

MINUTES OF THE COUNCIL OF THE CITY OF NEW LONDON

A Regular Meeting of the Council of the City of New London was called to order at 7:00 p.m. on Tuesday, February 19, 2008, in the Council Chambers, Municipal Building, 181 State Street, New London, Connecticut.

Present:

Mayor Cavanagh, presiding
Deputy Mayor Hyslop
Councilors Buscetto
 Curtin
 Maynard
 Pero
 Spreccace

2.0 Prayer and Pledge of Allegiance

Deputy Mayor Hyslop led the prayer for the evening.

Our God and our Father, we are thankful this evening for the opportunity, we have to come and stand in your presence. We pray, dear Heavenly Father that thy will come into the midst of this gathering and as you come Lord, we pray Master that thy will guide our thoughts and guide our actions that we might continue, O God, to be considerate of all the residents of the city of New London. We pray, Master, that what we do here this night Lord, is done for all those and that we do it with a clear conscious. Above all Lord, we pray Master, that thy shall continue to watch over each one of us as we continue to do our daily tasks. In your name, we do pray. Amen

Mayor Cavanagh took a point of personal privilege to extend thanks on behalf of his entire family to all the Councilors and the people of New London who over the last several weeks sent notes, cards, flowers, emails, and called regarding the illness and death of his sister.

Councilor Curtin requested a moment of silence for Nancy Cavanagh Starrett.

Council recessed its meeting at 7:04 p.m. to reconvene the Public Hearing regarding the Community Development Block Grant Program / July 1, 2008 – June 30, 2009. Council reconvened its meeting at 8:12 p.m.

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Councilor Curtin requested a point of personal privilege to acknowledge the passing of former Deputy Mayor Terrence Brennan and to request a moment of silence.

3.0 Public Hearings

The New London City Council held a public hearing a 6:00 p.m., chaired by Councilor Adam Spreace, Chairman of the Council Committee on Public Welfare, regarding the Community Development Block Grant Program for the fiscal year July 1, 2008 through June 30, 2009.

4.0 Minutes of Previous Meeting

A motion made by Councilor Curtin, seconded by Mayor Cavanagh, to approve the minutes of the regular meeting of February 4, 2008, as corrected. [Pages 32 and 33]

5.0 a) Public Comment

Dr. David Hayes, Ocean Avenue, might I gently suggest that if you put your mind to it there's a better way to handle the CDBG apples and the Council's oranges or whatever. You don't need to mix them up this way and maximize the inconvenience of some people who are only coming here to the Council meeting. It can be done, but that's just an aside. A couple of things. The matter of the Cross Sound Ferry and the property the City would like to sell. You need to be sure that the state statute dealing with the sale of public property by communities or the state is adhered to pretty much to the letter and keep the playing field level. Do not do special favors for big players simply because they are big players. You shouldn't be doing things for Cross Sound Ferry that you might not do for other people. You don't even know in the real world until you have the public hearing whether anybody else is seriously interested in that property. You may have an opinion about that, but it is only an opinion until you hold the public hearing. So I am glad to see that you are going to do that. It is sort of interesting when you listen to how The Day quotes Stanley Mickus. He thinks it's a done deal. If it's a done deal, it's only done because you haven't followed the law. And, I hope that does not come to pass. You need as I said to keep the playing field level. That's important. The only other thing I would comment about has to do with 7.1 (c) the NLDC Newsletter of February 8th. The progress on the Office/R&D Center is good. All you have to do every so often and I do this, drive out there and see that they are working and their timetable is probably within

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5.0 a) Public Comment (Continued)

Dr. David Hayes comments continued: reason. Although, in the real world, chances are it's going to take longer than they presently think. But, it will get done, which is good. However, other matters relating to Fort Trumbull, you'd better keep your fingers crossed. I am speaking about financing for the residential component. This is not a good economic time to be doing that. Maybe they'll get done, but don't hold your breath for a while. And one other thing about that, Fort Trumbull. If you had to identify the most messy, depressing bunch of buildings that are boarded up and falling apart and all sorts of rubbish around, where do you suppose that would be. Where else but in Fort Trumbull. On the one hand, 200 yards to the north you have that building that is being totally renovated, externally, it looks pretty good. Two hundred yards to the south you have multiple buildings that are partially boarded-up lower windows and doorways, great big black painted lettering No Trespassing-Keep Out and so forth, and then you have the cellar hole from the Kelo house. And what do you suppose somebody coming to Fort Trumbull thinks whenever they see those buildings all boarded-up. Is that good, is that a good image for New London. In my opinion, I think what happened to Fort Trumbull was a crime, but that's over and done with. But for heaven's sake, get NLDC to bulldoze down that mess that remains. You really need to get them to do that. While you are doing that, I suggest somebody put up a nice 4x4 sign in the cellar hole where the Kelo place was saying Suzette Kelo lived here.

Harold Arkava, Bulkeley Place, it won't be necessary for me to go up there, my voice carries. I am here this evening because I was provoked by a little quote I read in the paper a couple of weeks ago. "It's a good deal for the City." My ears perked up because as the former Chairman of the Planning & Zoning Commission in the City of New London, I was also interested then and still interested now, in what is best for the city. Come to find out that it's the parcel of land approximately 16,400 sq. ft. on the waterfront that is leased for 40 years to the ferry operation at the magnificent sum of \$1290.68 per month. The lease expires in 2039. If we let the lease run with adjustments here and there, we will realize in excess of \$500,000, and we will still own the property. Now that is what I call a good deal. It is preposterous to think that someone, I don't know who, someone thinks that we, the voting public and the taxpaying public and the citizens of this great community, are going to be roped into giving that parcel of land away for \$330,000 when it's assessed by the city itself for approximately \$450,000. I am very upset that someone thinks that I am such a horse's behind that I would go for something like that. It isn't going to fly and it's up to you people to make sure it doesn't fly. That land is too valuable to give away or even sell to anyone. And frankly and

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5.0 a) Public Comment (Continued)

Harold Arkava, comments continued: honestly, I think this is the fox in the hen coop over there. This is a ploy by the people supporting the ferry operation to put that monstrosity skyway back. That's what I think it's all about. Now I have no evidence to support that. That's just a gut feeling. I've made a lot of decisions on the Planning & Zoning Commission following my gut and things worked out pretty well. We have one hell of a community. It's never been any better than it's been now. We have a lot of problems with violence. I am a victim of violence and I'm going to address that, The Day has asked me to write a paper about it. Four years ago this June, I was a victim of a hit and run. The perpetrator has never been apprehended, at the corner of Briggs and Williams Streets. I walk to Quaker Hill every day, and I walk by the arboretum, I don't walk in the dark anymore, it's too dangerous. We have a problem in the way we handle traffic in this city. The ferry people are going to come in and tell you they need the skyway to save the lives that haven't been destroyed yet crossing over Water Street. The first thing you've got to do slow the drivers down. At the corner of Bank and State Streets put up a sign no turn on red; and down at the bottom put in a few of the speed bumps. Make it unpleasant for them to scoot around that area. Then you won't have the problem with pressure from the ferry business. Williams Street is going to be the next fatality in the city of New London not by pistol, but by traffic. I walk there everyday. It is a state law that when you see the white markings that you stop. The day before, I did five and one-half miles to Senkow Drive. To get across the street where Mr. G's is located, I had to watch 95 cars pass before some gentlemen finally realized that a pedestrian with a cane wanted to cross the street. I'll get back to the ferry and then I'll sign-off and go home. I understand you are going to have a special meeting about the ferry business. I just want to caution you to use your common sense. Think about the million and half people that exit the ferry slip, where do they go. They go to the traffic light, go north to Norwich, Montville, Springfield, Hartford, New Haven, but they don't go through town to buy a cup of coffee. So where is the economic benefit to the city of New London. It is non-existent. We have a shot here to straighten this community out big time. We have something nobody else has that harbor. A few years ago the ferry operation had the unmitigated gall to dump raw sewage into the Thames River. My river where I swim as a kid, it was clean then, it was still Thames Shipyard, but they didn't empty raw sewage there. I question the bonafidities(?) of this operation. They say they'll do certain things but they don't. I urge you all to get a copy of this lease and all the revisions therein. Because they are suppose to do certain things. To the best of my knowledge, I don't believe there is a ferry terminal there; they didn't provide the bulkheads with the backfill.

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5.0 a) Public Comment (Continued)

Evelyn Louziotis, Lower Boulevard, I saw your agenda tonight and I really can't help but make a comment that five members of this council said it's not going to cost the taxpayers one cent. I see here that the Council's going award the contract to Tai Soo Kim Partners in the amount of \$1,728,370. Who's going to pay for that. I also don't like the fact that the article I read in the paper last Friday, I think it is deplorable that we have all these figures out here, and really, Mr. Mayor, I don't think I can believe Dr. Clouet with his figures. You've get figures here, figures here, everyone has their figures, but nothing matches. Then we're telling people to adjust the grades, come on, that was a little too much for my blood. I think an investigation ought to be done on that, a forensic investigation, and it will done freely by Dr. Fusgo, if you want to.

Michael Thiebolt, 10 Wilson Avenue, Quaker Hill, I'd like to start out by saying there's no wonder why there is so much violent crime in New London when there's so much questionable activity by the City Council. If the City Council would spend more time on the welfare of the entire city rather than cooking up backroom deals for the rich maybe the violent crime rate would also drop. First there was the NLDC brought in by a lobbyist that was paid about half million dollars in state funds, next there was the Jennings School scam with who knows how many politicians in Hartford lined their pockets with a payoff, next was the magnet school. Guess which council member received campaign contributions. Then came Corcoran Jennison the leasing of building two in Fort Trumbull for a \$1 a year. Guess which lobbyist used to belong to the law firm representing Corcoran Jennison. Then there was the \$60 million magnet school deal from the same lobbyist who brought in NLDC. Next the City parking lot scam. Guess who the lobbyist is for the beneficiary of that scam. Guess which city councilor is the client of the lobbyist that threw a giant birthday bash for. Next will be followed by the sky bridge scam connecting the new transportation center to go in front of Water Street Parking Garage. Guess what. The same lobbyist. Don't forget the parking garage scam. After tens of thousands of dollars in new lighting fixtures were installed at government expense, the previous council sold it to one of their own members after the Parking Commission claimed the garage could not produce a profit. The councilor also served on the Parking Commission for years. Then turned around and doubled his daily parking rate. Why couldn't he have thought of that brilliant solution when the city owned it. How about inviting the shadowy lobbyist to come out of hiding, publicly, and tell us exactly what he makes off these scams. The City Pier scam is illegal. Under the New London ordinance, property to be disposed of must be offered to public bid before it can be sold. The reason this is an ordinance is to prevent the sort of corruption that surrounds this whole (unclear). Under the New London ordinance, taxpayers can only obtain a tax

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5.0 a) Public Comment (Continued)

Michael Thiebolt comments continued: abatement by petitioning the council at its first meeting in August every year and proving that they are too poor and unable to afford the same tax rate as everyone else pays. The reason that this is an ordinance is to prevent council from giving sweetheart tax breaks to the rich. Why should the richest man in the region pay a lower tax rate than everyone else pays. In closing, I will point out the penalties for violating city ordinances are up to 30 days in prison. This also applies to members of the bar. I would suggest that the council subscribe to the Hartford Courant so they will be able to follow the progress of the grand jury investing Mayor Eddie Perez for the scandals which came to light as a result of blatant parking lot scams between the city and a friend of Perez. These scams occurred after Hartford recently switched to a strong mayor form of government. I represent watchdog taxpayers.

b) Petitions

There were no petitions submitted.

c) Response to Public Comment

Councilor Buscetto - in regards to the Cross Sound Ferry land, the Cross Sound Ferry land is not what it is made out to be. We will start with The Day paper's first story which was very disturbing and I know a lot of people who read it were very disturbed immediately. The headlines read, Cross Sound Ferry buys waterfront site from City for \$330,000. That's not unclear. It hasn't happened. So as soon as everyone picks up the newspaper and reads The Day paper, it says that they bought it already. Can somebody verify that. Has Cross Sound Ferry bought the property yet. [They have not yet bought it.] So this is absolutely misleading and untrue. It came to my attention that my friend Kevin, who I respect and I think has done a great job, he writes the story, other people put the headlines in. That is not good. When you talk of scandals, it seems to be something else going on. Then we had Councilor Pero talk about it, this is also disturbing. It's a bogus deal and that Cross Sound Ferry gets to do what no other owner in New London gets to do. Not only are we giving it to one entity and going against what the previous Council wanted, but we are giving them preferential treatment. Now a couple of things, the previous Council was accused of just about everything by people like Councilor Pero, the Democrat majority. But now he wants to go back and do what the previous Council did. That's why there are four new people. Then he talked about preferential treatment. Well, I did a little homework. I found out that we sold a building

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c) Response to Public Comment

Councilor Buscetto comments continued: for a dollar to some felons from New York and New Jersey. It happened to be a motion by Rob Pero. It was voted on unanimously by the previous council. So the idea that this is a special deal and preferential treatment is distorted. Further, I am going to read this so everyone is clear on some of the past actions of our previous Council. Minutes of the City Council May 2006. A motion made by Councilor Pero, seconded by Councilor Glover, pursuant to April 26, 2006, . . . providing for a schedule of property tax abatement for the renovations and redevelopment of the Capitol Theater, 35 Bank Street, New London, Connecticut, the motion carries 7-0. Section 1, the property taxes pertaining to the commercial development at 35 Bank Street, the Capitol Theater, shall be fully exempted from the time of closing on the property and for the first two years beginning October 1, 2006. Over the next eight years, taxes shall be based on the present day assessment of \$227,640, but adjusted for changes in the mill rate as shown by the following schedule. So when Councilor Pero says special favors are done, that's wrong. This happened already and we weren't here and it was voted on with his motion. We're just saying five years; this is eight years. We sold the building for \$1 which the assessed value is in the neighborhood of \$300,000. That seems to be a little more in question than what's going on with Cross Sound Ferry. Edgerton School was assessed at almost \$2 million. Lot six has an assessed value at \$1,549,000 which is based on the city's estimated market value of \$2,213,000 on October 1, 2003, the date of the City's last revaluation. We sold it for \$325,000. There is another property at 13 Washington Street. Taxes are fixed at \$8,500 for three years. Something no one else get to do. So there is a history of people on this Council who have sold things under not only the appraised value, but the assessed value, and actually started the motion. I think it's been damaging to our community when people are mislead. Not everyone has the details like we have the details. So when we go to the newspaper and say things, they should be factual. The newspaper writing them should be factual. I have found both of those, Councilor Pero's statements and The Day's not factual. I have a list of other properties that have been sold under the appraised value under the assessed value even on the waterfront and McWilde Corp. They just did it. They were sold under the assessed value. 13 Washington Street, motion made by Councilor Pero providing for a schedule of property tax abatement for a commercial development to be constructed at 13 Washington Street. Section 1, property taxes pertaining to the commercial development at 13 Washington Street shall be fixed for the first three years beginning October 1, 2006 and over the next seven years; taxes shall be abated on a percentage of the full assessment as determined by the Assessor in accordance with the following schedule. In the Eveleth year, full property taxes will be paid to the city. Another deal, I look at the parking garage on Governor Winthrop

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c) Response to Public Comment

Councilor Buscetto comments continued: Boulevard. Current assessed value \$606,200. We sold it for \$206,000. State Pier Road McWilde Corp assessed value \$464,800. We sold it for \$215,000. This was all before my time. When we talk about major players in our community, yes, Cross Sound Ferry is a thriving business and we rely on them. We have many initiatives to fill storefronts and clean our streets and cut down our crime, yet, we have an employer of over 400 people and we continually take shots at him. I can't understand that. We should cooperate, maybe cooperate is not the right word, we should coordinate efforts to enhance our community by working with businesses and seeing how they are successful. At our last meeting with the state legislators, we talked about putting \$1 tax per head on CSF clients. If you start that, you might as well ask Muddy Waters to give \$0.25 for every cup of coffee sold. When someone is successful, I believe envy takes over and is in the way of intelligence. I ask that when people read the newspaper and before they go on these talk shows and before they come up to councilors and insinuate that there are backdoor deals that they please call and ask how we came about our decision. We were in the same room together for both meetings; I don't know what special backdoor deal took place. I feel strongly about the way the public perceives our professionalism and in no way was any special deal cut.

Councilor Curtin - I am glad Mr. Thibolt is here tonight because he continues to call most of the shows saying the same things he said tonight accusing everyone of everything. Let me explain the situation involving Cross Sound Ferry and by 70th birthday fundraiser, which was three years ago, and he is still on it. I raised money for the Parks Conservancy and Youth Organization. I raised about \$6,000 that evening. The band was paid for by Crossing Sound Ferry. Everything that came into my fundraiser as profit was given to the two organizations. I didn't get a dime out of it. I'm not sure but I think he worked for CFS, but he no longer works there. I just wanted to clear that up.

Councilor Pero - I guess I have a different sense of walking down memory lane. Certainly when any motions are made or pulled, just for your information, any time a councilor pulls an action item, they have to make a motion. So ownership of those motions I guess pertain to me because I asked questions of those things that you stated. First off relative to the Capitol Theater, I'm glad that you think someone would have purchased that building for more than what we got. I think they were trying to give it away several years ago. The City Council that I sat on actually made the effort to repair the roof, gut the inside and take steps forward. Leading up to that vote, I did not attend the executive session. My son who was born was in the hospital very sick and had just gotten out. I did not attend that special meeting or that executive session that went on that night. I did though make the motion that night because I asked questions and the questions I did ask were did the City Manager in fact sign the agreement with this company. The answer to that was yes. So I in fact voted for it based upon the fact that if the city did not approve it, the city would be at issue in terms of litigation. So I did vote

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c) Response to Public Comment (Continued)

Councilor Pero comments continued: for that. This issue with Governor Winthrop Boulevard which you throw up, that went out to bid. Anybody had the ability to bid on it. Everybody had the ability to have a stake in it. It went through the procurement process with public bid. The person who had the highest bid got it. You didn't mention the \$4 million worth of repairs that we had outstanding that were given to us by Desman Associates, cautioning us that we should close the facility. The peril that if something should happen there, the City was at liability. We had it documented very clearly. The issue with the McWild Corporation, I believe comes under the auspices of the Redevelopment Agency. It is up to them to sell that property and they did sell it. It is not a City Council vote. If you have an issue with them selling that property, I think you might want to take that up with them. Although I do believe the City did get a return for it in terms of jobs and building there, I do think it was the right decision to make. That was not a decision of the City Council. The issue with 13 Washington Street, which I believe is under the enterprise district, which affords the ability of those benefits. They are not necessarily given to them, but they are afforded under the rights of where the parcel is located. Certainly that building is better off today than it was several years ago. To the issue relative to CSF, I stand by my statements in that it was a nice deal based upon the fact that the City got some of what we were looking for in this respect. Previous council said we found them in default of their amended agreement because they didn't build what they were suppose to build. The City Council directed its administrative staff to work with CSF on a new rent. Mr. Londregan rightfully obtained an appraisal of \$550,000 for a 19,000 sq. ft. lot. They came back with another appraisal, their own appraisal at \$330,000. We went back and forth and I think CSF informed the City that they no longer wanted to rent the parcel. They wanted to buy it. It was at that point in time that six members of the previous council, excluding Councilor Curtin she did not vote in favor of it, stated that we should send it out to RFP for sale and/or lease in the procurement process. That direction was given to staff. The new council sits down and immediately directs Mr. Londregan to start negotiation on a sale of that property with CFS. The problem I have with what happened, he came back with a memo stating what they were looking for. We started discussions in that room and all of a sudden we came out here a motion was made to sell the property. That was the motion; it's in the minutes. We voted on the minutes tonight. We all agreed on the minutes; it says to sell it to them, not to prepare a contract. Unless you are aware of state law that there is a requirement that there be a public hearing, then you won't have been aware that we needed to have a

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c) Response to Public Comment (Continued)

Councilor Pero comments continued: public hearing. Even after having a public hearing, I hope the people are provided with the facts, people are still not provided with the facts in that Mr. Londregan's memo is not published and that is it attorney-client privilege. In the minutes, it says the sale is predicated on the conditions of Mr. Londregan's memo. That should be released to the public in terms of their ability to comment at a public forum. If they don't know what all the particulars are how can you comment at a particular forum. So I guess my other issue is that this former council purchased a property located adjacent to the parking garage and our staff strongly stated to us that we need to obtain that for the proximity to the waterfront. I just don't understand why two or three months later we automatically have reversed direction on selling land and what their direction was that we need purchase land and look to keep land in close proximity to waterfront and we've kind of done an about face on this whole thing. I have a problem with the five-year hold on taxes based upon the fact we were told that from 2003 to today it is believed that commercial waterfront property has doubled in value. That is my understanding of what we were told and where things are headed. I believe that when I said they were getting preferential treatment, I believe that this entity will not be evaluated based upon the fact that we gave them a five-year set in stone assessment. I just purchased a house in April. I'm sure based upon sales of property, I am looking at an increase in value. I would think that this entity that's purchasing this property should have the same guidelines. There is a property here, it's not a building. We are talking about a surface lot. So I objected to those things based upon the direction that I was a part of in the last council. It is a little irresponsible to throw up some facts and figures too and not give the informational background. It is easy to read minutes, but it is tougher to go back and tell the people about each individual property and what the return has been. I have no problem with you disagreeing with me on this particular issue. I'm sure we will disagree on particular issues going into the future. But my sense is that this shouldn't have happened the way it happened. It is incumbent upon people in government to explain their position.

Councilor Maynard – Mr. Thiebolt, I'm so glad to see that people in Quaker Hill are concerned with public safety in New London. So I should be expecting you at our next public safety walks and stuff like that.

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c) Response to Public Comment (Continued)

Councilor Buscetto -Without telling the stories of every single property, what I tried to show was that there are special circumstances for different properties. It doesn't matter what zone you are in, we have a particular piece of property that has a frozen assessment for eight years. I don't care about motions, what you voted on is what you voted on. You supported some of these events. When you go out to RFP or to bid, does that mean you necessarily get the best price and you should sell it right away. So we went out to bid on the RFP on the garage and got \$206,000. Maybe today we could have gotten \$700,000 . The RFP process sometimes works sometimes doesn't. What we tried to do was begin negotiating a deal today and then in two weeks another assessment comes through that's just bad business. That wasn't to sidetrack anything. If it was done in April, of course, they'd be liable for an updated assessment. But since it is a unique year and we are negotiating with somebody and having a revalue at the same time. So if any other property owner in this room was making a deal with the City of New London and they signed papers and then two weeks later a revalue comes, I think they'd have a bad taste in their mouth. That is why we were going in that direction. As far as comments on the radio, they were comments after comments stated in The Day paper. I stand strongly by them. There are no allegations here, strictly facts. The fact of the matter is in town there are different deals; there are special deals for all different reasons. And you voted on them. That's the facts. There's no way you can misconstrue that. When you say that special deals were done and this is on the person that we're doing it for, you're wrong.

Councilor Pero – I guess I would say, I stood each year in the last number of years for election, the people didn't have a problem with those. Either they did not vote for me or they voted for me. I'm here so they didn't have a problem with my votes. This is before us today and I believe that it was handled inappropriately. We move on from it. I just hope from this whole process and maybe it's because we heard from a lot of people on this issue and rightly so, I heard from a lot of people on magnet school that I voted the wrong way. OK, maybe I did. We will see what happens. That's how this whole thing works. You're going to hear from people all the time. I just think moving forward every councilor has the right to say whether a thing went the right way or went the wrong way. On this one, I think it went the wrong way. Given the history of the direction we'd given our staff. I hope that maybe the staff will reconsider the parameters of the sale and even if we do sell it, I don't think it's the appropriate way to even sell it. You mention the RFP process, I believe through the RFP process you can look and evaluate whether or not you want to sell. We did that with a property down off Pequot Avenue.

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c) **Response to Public Comment (Continued)**

Mayor Cavanagh – I would just comment and I indicated this to the law director the next morning, the chair is well aware that we have hold a public hearing on this issue. We were made aware of it last fall. Once the law director has arrived at a conclusion with his negotiations and he brings that to the Council, that is the document we will use for the public hearing, so that we will have a specific set of details that people can talk to.

d) **Reports and Communications**

- (1) **City Manager**
- (2) **Director of Law**
- (3) **Council Committee Reports**

Council took no action on either report.

6.0 Consent Agenda:

A motion made by Deputy Mayor Hyslop, seconded by Councilor Curtin, That the Consent Agenda Proposals set forth at the Regular Meeting of February 19, 2008 are (1) Referred to Committee; (2) Waived from Committee; or (3) Consented to as proposed.

7.0 Unfinished Business

7.1 For the information of Council to be received for the record and/or referred to Committee:

- a) January 31, 2008 email from the ODP staff regarding relocation, homelessness, state policies in homelessness, and “no freeze”
- b) February 1, 2008 correspondence from DECD regarding Affordable Housing Land Use Appeals List
- c) NLDC Newsletter dated February 8, 2008
- d) New London Planning & Zoning Commission Coastal Site Plan approval, dated February 6, 2008, regarding extension of Ocean Beach Park Alewife Cove Nature Walk and public garden
- e) January 2008 Permit/Cost/Fees Report

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7.1 For the information of Council to be received for the record and/or referred to Committee: (Continued)

- f) February 5, 2008 correspondence to SCCOG regarding Regional Transportation Project Plan Update for 2007-2035 Regional Transportation Plan
- g) January 9, 2008 correspondence from Senator Christopher J. Dodd regarding the possible suspension of train service by Amtrak
- h) February 11, 2008 memorandum from the City Manager to the Planning & Zoning Commission requesting a CGS 8-24 Referral regarding sale of City-owned land, specifically, property on Water Street adjacent to City Pier Plaza
- i) February 13, 2008 email from COST transmitting Hartford Courant's news article regarding local roads funding campaign
- j) February 15, 2008 correspondence supporting the Save Ocean Beach's application to the National Fish and Wildlife Foundation for the continuation of the Nature Walk

UNANIMOUSLY VOTED: That the foregoing matters, 7.1 a) through 7.1 j), are received for the record and/or referred to Committee.

8.0 New Business

8.1 Appropriation Ordinances

A) Police Department

UNANIMOUSLY VOTED: Council approves appropriation ordinances number 02-19-08-1 in the amount of \$1,884 for City's share of State seized assets. The Statutory requirement for three separate readings is waived. The ordinance is given its first and second readings in the process of passage, by title only, all Councilors having copies, and the third reading of the subject ordinance is adopted by Roll Call Vote.

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ORDINANCE NUMBER 02-19-08-1

AN ORDINANCE MAKING ADDITIONAL FY 2008 APPROPRIATIONS

Be It Ordained by the Council of the City of New London:

Section 1: That the following Special revenue Fund (2001) Appropriations are hereby made from unanticipated revenues, New London's share of State seized assets:

Estimated Revenue:

201-2109-331-1205	CT DPS/Seizures	\$ <u>1,884</u>
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Appropriations:

201-2109-0421-3312	Drug Education	\$ 282	
201-2109-421-3399	Other Operating Services	<u>1,602</u>	
	Project DEFEES		\$ <u>1,884</u>

8.2 Resolution – Transfer of Uncollectible Taxes to Suspense List

UNANIMOUSLY VOTED: Council approves resolution number 021908-1 transferring uncollectible taxes to the suspense list. The Clerk reads the resolution by title only, all Councilors having copies, and the subject resolution is adopted by Roll Call Vote.

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RESOLUTION NUMBER 021908-1

**CITY COUNCIL
CITY OF NEW LONDON**

**TRANSFER OF UNCOLLECTIBLE
TAXES TO THE SUSPENSE LIST**

FEBRUARY 19, 2008

WHEREAS, Section 12-165 of the Connecticut General Statutes requires that at least once a year a list of uncollectible taxes shall be referred to the City Council for its review as to the uncollectibility of the taxes, and upon approval said uncollectible taxes shall be transferred to the suspense tax book, and

WHEREAS, up until last month, no such transfer of uncollectible taxes has been made in New London for a number of years, and

WHEREAS, the Tax Collector has prepared a list of the uncollectible taxes for the years 1997 through 2003, which list contains 10,837 bills in the amount of \$ 1,695,863.56, and

WHEREAS, all of the delinquent taxes being transferred to the suspense tax book consist either of motor vehicle, supplemental motor vehicles taxes or personal property taxes of firms no longer in business, and

WHEREAS, pursuant to CGS 12-165 (3), the Tax Collector of the City of New London has certified that to the best of her knowledge and belief each tax contained in the suspense list has not been paid and is uncollectible, now therefore be it

RESOLVED, that that the City Council of the City of New London hereby declares that the taxes contained in the suspense list as prepared by the Tax Collector covering the years 1997 through 2003 are uncollectible and are thereby transferred to the suspense tax book.

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8.4 Environmental Impact Statement for Proposed Improvements to I-95

UNANIMOUSLY VOTED: In accordance with the February 13, 2008 memorandum from the City Manager, the New London City Council endorses the comments regarding the Environmental Impact Statement for Proposed Improvements to I-95 as outlined in the October 31, 2007 communication from the City Planner to the State Department of Transportation-Bureau of Policy and Planning.

8.6 Award of Contracts

B) Rehabilitation of Two (2) Pre-Stressed Concrete Water Storage Tanks

UNANIMOUSLY VOTED: New London City Council awards a contract to Natgun Corporation in the amount of \$491,400 for the rehabilitation of two (2) pre-stressed concrete water storage tanks as recommended by the City Manager in the February 14, 2008 memorandum.

8.8 MEU Tentative Agreement – Worker’s Compensation

UNANIMOUSLY VOTED: Council approves the Tentative Agreement with MEU concerning Worker’s Compensation.

8.9 Fire Act Grant Award

UNANIMOUSLY VOTED: Pursuant to the February 15, 2008 recommendation from the City Manager, Council gives authorization to accept the FEMA grant, approves ordinance number 02-18-08-4 in the amount of \$52,700, and approves the purchase of the Electronic Personnel Accountability System. The Statutory requirement for three separate readings is waived. The ordinance is given its first and second readings in the process of passage, by title only, all Councilors having copies, and the third reading of the subject ordinance is adopted by Roll Call Vote.

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ORDINANCE NUMBER 02-29-08-4

AN ORDINANCE MAKING ADDITIONAL FY 2008 APPROPRIATIONS

Be It Ordained by the Council of the City of New London:

Section 1: That the following Special Revenue (201) Appropriations are hereby made from Unanticipated Revenues from the Fire Act Grant Program.

Estimated Revenue:

201-2202-332-08-02	U.S. F.E.M.A./Assistance to Firefighters	\$47,430
201-2202-371-01-00	Operating Transfers In/General Fund	<u>5,270</u>
		<u>\$52,700</u>

Appropriation:

201-2202-422-5041	Capital Outlay/New Equipment	<u>\$52,700</u>
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Project #FRGR4

8.10 Carbon Monoxide Meters

UNANIMOUSLY VOTED: Council approves resolution number 021908-2 pertaining to the purchase of meters to read a patient's carbon monoxide level, pursuant to the February 15, 2008 recommendation from the City Manager. The Clerk reads the resolution by title only, all Councilors having copies, and the subject resolution is adopted by Roll Call Vote.

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RESOLUTION NUMBER 021908-2

CITY COUNCIL
CITY OF NEW LONDON

PURCHASE OF METERS TO READ A
PATIENT'S CARBON MONOXIDE LEVEL
FEBRUARY 19, 2008

WHEREAS, the Fire Chief has identified the need to purchase meters with the ability to read the level of carbon monoxide in a patient's body in an emergency situation as well as to be able to assist firefighters during their medical debriefing after an emergency, and

WHEREAS, the Fire Department has seen more numerous calls this year involving carbon monoxide poisoning, and

WHEREAS, it would be advisable to have such a meter in each of the City's 2 primary response ambulance vehicles, and

WHEREAS, there are funds remaining from the appropriation of funds for the purchase of an ambulance from this year's capital budget since the City was able to purchase a second ambulance for the price paid last year, and

WHEREAS, since there are available funds in the Capital Budget there is no need to do a transfer within the Fire Operating Budget to meet this need, now therefore be it

RESOLVED, that the City Council of the City of New London hereby approves the request of the New London Fire Department that it be allowed to purchase two (2) meters capable of reading the level of carbon monoxide in a patient's blood, and be it further

RESOLVED, that the \$8,000 in funds needed to purchase the meters shall be appropriated in the Capital Non-Recurring Expense Fund and that said appropriation shall be met with a transfer from funds remaining from the purchase of the ambulance from funds appropriated in the 2007-08 Capital Budget.

A motion made by Deputy Mayor Hyslop, seconded by Councilor Curtin, All items having the unanimous support of the City Council are hereby adopted with a single Roll Call Vote. The Chair calls the roll and declares the motions to be unanimously voted and adopted.

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11.0 Executive Session

A motion made by Mayor Cavanagh, seconded by Deputy Mayor Hyslop, to go into executive session at 9:42 p.m. to meet with the City Manager, Director of Law, and Barbara Perry, Assessor to discuss Mitchell College, namely, "threaten litigation" exemption, in accordance with Section 1-200(6) C.G.S. The motion carried 7-0.

There were no motions made, nor votes taken during executive session.

A motion made by Mayor Cavanagh, seconded by Councilor Curtin, the City Council authorizes the City Manager to sign the agreement with Mitchell College for payment in lieu of taxes. The motion carried 7-0.

7.2 Architectural and Design Services for Additions to and to Renovate as New the Nathan Hale and Winthrop Elementary Schools

A motion made by Councilor Sprecace, seconded by Mayor Cavanagh, the New London City Council awards a contract to Tai Soo Kim Partners in the amount of \$1,728,370 for architectural and design services for additions and renovations to the Nathan Hale and Winthrop Elementary Schools pursuant to the February 11, 2008 recommendation from the City Manager.

A motion made by Councilor Sprecace, seconded by Councilor Maynard, to postpone the matter until the next meeting of Council. The motion to postpone passed 4-3. Those voting in favor: Pero, Hyslop, Maynard, Sprecace. Those voted against: Cavanagh, Curtin, Buscetto.

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7.3 Bonding Ordinances for the City's 21st Century School Facilities Plan

A motion made by Councilor Sprepace, seconded by Councilor Maynard, to postpone the matter until the next meeting of Council. The motion failed 3-4. Those voting in favor: Pero, Maynard, Sprepace. Those voting against: Hyslop, Curtin, Cavanagh, Buscetto.

A motion made by Mayor Cavanagh, seconded by Councilor Curtin, Council approves the revised ordinance submitted this evening appropriating \$61,000,000 for the planning and design, improvements and construction of the City's 21st Century School Facilities Plan and authorizing the issuance of \$61,000,000 bonds of the City to meet said appropriations and pending the issuance thereof the making of temporary borrowings for such purpose, and refers the ordinance to the Board of Finance for approval. The Statutory requirement for three separate readings is waived. The ordinance is given its first and second readings in the process of passage, by title only, all Councilors having copies, and the third reading of ordinance number 02-19-08-2 is adopted by Roll Call Vote. The revised ordinance passed 4-3. Those voting in favor: Cavanagh, Hyslop, Curtin, Buscetto. Those voting against: Sprepace, Pero, Maynard.

ORDINANCE NUMBER 02-19-08-3

AN ORDINANCE APPROPRIATING \$61,000,000 FOR THE PLANNING AND DESIGN, IMPROVEMENTS AND CONSTRUCTION OF THE CITY'S 21ST CENTURY SCHOOL FACILITIES PLAN AND AUTHORIZING THE ISSUANCE OF \$61,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW LONDON:

Section 1. That the sum not to exceed SIXTY-ONE MILLION DOLLARS (\$61,000,000) is appropriated for the planning and design, improvements, construction, landscaping, site work, furnishing, and equipping of the City's 21st Century School Facilities Plan (the "Project"), and any and all materials, furnishings, equipment, work and services in connection with the Project, including, but not limited to, architectural fees, engineering fees, consulting fees, administrative, printing, legal fees, interest and other financing costs, and other expenses related to the Project. The Project will include renovations as new with additions to Nathan Hale Elementary School and Winthrop Elementary School which will each, upon completion, become magnet schools for approximately 600 students. The

MINUTES OF THE COUNCIL OF THE CITY OF NEW LONDON

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ORDINANCE NUMBER 02-19-08-3 (Continued)

foregoing descriptions and components of the Project are not intended as limitations and the Project shall include all work, services and materials necessary to complete the Project with all changes, overruns and unforeseen conditions that have occurred or may occur during the course of the Project.

Section 2. That the City is authorized to and may issue its bonds in an amount not to exceed SIXTY-ONE MILLION DOLLARS (\$61,000,000) to finance the appropriation for the Project. The bonds shall be issued pursuant to the General Statutes of Connecticut, Revision of 1958, as amended (the "Connecticut General Statutes"). The bonds shall be general obligations of and secured by the irrevocable pledge of the full faith and credit of the City of New London (the "City"), Connecticut (the "State"). The amount of bonds of each series to be issued shall be fixed by the Interim Director of Finance in the amount necessary to meet the City's share of the cost of the Project, expected to be in the approximate amount of THREE MILLION DOLLARS (\$3,000,000), determined after taking into account the estimated amounts of the Federal and State grants-in-aid and/or loans for the Project or the actual amounts thereof if this is ascertainable, and the anticipated times of the receipt of the proceeds thereof, 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 said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds.

Section 3. That the City is authorized to and may make temporary borrowings and issue and renew its temporary notes of the City for the Project from time to time in an amount not to exceed SIXTY-ONE MILLION DOLLARS (\$61,000,000), pursuant to the provisions of Section 7-378 of the Connecticut General Statutes, in anticipation of the receipts of proceeds from the sale of bonds or notes or from Federal or State grants and/or loans. Furthermore, the City is authorized to comply with the provisions of the Connecticut General Statutes to extend the maturity of such notes beyond the time permitted by Section 7-378. Such notes shall be general obligations of and secured by the irrevocable pledge of the full faith and credit of the City.

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ORDINANCE NUMBER 02-19-08-3 (Continued)

Section 4. Any of the foregoing bonds, notes or other obligations may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds, notes or other obligations of the City. The Interim Director of Finance shall keep a record of the bonds, notes or other obligations. The Mayor, City Treasurer, and Interim Director of Finance are authorized to and shall sign the bonds, notes or other obligations by their manual or facsimile signatures. The bonds, notes or other obligations shall bear the seal of the City or a facsimile of the seal and shall be endorsed as to form by the Director of Law. The law firm of Tobin, Carberry, O'Malley, Riley & Selinger, P.C. of New London, Connecticut is designated as Bond Counsel to approve the legality of the bonds, notes or other obligations. The Interim Director of Finance is authorized to determine the amount, date, interest rates (or method or manner of determining such rates), times at which interest is payable, whether the bonds, notes or other obligations shall be issued on a taxable or tax-exempt basis, denomination, discount or premium, maturities, and redemption provisions, if any, form and other details of the bonds, notes or other obligations; to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or other obligations; to sell the same at public sale or by negotiation at such time or times as the Interim Director of Finance may determine; to deliver the bonds, notes or other obligations; to determine all other terms, details and particulars relative to the issuance, sale and delivery of the bonds, notes or other obligations; and to perform all other acts which are necessary or appropriate to sell, issue and deliver the bonds, notes or other obligations. Any such bonds, notes or other obligations shall be general obligations of the City and each of the bonds, notes or other obligations shall recite that every requirement of law relating to its issue has been duly complied with, that such bond, note or other obligation is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon.

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ORDINANCE NUMBER 02-19-08-3 (Continued)

- Section 5. That the City hereby declares its official intent under Treasury Regulation Section 1.150-2 that Project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the Project. The Interim Director of Finance is authorized to amend such declaration of official intent as he deems necessary or advisable, to make a certification of expectations for holders of said bonds, notes or other obligations and Bond Counsel as set forth in Treasury Regulation Section 1.148-2(b), and to bind the City pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or other obligations authorized by this resolution if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.
- Section 6. That the Interim Director of Finance is authorized to make, if required by law or otherwise appropriate, such representations and enter into such written agreements for the benefit of the holders of the bonds, notes or other obligations or temporary notes to provide secondary market disclosure information, which agreements may include such terms as the Interim Director of Finance deems advisable or appropriate in order to comply with applicable Federal or State laws or rules pertaining to the sale or purchase of such bonds, notes or other obligations.
- Section 7. That the City Manager, or other City Officials on behalf of the City, is authorized to apply for and accept any available Federal or State grants-in-aid and/or loans to defray the appropriation for the project and finance the Project, and to enter into any grant agreement prescribed by the United States or State. The City Council, Mayor, City Manager, Director of Development, and Interim Director of Finance are authorized to take any other actions necessary to obtain such grants or implement such grant agreements.
- Section 8. That the City Manager or Interim Director of Finance and other proper officers of the City are authorized to take all other action which is necessary or desirable to complete the Project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

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8.3 Reallocation of CDBG Funds

A motion made by Councilor Curtin, seconded by Mayor Cavanagh, pursuant to the February 11, 2008 recommendation from the City Manager, Council approves the reallocation of CDBG funds as outlined in the February 6, 2008 memorandum from the ODP Staff.

A motion made by Councilor Pero, seconded by Councilor Spreace, to amend the motion to add \$13,233 and \$20,000 to the CDBG entitlement fund {funds to come from Hempstead Colony Signage Project and Historic Lighting Project}. The amendment carried 7-0.

The motion as amended carried 7-0. [CDBG Entitlement Funding \$882,804; Monies from CDBG Fund Balance \$20,000; Project Relocation \$13,223; for a total of \$916,027]

8.5 Snow Removal Ordinance

A motion made by Mayor Cavanagh, seconded by Deputy Mayor Hyslop, the New London City Council approves ordinance number 02-19-08-2 providing for the removal of snow, ice and sleet from public sidewalks. The Statutory requirement for three separate readings is waived. The ordinance is given its first and second readings in the process of passage, by title only, all Councilors having copies, and the third reading of the subject ordinance is adopted by Roll Call Vote. The motion carried 7-0.

ORDINANCE NUMBER 02-19-08-2

AN ORDINANCE OF THE CITY OF NEW LONDON, CONNECTICUT, PROVIDING FOR THE REMOVAL OF SNOW, ICE AND SLEET FROM PUBLIC SIDEWALKS.

WHEREAS, the City of New London (hereinafter "City") has established an ordinance regarding the duty of every owner of land abutting upon a sidewalk on any street, avenue or public place to remove snow, ice and sleet from said sidewalk; and

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ORDINANCE NUMBER 02-19-08-2 (Continued)

WHEREAS, said statute provides that said removal shall take place within three (3) hours after the cessation of any snow, ice or sleet storm, or after the formation of any ice or sleet thereon; and

WHEREAS, said three (3) hour time frame may cause a hardship for property owners who must leave for work and/or be gone from their property for more than three (3) hours after the cessation of any snow, ice or sleet storm, or after the formation of any ice or sleet thereon; and

WHEREAS, the City wishes to relax said three (3) hour time frame in such circumstances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEW LONDON:

Section 1. That Section 18-74 of the code of ordinances of the City of New London be amended to read as follows:

(a) Every owner of land abutting upon a sidewalk, graded, or paved, on any street, avenue or public place, shall within six (6) hours after the cessation of any snow, ice or sleet storm, or after the formation of any ice or sleet thereon, remove such snow, ice or sleet from such sidewalk; provided, however, that if such snow, ice or sleet shall have accumulated on such walk after 8:00 p.m. and before sunrise of the succeeding day, the same shall be removed before 9:00 a.m. of the succeeding day.

(b) Property owners shall not deposit and shall not permit to be deposited snow from their premises, driveways, or sidewalks in front of their premises, upon public streets or highways.

(c) Nothing in this ordinance shall excuse or limit a property owner's duty, responsibility and liability regarding snow and ice removal from public sidewalks as delineated in City ordinance No. _____, as adopted pursuant to General Statute §7-163a

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given effect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

Section 4. This ordinance shall become effective fifteen (15) days after Notice of its passage is duly published.

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8.6 Award of Contracts

A) Jennings Elementary School Furniture, Fixtures and Equipment

A motion made by Councilor Sprepace, seconded by Councilor Curtin, in accordance with the February 14, 2008 recommendation from the City Manager, the New London City Council awards contracts to purchase furniture, fixtures and equipment for the Jennings Elementary School as outlined in the summary of the recommended awards in an amount totaling \$760,914.53. The motion carried 7-0.

8.7 Matters Brought to the Attention of Council by Members of Council

A) City Properties Sold, Pending Sales, and Businesses Receiving Tax Abatements (Councilor Buscetto)

A motion made by Councilor Buscetto, seconded by Mayor Cavanagh, to discuss City Properties Sold, Pending Sales, and Businesses Receiving Tax Abatements. The motion carried 7-0.

9.0 Appointments

A) Charter Revision Commission

A motion made by Mayor Cavanagh, seconded by Councilor Curtin, the New London City Council appoints the following electors to the Charter Revision Commission: Catherine Foley (D); Jane L. Glover (D), William L. Satti (D), Richard Kotecki (D), Arthur Costa (G), Mike Doyle (R) and John Maney (I). The motion carried 7-0.

10.0 Councilors' Questions and Comments for the City Manager

Councilor Sprepace inquired as city's participation in the State's CHFA police home ownership plan. [The City Manager will look into and report back to Council.]

Deputy Mayor Hyslop asked in reference to CDBG monies that CAC recommends, is that public information prior to Council receiving it. [The recommendations are made during an open meeting.]

Councilor Pero inquired as to the availability of Radon Testing kits. [Ledgelight Health District no longer provides that program.]

MINUTES OF THE COUNCIL OF THE CITY OF NEW LONDON

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12.0 Adjournment

A motion made by Councilor Curtin, seconded by Mayor Cavanagh, to adjourn the meeting at 11:03 p.m. The motion carried 7-0.

Attest: _____
Michael J. Tranchida, City Clerk

grm

Approved 3/18/08