

The East Haven Town Council held its Regularly Scheduled Meeting Tuesday, April 1, 2008 at 7:30 p.m. at the East Haven Community Center, 91 Taylor Avenue, East Haven, CT in order to transact the following:

Chairman Thompson called the meeting to order.

Roll call – 14 Present            1 Absent (Arpino)

Councilman McKay moved to accept the minutes of the March 4, 2008 meeting.

Councilman Camera seconded the motion.

Voice Vote – all in favor. None opposed. No abstentions.

Motion carried.

Correspondence:

The Clerk read the correspondence from the following:

Carl Ruggiero regarding Mayor Capone Almon's allegations of Charter violation by the prior administration, which he believes to frivolous accusations and that she by her own actions, has violated the Town Charter. She increased the salary of the Assistant Director of Administration without council approval which is evident from the PAF from the Department of Finance which indicates a \$10,000 increase in salary. This is more than was approved by the Council for the current budget. The Council should act on this charter violation and take appropriate action.

Attorney Louis Crisci – letter of disclosure, as he is an attorney in town, represents the town in tax foreclosures and serves the Ethics Commission, Civil Service Commission, as well as an inactive commission, WPCA.

Frank Piergrossi – letter of disclosure stating that he is a part time security officer at East Haven High School (recorded in the town clerk's office)

No Sub-Committee Reports

Ethics Commission (2)

Chairman Thompson stated that the two Ethic issues are awaiting a legal opinion and will be addressed next month.

Item #1

Vice Chairman DePalma made the following motion: be it resolved that per the recommendation of the Tax Collector, the following tax refunds are hereby approved:

- a. ZC Sterling Tax Solution/American Home Mortgage 2005-01-10275 in the amount of \$1,496.98 due to a duplicate payment that was made on the second installment.

- b. Mary Wadle, Wells Fargo Real Estate Tax Services, LLC 2006-01-6889, in the amount of \$2,967.53 due to a duplicate payment that was made on the second installment.
- c. Candice Strickland, Refund Unit 2006-01-2539, in the amount of \$2,119.57 due to a payment that was applied to the wrong parcel.
- d. New Alliance Bank FBO Frontage Shopping Center, LLC 2006-01-4021 E/S 09869, in the amount of \$3,765.22 pursuant to a Court Stipulation.
- e. New Alliance Bank FBO Frontage Shopping Center, LLC 2006-01-4020 E/S 09868, in the amount of \$8,505.00 pursuant to a Court Stipulation.
- f. Italo Centore, 2006-01-2875, in the amount of \$769.48 due to a duplicate payment.

No public comment.

Councilman Riolino seconded the motion.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

#### Item #2

Vice Chairman DePalma made the following motion: be it resolved that a Public Hearing to consider an Ordinance entitled, "An Ordinance Creating an Energy Conservation Commission," is hereby scheduled for May 6, 2008 at 7:00 p.m. at the East Haven Community Center, 91 Taylor Avenue, East Haven, CT.

Councilwoman Badamo seconded the motion.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

#### Item # 3

Vice Chairman DePalma made the following motion: be it resolved that a Public Hearing to consider an Ordinance entitled, "An Ordinance Permitting the Boy Scouts (Troop 498 of Foxon) to Clean a Town Owned Nature Walk on Moulthrop Street" is hereby scheduled for May 6, 2008 at the East Haven Community Center, 91 Taylor Avenue, East Haven, CT, to immediately follow the previously scheduled Public Hearing.

Councilwoman Donahue seconded the motion.

Councilman Riolino asked why we have to vote on an ordinance; when in the past Boy Scouts just asked permission of the Town.

Patricia Cofrancesco, Town Attorney stated that it possibly could affect the town property and there is a liability issue.

Councilman Toothe asked if a waiver was received from the union.

Paul Hongo, Director of Administration and Management stated that it has been mutually agreed upon.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

Item # 4

Vice Chairman DePalma made the following motion: be it resolved that a Public Hearing to consider an Ordinance entitled, "An Ordinance imposing a fine of \$500.00 for violation of the Town's Landfill Policy, to amend Section 16.5-14 of the Code of Ordinances" is hereby scheduled for May 6, 2008 at the East Haven Community Center, 91 Taylor Avenue, East Haven, CT, to immediately follow the previously scheduled Public Hearing.

Councilman McKay seconded the motion.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

Item # 5

Vice Chairman DePalma made the following motion: be it resolved that a Public Hearing to consider an Ordinance entitled, "An Ordinance Granting a Grace Period for Trash Haulers to Secure License and Registration in Compliance with Section 16.5-6(c) of the Code of Ordinances" is hereby scheduled for May 6, 2008 at the East Haven Community Center, 91 Taylor Avenue, East Haven, CT, to immediately follow the previously scheduled Public Hearing.

Councilwoman Badamo seconded the motion.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

Item # 6

Vice Chairman DePalma made the following motion: be it resolved that an ordinance entitled "An Ordinance Creating a Youth Service Commission" is hereby enacted. (Vice Chairman DePalma read the ordinance in its entirety.)

Councilwoman Donahue seconded the motion.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.  
Motion carried unanimously.

Item # 7

Vice Chairman DePalma made the following motion: be it resolved that an ordinance entitled “An Ordinance Creating a Public Safety Commission” is hereby enacted. (Vice Chairman DePalma read the ordinance in its entirety.)

Councilman Cofrancesco seconded the motion.  
No public comment.

Councilman McKay moved to table this item.

Councilman Anania seconded the motion.

Roll call vote - 4 in favor (Parlato, McKay, Anania, and Massaro). 10 Opposed. No abstentions.  
Motion failed.

Councilman Riolino asked if we have the power to create a commission; do we have the power to remove the commission. The guidelines are to promote public safety.

Attorney Patricia Cofrancesco stated by virtue of another ordinance the council can dissolve the commission.

Councilman McKay stated that the ordinance needs to establish its duties; I’m asking for more structure.

Councilman Camera stated that according to the ordinance the Vice Chairman just read its duties are outlined.

Councilman Toothe asked if there are any representation powers and duties that would not be involved.

Attorney Patricia Cofrancesco stated that the reality is that this Council can abolish this commission with an affirmative vote. In the Charter Revision the Board of Fire and Police Commissioners duties are very specific and would not embrace something blindly; they know their duties. The Mayor told you it’s to help those departments do what they do; nobody is asking for a colossal leap of faith.

Councilman McKay stated does the Charter say that as elected officials we shouldn’t be able to review this ahead of time.

Attorney Patricia Cofrancesco stated that she is not going to debate this, you have been given sufficient information you are not operating in the dark. I am very familiar with the Charter and the Codes, which states that it is the right of the Chief Executive Officer to create this commission in the spirit of volunteerism – people want to help.

Councilman Anania stated it seems like we have no recourse.

Attorney Patricia Cofrancesco stated that you do have recourse an affirmative vote can be enacted to abolish the board in the event it's warranted, you are not powerless. They will be well aware of their mission.

Councilman Anania stated he believe that this gives them the right to overstep their bounds.

Attorney Patricia Cofrancesco replied "over step their bounds"; they are agents of the Town of East Haven.

Councilman Riolino stated that this Council has the power to create sub-committees to follow up with this commission in accordance with what we perceive.

Councilwoman Donahue stated, what is it you think these boards and commissions will allow.

Councilman McKay wanted to know who's in charge, do they set an agenda.

Councilwoman Donahue again, what is it you think they are going to do.

Attorney Patricia Cofrancesco you have the authority to remedy boards or commissions.

Councilman McKay I'm not debating before we have cause for a remedy.

Motion remained on the floor for approval.

Roll call vote - 10 in favor. 4 Opposed (Parlato, McKay, Anania, and Massaro). No abstentions. Motion carried.

Item #8

Vice Chairman DePalma made the following motion: be it resolved that an ordinance entitled "An Ordinance Creating a Skate Park Commission" is hereby enacted. (Vice Chairman DePalma read the ordinance in its entirety.)

Councilman Cofrancesco seconded the motion.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

Item #9

Vice Chairman DePalma made the following motion: be it resolved that the Town Council, acting on behalf of the Town of East Haven, hereby authorizes Mayor April Capone Almon to execute any and all documents necessary to effectuate the withdrawal of the Town of East Haven from the Southwest Connecticut Regional Recycling Operating Committee (SWEROC).

Councilwoman Badamo seconded the motion.

Chairman Thompson recognized Paul Hongo, Director of Administration and Management.

Mr. Hongo explained that East Haven is one of two towns which to date have not withdrawn from SWEROC, Greenwich is the other town. This gives us the opportunity to go out to bid for our recyclables and get out of the coalition. There is money in recyclables and we can get paid for ours, we may go out to bid or extend Trash Masters contract with the authority of the Council. Currently, we need to withdraw from SWEROC.

Councilman McKay will we still go to Bridgeport?

Mr. Hongo stated Stratford, we have a meeting on Monday with the other towns, we are keeping our options open.

Councilman Parlato asked after both Greenwich and East Haven withdrawn SWEROC will cease to exist.

Councilman Anania asked what kind of money are we talking about.

Mr. Hongo stated that there are two pieces of positive legislation that the municipalities would receive refunds either per ton or based on a percentage.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

Item #10

Vice Chairman DePalma made the following motion: be it resolved that the Town Council, acting on behalf of the Town of East Haven, hereby authorizes changing the authorized signatory on two (2) Town of East Haven Bank Accounts for the Small Cities Grant with the Bank of Southern Connecticut.

Councilman Badamo seconded the motion.

Chairman Thompson recognized Sarah Morrill, Community Development Coordinator, she stated that the town currently has an open award for grant and the current form has the former Director of Administration and Management as a signatory. It needs to change to Paul Hongo the current Director.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

Item # 11

Vice Chairman DePalma made the following motion: be it resolved that the Town Council, acting on behalf of the Town of East Haven, hereby authorizes Mayor April Capone Almon to execute an Assistance Agreement with the State of Connecticut Concerning the Revitalization of the Central Business District Phase II Project.

Councilman Cofrancesco seconded the motion.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

#### Item #12

Vice Chairman DePalma made the following motion: be it resolved that the Town Council, authorizes the Town of East Haven, acting by and through Mayor April Capone Almon to participate in a Connecticut Housing Finance Authority (CHFA) program to provide low interest, fixed rate home mortgage loans to local and state police officers who are CHRA-eligible home buyers to encourage them to live in designated neighborhoods in the community in which they are employed BE IT FURTHER RESOLVED that Mayor April Capone Almon is hereby specifically authorized, on behalf of the Town of East Haven to enter into program agreements with the Connecticut Housing Finance Authority (CHFA) for the execution of said program.

Councilman McKay seconded the motion.

No public comment.

Roll call vote - 14 in favor. None Opposed. One (1) abstention (DePalma).

Motion carried.

#### Item # 13

Vice Chairman DePalma made the following motion: be it resolved that Janet Cianelli is hereby appointed to the Housing Authority of the Town of East Haven to fill a vacated position commencing immediately and expiring on February 1, 2009.

Councilman McKay seconded the motion.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

#### Item # 14

Vice Chairman DePalma made the following motion: be it resolved that Albert Fucci is hereby appointed as a Constable for a term commencing on November 14, 2007 and expiring on November 14, 2009.

Councilwoman Badamo seconded the motion.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

Item #15

Councilman Cofrancesco move to add to the agenda for consideration and action the following to items.

- a. BE IT RESOLVED that the Town of East Haven does not discriminate in the provision of services, the administration of its programs, or contractual agreements. The Town of East Haven seeks to fully carry out its responsibilities under the Title VI Regulations.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the grounds of race, color, or national origin in programs and activities receiving Federal financial assistance. Title VI provides that No personal shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs covered by the Regulations.

This policy is effectuated through the methods of administration outlined in the Town's Fair Housing Plan and is fully implemented to ensure compliance by the town, as the recipient, and by sub-recipients. The cooperation of all Town personnel is required.

- b. BE IT RESOLVED that the Town of East Haven acting by and through its Town Council, herewith adds one (1) additional position of Grade A Police Officer to the East Haven Police Department 2007/2008 budget at a salary of \$58,816.00 until June 30, 2008.

Councilman Badamo seconded the motion.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously. The following two items have been added for consideration and action.

Item #16

Vice Chairman DePalma made the following motion: be it resolved that the Town of East Haven does not discriminate in the provision of services, the administration of its programs, or contractual agreements. The Town of East Haven seeks to fully carry out its responsibilities under the Title VI Regulations.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the grounds of race, color, or national origin in programs and activities receiving Federal financial assistance. Title VI provides that No personal shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs covered by the Regulations.

This policy is effectuated through the methods of administration outlined in the Town's Fair Housing Plan and is fully implemented to ensure compliance by the town, as the recipient, and by sub-recipients. The cooperation of all Town personnel is required.

Councilman McKay seconded the motion.

Chairman Thompson recognized Sarah Morrill, Community Development Coordinator.

Ms. Morrill explained that April is Fair Housing month and this resolution states that the Town of East Haven supports those acts in the aforementioned and this is something the town does every year. Without out this resolution we can not receive grant money.

No public comment.

Roll call vote - All in favor. None Opposed. No abstentions.

Motion carried unanimously.

Item #17

Vice Chairman DePalma made the following motion: be it resolved that the Town of East Haven acting by and through its Town Council, herewith adds one (1) additional position of Grade A Police Officer to the East Haven Police Department 2007/2008 budget at a salary of \$58,816.00 until June 30, 2008.

Councilman Badamo seconded the motion.

Chairman Thompson recognized Arthur DeSorbo, 494 Silver Sands Road. Mr. DeSorbo stated that this is an addition to a current budget this requires a public hearing through to an ordinance.

Attorney Cofrancesco indicated that she has reviewed the Charter and it can be done by resolution.

Mr. DeSorbo stated the mill rate is adopted by ordinance explain how we can change it by resolution.

Attorney Cofrancesco stated that she is not going to debate the Charter and does not give legal opinions to the general public; only members of the Council. We are not amending the budget.

Chairman Thompson recognized Dan McCann, 137 Mansfield Grove Road stated that he served on the Council for 7 ½ years and never saw an item to create a position by resolution. There is no harm to have a public hearing.

Mr. McCann stated that there is no money allocated, it makes sense to hold a public hearing you all represent your districts.

Chairman Thompson recognized Attorney Mark Kovack who has been retained by the police commission. Attorney Kovack stated that he is in agreement with Mr. DeSorbo that this item

requires a public hearing and to pass it would violate the Charter. He proposed a question, is this position for Mr. Nappe.

Attorney Cofrancesco stated that is not the item for discussion.

Councilman Camera asked Attorney Kovack who is paying his salary.

Attorney Kovack stated that the Police Commission requested legal representation.

Councilman Camera stated he does not believe the Board of Finance will pay your fee. Further, recently the Chief of Police requested \$350,000 in a transfer for overtime. If the situation of being short staffed were taken care of there wouldn't be any overtime. The people should worry about a transfer of \$350,000 and the need for enough officers.

Councilman McKay stated due to retirements and resignations it takes about 1 year after they occur to get a new officer in service.

Attorney Cofrancesco stated that the personnel Section V, Page 6 of the Charter states that the council can vote by resolution by inclusion of the budget.

Chairman Thompson recognized Paul Rizza who stated that the \$13,568 came out of a large pool and is technically a quarter of a year.

Councilman McKay asked how much is in contingency.

Mr. Rizza indicated over \$50,000.

Councilman Anania asked if the Chief or the Commission want this position.

Mayor Capone Almon stated that the Chief told her he can absolutely use the help.

Councilwoman Donahue asked the Mayor if it affects the mill rate.

Mayor indicated that it does not.

Councilman Cofrancesco stated that this will be part of the Board of Education.

Councilman Badamo asked if the Chief's department is now at full strength.

Mayor Capone Almon, on paper.

Vice Chairman DePalma stated not full strength, boots on the ground.

Chairman Thompson recognized Carl Ruggiero who stated that this is a violation of Section 6 of the Charter.

Councilman Anania stated that he believes the police commission does the hiring.

Mr. DeSorbo stated if you read on – it says that part of a collective bargaining. Clearly, the ordinance is being violated; as clear as the words in the charter and Attorney Cofrancesco interpretation is blatantly wrong. This council is making some serious mistakes and you are up for legal action.

Dan McCann stated that if you pass this tonight, do you know your right and as a tax payer you have the ability to remedy this by tabling in the best interest of the town, it is a grey area. The Charter needs to be upheld and you represent the residents.

Chairman Thompson called for a point of order.

Chairman Thompson recognized Pat Romano, Chairman Police Commission. Mr. Romano referred to the following Connecticut General Statute:

**Sec. 7-276. Powers of commissioners.** Such boards shall have all of the powers given by the general statutes to boards of police commissioners, shall have general management and supervision of the police department of such town and of the property and equipment used in connection therewith, shall make all needful regulations for the government thereof not contrary to law and may prescribe suitable penalties for the violation of any such regulation, including suspension or removal from office of any officer or member of such police department. Such board shall have the sole power of appointment, promotion and removal of the officers and members of such police department, under such regulations as it adopts for the purpose, and such appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing. The members of such police department shall have all such authority with respect to the service of criminal process and the enforcement of the criminal laws as is vested by the general statutes in police officers and constables.

Chairman Thompson recognized Mayor Capone Almon and Chief Leonard Gallo. They stated that they have discussed this position.

Councilman Badamo asked Chief Gallo if he is in favor of this position. Chief Gallo stated that for some time this position has been discussed regarding a grant that the Board of Education might place into their budget and now the funding is on its way. There have been over 50 arrests at the high school in the past year.

Councilman McKay asked if the position is coming out of the ranks.

Chief Gallo indicated a skilled and seasoned officer.

Councilman Badamo asked if they will have a certification for this position.

Chief Gallo indicated yes.

Councilman McKay asked if this will be filled for the school year, has this been negotiated with the union and what is the time line.

Mayor Capone Almon stated he or she should be trained and in place for the first day of school.

Councilman McKay are you creating this position for a policeman to come back on the job.

Attorney Cirillo stated that a climate exist to create an additional position.

Mayor Capone Almon stated that the overtime budget has been exhausted.

Councilman Anania stated he believes this should have come before the council before amending the budget.

Mayor Capone Almon stated that the SRO will be given to the Board of Education.

Councilman Anania stated that they don't have to use it for that.

Mayor Capone Almon replied that is what was requested because the parents are concerned and fortunately this is a tremendous benefit to the school system.

Councilman Badamo agrees it will make a big difference.

Vice Chairman DePalma stated that the police are called to the high school on a daily basis and this will alleviate manpower.

Councilman Anania believes the timing is awkward.

Councilman Camera stated that those are alarming statistics.

Vice Chairman DePalma stated that the town has grown a lot.

Councilman Toothe asked if the union is in favor of the SRO.

Detective Tom Russell, Union President stated the union supports the position 100%. The department runs a four sector detail with two in the center. When there is as problem at the high or middle schools two officers respond leaving north of 95 to North Haven line not covered. There have been more than 50 arrests already this school year.

Councilman Toothe stated that we do have mutual aid with the Town of Branford.

Chief Gallo and Branford call us too.

Councilman McKay asked if this is a negotiated position in the collective bargaining unit.

Detective Russell answered in the affirmative.

Carl Ruggiero stated that it remains that this is in violation of the Charter Section 5 page 6.

Attorney Cofrancesco stated that the Charter says the Council “shall” by resolution “or” inclusion of creation “or” salary not govern by collective bargaining unit. We are creating a position not being asked to set a salary.

Carl Ruggiero stated that Section 5 under paragraph 3 shall be by ordinance amending the budget which is an ordinance.

Roll call vote - 10 in favor. 4 Opposed (Parlato, McKay, Anania, and Massaro). No abstentions. Motion carried.

Councilman Camera moved to adjourn.

Councilman Badamo seconded the motion.

Voice vote – all in favor. None opposed. No abstentions.

Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Roberta A. DeLuca  
Temporary Council Clerk