONE ABSTENTION (MR. MALLOY ABSTAINED).

(3) RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed the Business Community representative to the Stratford Housing Partnership. (term of Katherine M. O’Connor ended February 22, 1999)



TABLED APPOINTMENTS — continued

STRATFORD HOUSING PARTNERSHIP — continued

A MOTION WAS MADE BY MR. HOYDICK SECONDED BY MR. CONNOR TO RETURN APPOINTMENT 7.4.1.1. (3) TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

7.4.4 HOUSING AUTHORITY — 5-year term, appointed by Town Council

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. BARNABY TO REMOVE THE FOLLOWING TWO APPOINTMENTS (A. AND B.) FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

*Stratford Town Council meeting recessed: 9:08 p.m.*  
*Stratford Town Council meeting reconvened: 9:21 p.m.*

- A. RESOLVED: that THOMAS MALLOY of 80 SEKELSKY DRIVE be and is hereby appointed a member of the Housing Authority. [term of Ann Dizenzo (DECEASED) expires June 30, 2014]

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. HOYDICK TO APPOINT THOMAS MALLOY TO THE FOREGOING POSITION. THE MOTION PASSED 8 TO 0 WITH 1 ABSTENTION (MR. MALLOY).

- B. RESOLVED: that MARK DUMAS of 172 BEERS PLACE be and is hereby appointed a member of the Housing Authority. (term of Margaret Voccola expired June 30, 2011)

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. HOYDICK TO APPOINT MARK DUMAS TO THE FOREGOING POSITION. THE MOTION PASSED UNANIMOUSLY.

**8. ORDINANCES AND RESOLUTIONS**

**8.1 AMENDMENT TO CHAPTER 27— AN ORDINANCE ESTABLISHING POLICIES AND PROCEDURES RELATING TO THE NAMING OF PUBLIC LAND, PROPERTY AND FACILITIES (#11-22)**

Sponsored by: Council Chairman, Thomas J. Malloy

CHAPTER 27, (“*RECOGNITION OF INDIVIDUALS*”) IS HEREBY DELETED IN ITS ENTIRETY AND THE FOLLOWING IS SUBSTITUTED IN ITS PLACE:

**CHAPTER 27**

ORDINANCE #11-22 – continued

**POLICIES AND PROCEDURES RELATING TO THE NAMING  
OF PUBLIC LAND, PROPERTY AND FACILITIES**

**§ 27-1. Purpose.**

The Council believes that the designation of names for all public land, property and facilities should be approached with deliberation.

The Council further believes that the setting forth by ordinance of policies and procedures relating to the naming of public land, property and facilities is in the public interest.

**§ 27-2. Criteria For Naming.**

It is the policy of the Town of Stratford to deliberately and thoughtfully choose names for public land, property and facilities, including but not limited to, building, parks and recreation facilities based upon the following criteria, in no particular priority order:

1. Neighborhood or geographical identification (e.g., Boothe Park);
2. A natural or geological feature (e.g., Short Beach);
3. Historical or cultural significance (e.g., Academy Hill);
4. An historical figure (e.g. Thomas Jefferson Park); or an individual (living or deceased) who has made a significant land, monetary or civic contribution to the Town or gave their life while serving the United States of America in military service;
5. Naming in honor of elected or appointed public officials, Town administrative officials, staff or any municipal employee should occur only in exceptional circumstances and then only **posthumously**.
6. Where the name of an individual is recommended, consent shall be obtained from the individual or their next of kin prior to Council's public consideration. Further, where the name of an individual is recommended, the following criteria shall also be met:
  - a. The individual has been deceased for at least 5 years, and during their life made significant contributions to the Town through a long-term commitment to providing benefit to the residents and visitors to Stratford, and was not routinely compensated for rendering this service as in the case of an employment position or contract with the Town of Stratford, a State or Federal government; or
  - b. The individual has been deceased for at least 5 years, and made significant contributions to the State, the Nation or to the World through a long-term commitment to providing

benefits to others, and the results of these efforts have also provided significant benefits to Stratford's residents and government

7. As required by purchase or sponsorship agreement.
8. Where the naming opportunity is as a result of a gift the following factors must be considered:

The significance of the contribution made relative to the construction and operating costs of the item being named, and

The cost of establishing the naming option (e.g., cost of the signage to be paid by the applicant unless the City has made the request for the name change), and

Sunset clause associated with the length of time that the name will be used. Naming agreements may be renewed if the appropriate gift or sponsorship is received.

**§ 27-3. Renaming of Existing Municipal Property and Buildings, and Features.**

Recognizing that established names contribute significantly to community identity and pride, proposals to rename existing municipal property, buildings, and features must be predicated by exceptional circumstances.

Existing names will not be changed without consideration of the historical significance of the existing name, the impact on the individual or organization previously named, the cost and impact of changing existing signage, rebuilding community recognition and updating records (i.e. letterhead, databases, promotional materials). Each situation will be considered and the merits deliberated on a case-by-case basis.

Where a name change is recommended, a communication strategy will be initiated by advertising the proposed name change on the Town's web site for a period of 30 days during which time, public comments will be received and considered. All other usual notice and voting procedures relating to the ratification of Ordinances shall apply.

Nothing herein should serve to discourage the naming/renaming of a building or facility pursuant to a paid annual sponsorship agreement. Any such agreement would be evaluated on a case-by-case basis by the Town Council. Naming rights should only be granted in cases where the sponsorship commitment is extraordinary.

**§ 27-4.**

**Town Council's Exclusive Authority.**

This authority to name, rename or leave unnamed rests solely with the Town Council.

ORDINANCE #11-22 – continued

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.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMPSEY TO OPEN DISCUSSION OF THE FOREGOING ORDINANCE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMPSEY TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY.

**9. NEW BUSINESS**

9.1 APPOINTMENTS — None.

*Stratford Town Council meeting recessed: 9:29 p.m.  
Stratford Town Council meeting reconvened: 10:03 p.m.*

ACTION RE: ITEMS REFERRED TO EXECUTIVE SESSION

5.3.2 PURCHASE OF 269 SEDGEWICK AVE.

A MOTION WAS MADE BY MR. FULLER SECONDED BY MR. SANTI TO AUTHORIZE THE TOWN ATTORNEY TO TAKE THE NECESSARY STEPS THROUGH NEGOTIATIONS OR EMINENT DOMAIN. THE MOTION PASSED UNANIMOUSLY.

5.3.3 TAX LIEN TRANSFERS

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. FULLER TO AUTHORIZE THE TRANSFER OF LIENS TO THE TOWN ATTORNEY. THE MOTION PASSED UNANIMOUSLY.

5.3.4 ACQUISITION OF 2 LOTS – SILVER LANE and TIMBER RIDGE

A MOTION WAS MADE BY MR. HOYDICK SECONDED BY MR. CATALANO TO AUTHORIZE THE TOWN ATTORNEY TO PREPARE THE DOCUMENTS IN CONNECTION WITH THE ACQUISITION. THE MOTION PASSED UNANIMOUSLY.

**10. 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 MR. SANTI, SECONDED BY MR. HOYDICK, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:06 p.m.

AMENDMENT TO CHAPTER 83, ARTICLE VII — FEEDING OF WILDLIFE (#11-13)

Statement of purpose:

Because of the threat of rabies in wildlife and the threat to the health and safety of all residents, an ordinance restricting the feeding of wildlife is being proposed jointly by the Animal Control Division of the Stratford Police Department and the Stratford Health Department.

- The feeding of wildlife is extremely disruptive to the natural feeding habits of wildlife; while people enjoy handing out food, the action is detrimental to the animals.
- The intentional feeding of wildlife not only attracts predators, feeding wildlife can result in wildlife being concentrated at artificial feeding areas, making them more susceptible to disease transmission.
- Feeding wildlife puts them on a collision course with humans. Deer (and other animals) who approach humans and eat from their hands are not tame; they are bold. Deer have razor-sharp hooves and antlers, and can severely injure or kill a human with a strike.
- Animals used to being fed become habituated to human-provided food & alter their natural foraging behavior.
- Animals fed by humans are drawn into heavy traffic areas seeking handouts, and can be killed by vehicles, or cause accidents killing humans.
- Pets can become involved in altercations with wildlife. Dogs especially can get into conflicts with possibly sick wildlife and become injured or diseased.

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Sponsored by: Stratford Town Council

Article VII of Chapter 83 of the Stratford Town Code is hereby repealed with the following to be substituted in lieu thereof:

ARTICLE VII  
Feeding of Wildlife

Section 83-26. Statement of Purpose.

The purpose of this article is to prohibit the feeding of unconfined wildlife, including ducks and geese, in any public park or on any other property owned or operated by The Town of Stratford and to restrict the feeding of unconfined wildlife on private property so as to protect the public health, safety and welfare of the citizens of the Town of Stratford.

ORDINANCE — #11-13

Section 83-27. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.
- d. Non profit agencies/organizations shall be exempt from this regulation if the feeding is for trapping purposes.

Section 83-28. Prohibited Conduct.

- a. No person shall feed any wildlife on a continuous basis, excluding confined wildlife (wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers) in any public park or on any other property owned or operated by The Town of Stratford.
  - (1) No persons shall deposit, place, distribute, or leave any foodstuffs of any kind or nature within the designated boundary of Longbrook Park or Wooster Middle School, save and except in a receptacle provided by the Town for that purpose.
  - (2) No persons shall feed any animal, including but not limited to, birds or waterfowl, within the designated boundary of Longbrook Park or Wooster Middle School.
- b. The feeding of unconfined wildlife shall be permitted outdoors on private property at such times and in such numbers that:
  - (1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property;
  - (2) Does not create an accumulation of droppings on the property and surrounding properties;
  - (3) Does not become an attractant for rodents or other wild animals;
  - (4) Bird feeders are placed at least five feet above the ground;

(5) No food left overnight on the property (bowls, containers, etc..)

c. The provisions of this section shall not apply to any public officer or public employee in the performance of his or her duties.

Section 83-28A. Enforcement and Penalties.

a. The prohibitions contained in § 83-28 of this article shall be enforced by Health Department, Animal Control Officer or Police Officer. Any person found to be in violation of these provisions shall be ordered to cease the prohibited conduct immediately.

b. Any person(s) who is found to be in violation of any provision contained in this article, shall, for the first offense, be subject to a written warning by the Stratford Health Department ordering such person cease the prohibited conduct immediately. The Stratford Animal Control Officer shall thereafter fine any person \$100.00 for any second offense, \$200.00 for any third offense and a \$300.00 fine for all subsequent offenses.

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$7,364,800 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2011-2012 (#11-19)

WHEREAS, an ordinance entitled “An Ordinance Appropriating \$7,364,800 For Various Public Improvements In The Capital Improvement Program For Fiscal Year 2011-2012” has been enacted by the Town Council at its meeting on September 12, 2011 (the “Original Appropriation Ordinance”);

WHEREAS, the Town Council desires to amend the Original Appropriation Ordinance to increase the amount of the appropriation set forth therein for the costs of various energy improvement projects to be installed at various Town facilities, including, but not limited to, the purchase and installation of equipment to achieve savings in energy costs, including, among other things, new windows, lighting, and upgrades to HVAC heating and cooling systems, all as detailed in an Energy Performance Contract to be entered into by and between the Town and Honeywell International Inc., and all alterations, repairs and improvements in connection therewith, as well as engineering, architectural and financing costs (the “Energy Improvement Projects”);

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

Section 1. The caption of the Original Appropriation Ordinance is hereby amended to increase the amount of the appropriation set forth therein by \$10,611,970 from \$7,364,800 to \$17,976,770.

Section 2. Section 1 of the Original Appropriation Ordinance is hereby amended to add the line item “Energy Improvement Projects” in the amount of \$10,611,970 under the heading “Town Facilities.”

Section 3. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

Enacted by Town Council: \_\_\_\_\_, 2011

Approved by Mayor:

\_\_\_\_\_  
Mayor Date

Notice of Passage Published: \_\_\_\_\_, 2011

Effective Date of Ordinance: \_\_\_\_\_, 2011



AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$10,611,970 OBLIGATIONS OF THE TOWN FOR THE COSTS ASSOCIATED WITH VARIOUS ENERGY IMPROVEMENT PROJECTS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#11-20)

**WHEREAS**, an ordinance entitled “An Ordinance Appropriating \$7,364,800 For Various Public Improvements In The Capital Improvement Program For Fiscal Year 2011-2012” has been enacted by the Town Council at its meeting on September 12, 2011 (the “Original Appropriation Ordinance”);

**WHEREAS**, the Town Council has determined that it is in the best interest of the Town of Stratford (the “Town”) to approve additional appropriation and borrowing authorization in the amount of \$10,611,970 for the Capital Improvement Program for Fiscal Year 2011-2012 for the costs of various energy improvement projects to be installed at various Town facilities, including, but not limited to, the purchase and installation of equipment to achieve savings in energy costs, including, among other things, new windows, lighting, and upgrades to HVAC heating and cooling systems, all as detailed in an Energy Performance Contract to be entered into by and between the Town and Honeywell International Inc., and all alterations, repairs and improvements in connection therewith, as well as engineering, architectural and financing costs (the “Energy Improvement Projects”);

**WHEREAS**, the Town has together herewith enacted an ordinance amending the Original Appropriation Ordinance entitled “An Ordinance Amending An Ordinance Appropriating \$7,364,800 For Various Public Improvements in the Capital Improvement Program For Fiscal Year 2011-2012”, whereby the Town increased the amount of appropriation for the Capital Improvement Program for Fiscal Year 2011-2012 from \$7,364,800 to \$17,976,770 for purposes of adding the Energy Improvement Projects;

**WHEREAS**, the Town is contemplating the issuance of various obligations to finance a portion of the cost of the Energy Improvement Projects, including, but not limited to, tax exempt bonds and notes, tax-exempt lease purchase agreements, and tax credit bonds, including Qualified Energy Conservation Bonds;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:**

**Section 1.** To meet the appropriation of \$10,611,970 necessary to fund the Energy Improvement Projects and finance such additional costs and expenses related thereto, as the Mayor and the Director of Finance shall approve for the funding of necessary and appropriate financing and/or issuance costs including, but not limited to legal, advisory, credit enhancement, trustee, underwriters’ discount and printing and administrative expenses, various obligations of the Town, including, but not limited to, bonds, notes or lease purchase agreements, or some combination thereof (collectively, the “Obligations”) may be issued or entered into by the Town which mature not later than the twentieth year after their date, or any earlier date, if required by federal, state or local law.

**Section 2.** The aggregate amount of Obligations to be issued or entered into shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the Town’s aggregate share of the

cost of the Energy Improvement Projects determined after considering the estimated amounts and timing of any state, federal and private grants and any other funding or assistance which may be available for the Energy Improvement Projects, provided that the total amount of Obligations to be issued or entered into 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 any and all outstanding temporary borrowings issued in anticipation of the receipt of the proceeds of the Obligations and to pay for costs of issuance of the Obligations.

**Section 3.** The Obligations, if issued as 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 Pullman & Comley, LLC, Attorneys-at-Law. Such Obligations may be issued in one or more series as determined by the Mayor and the Director of Finance and shall be general obligations of the Town and shall recite that every requirement of law relating to its issue has been duly complied with, that such Obligation 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 such Obligations issued pursuant to this ordinance.

**Section 4.** If issued as bonds, the Mayor and Director of Finance are hereby authorized to determine the aggregate principal amount of such Obligations of each series, the annual installments of principal, date, maturity, prices, interest rates whether fixed or floating, form, redemption provisions, if any, the certifying registrar and transfer agent, the manner of sale or other terms and conditions of such Obligations, including the terms of any reserve that might be established as authorized herein, and whether any of such Obligations will be issued as a taxable obligation, including, but not limited to, any tax credit bonds, including Qualified Energy Conservation Bonds, all in such a manner as the Mayor and Director of Finance shall determine to be in the best interests of the Town and in accordance with the General Statutes of Connecticut, Revision of 1958, as amended (the "Connecticut General Statutes") as well as any federal or local law requirements, and to take such actions and to execute such documents, agreements, contracts and/or certificates, or designate other officials or employees of the Town to take such actions and to execute such documents, agreements, contracts and/or certificates, as deemed to be necessary or advisable and in the best interests of the Town by the Mayor and Director of Finance in order to issue, sell and deliver such Obligations and complete the Energy Improvement Projects, including, but not limited to, any energy performance contract, tax agreement or financing statement.

**Section 5.** If issued as bonds, the Obligations shall be sold by the Mayor and the Director of Finance in a competitive offering, by negotiation or in a private placement in their discretion. If sold in a competitive offering, such Obligations 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. If such Obligations are sold by negotiation or a private placement, the provisions of the purchase agreement shall be approved by the Mayor and Director of Finance.

**Section 6.** If issued as bonds, the Mayor and Director of Finance are hereby authorized, if they determine it is in the Town's best interests, to acquire, on behalf of the Town, bond insurance or other forms of credit enhancement guaranteeing the Obligations on such terms as the Mayor and Director of Finance determine to be appropriate, such terms to include, but not be limited to, those relating to fees, premiums

and other costs and expenses incurred in connection with such credit enhancement, the terms of payment of such expenses and costs and such other undertakings as the issuer of the credit enhancement shall require; and the Mayor and Director of Finance, if they determine that it is appropriate, are authorized, on the Town's behalf, to grant security to the issuer of the credit enhancement to secure the Town's obligations arising under the credit enhancement, including the establishment of a reserve from proceeds of such Obligations.

**Section 7.** With respect to any Obligation that is entered into by the Town in the form of a lease purchase agreement (a "Lease/Purchase Agreement"), the Mayor and Director of Finance are hereby authorized on behalf of the Town to negotiate, execute, deliver and enter into a Lease/Purchase Agreement on behalf of the Town. The Mayor and Director of Finance are authorized to take all action necessary or reasonably required by the parties to the Lease/Purchase Agreement to carry out, give effect to and consummate the transactions contemplated thereby, and to take such actions and to execute such documents, agreements, contracts and/or certificates, or designate other officials or employees of the Town to take such actions and to execute such documents, agreements, contracts and/or certificates, as deemed to be necessary or advisable and in the best interests of the Town by the Mayor and Director of Finance in order to negotiate, execute, deliver and enter into the Lease/Purchase Agreement and complete the Energy Improvement Projects, including, but not limited to, any energy performance contract, escrow agreement, deposit and control account agreement, tax agreement or financing statement. With respect to any Lease/Purchase Agreement, the Mayor and Director of Finance are hereby authorized on behalf of the Town to determine whether such Lease/Purchase Agreement will be a charge upon the general credit or taxing power of the Town and whether such Lease/Purchase Agreement may include a "nonappropriation of funds" clause allowing for termination of the Lease/Purchase Agreement in the event sufficient funds are not appropriated by the Town to make the annual rental payments under the Lease/Purchase Agreement.

**Section 8.** The Mayor and the Director of Finance are hereby authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any Obligations. 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 Pullman & Comley, LLC, Attorneys-at-Law, 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 any Obligations, may be included as a cost of the Energy Improvement Projects. Upon the sale of the Obligations, 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 9.** 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 prior to and anytime after the date of passage of this ordinance in the maximum amount for the Energy Improvement Projects with the proceeds of any Obligations authorized by the Town. The Obligations shall be issued or entered

into to reimburse such expenditures not later than 18 months after the date of the expenditure or the substantial completion of the Energy Improvements Projects, 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 her designee is authorized to pay project expenses in accordance herewith pending the issuance of any reimbursement obligations, and to amend this declaration.

**Section 10.** 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 the holders of any Obligations to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (“MSRB”) and to provide notices to the MSRB 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 issuance and/or delivery of the Obligations authorized by this ordinance. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

**Section 11.** The Mayor, Director of Finance and any other appropriate Town official are hereby authorized to apply for and accept any available federal, state or private grants or assistance for the financing of the Energy Improvement Projects, including, but not limited to, any volume cap allocation, utility rebates or DPUC grants, and to take all action necessary or proper in connection therewith.

**Section 12.** The Mayor and Director of Finance are hereby authorized to allocate any unused proceeds of any Obligations to public improvements previously authorized by the Town Council for bonding, consistent with the applicable tax and other laws, as deemed necessary or advisable and in the best interests of the Town by the Mayor and Director of Finance.

**Section 13.** It is hereby found and determined that the estimated period of utility for the Energy Improvement Projects is at least twenty years.

**Section 14.** This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

Enacted by Town Council: \_\_\_\_\_, 2011

Approved by Mayor:

\_\_\_\_\_  
Mayor Date

Notice of Passage Published: \_\_\_\_\_, 2011

Effective Date of Ordinance: \_\_\_\_\_, 2011

RESOLUTION RE: NAMING OF LITTLE LEAGUE FACILITY A SHORT BEACH

Whereas, Rep. Terry Backer was elected to the Connecticut House of Representatives in 1993 as the Representative from the 121st Assembly District in Stratford, Connecticut and is currently serving his ninth term having been re-elected in 2010 to another two year term; and

Whereas Rep. Backer Backer has served in numerous positions, including; Vice Chairman of the Appropriations Committee, Chairman of the Energy and Technology Committee, Assistant Majority Leader and Assistant Majority Whip; and

Whereas Rep. Backer has also held the position in the Connecticut General Assembly of House Chairman of the Appropriation subcommittee on Conservation and Development and he has chaired the subcommittee from 1993 to 2008 and again for the 2009/2010 term, which subcommittee is tasked with crafting the budget for several state agencies which includes; the Department of Environmental Protection, the state Labor Department, the Department of Economic Development and Housing and the Culture and the Tourism Board and the Department of Agriculture , as well as other state agencies; and

Whereas during his tenure as Chairman of the Energy and Technology Committee (2002-2003), Rep. Backer, oversaw and wrote the clean up legislation to the State of Connecticut's 1998 Electric Deregulation and Restructuring law. He added improvements to the environmental and renewable energy components to the law. Rep. Backer expanded the Renewable Portfolio Standards, created Project 100; a renewable energy program design to implement renewable generation in the state and passed the Energy Efficiency Standards of Commercial Appliances bill; and

Whereas Rep. Backer has focused his activities in the Environment Committee on water quality improvements and reduction of pollution from storm water. His activities in the Energy and Technology Committee have focused on renewable energy and energy security with a special interest in Peak oil concerns. House Speaker Chris Donovan (D-Meriden) appointed Representative Backer to chair a sub-committee on Clean Energy and Energy Efficiency in the 2009/2010 legislative session. Representative Backer's Committee assignments for the 2011-2012 legislative session are; the Environment Committee and Energy and Technology Committees as well as serving as Assistant Majority Whip; and

Whereas in July of 2007, Backer founded the Connecticut General Assembly's, Peak oil and Natural Gas Caucus. The Caucus was formed to investigate the status of world petroleum based fuel supply, the impact of escalating cost on the society and the economy, as well as, post carbon fuel implications for the current government planning process; and

Whereas in September 2008, Representative Terry Backer was awarded the "Congressman Roscoe Bartlett Speaking Truth to Power" award from the Association for the Study of Peak Oil USA

RESOLUTION RE: LITTLE LEAGUE FACILITY A SHORT BEACH — continued

(ASPO-USA). The award was given at Sacramento, California during the ASPO-USA annual meeting. Representative Backer was awarded the honor for his work on two landmark reports to the Connecticut legislature and the state's Governor regarding diminishing flows of oil due to resource depletion and geopolitical problems facing global oil production. The reports focused on global conditions and addressed impending cost and availability, as well as, potential shortages to the state; and

Whereas Rep. Backer's support and hard work were instrumental in obtaining funding for the construction of the Little League Fieldhouse at Short Beach and Re. Backer's support for children and families during his tenure in the CT house of Representatives has had a lasting and positive influence on the quality of life for all residents of the Town of Stratford;

Now, therefore, the Stratford town council hereby Resolves to name the new Stratford Little League Fieldhouse at Short Beach in honor of Representative Terry Backer and the Mayor of the town of Stratford, John A. Harkins, is hereby authorized to take any and all action in furtherance of this resolution.