

## **East Haven Town Council**

### **Minutes of the Public Hearing Meeting**

The East Haven Town Council held a Public Hearing on Tuesday, December 2, 2008 at 7 p.m. at the East Haven Community Center, 91 Taylor Avenue, East Haven, Connecticut in order to transact the following:

Chairman Thompson called the Public Hearing to order at 7:01 p.m.

#### **Roll Call –**

Twelve (12) present: Vincent Camera, Ken McKay, Fred Parlato, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Three (3) Absent: Vincent Arpino, Paul Cofrancesco, Michael Riolino

Staff Present – Mayor April Capone Almon, Town Attorney Patricia A. Cofrancesco, Paul Hongo, Jr., Director of Administration and Management and Ralph Mauro, Assistant Director of Administration and Management.

Chairman Thompson led the Pledge of Allegiance. Chairman Thompson proceeded with a moment of silence for Men and Women of the Armed Forces.

#### **Item #1**

Councilwoman Janice Donahue reading for Vice Chairman DePalma as Vice Chairman DePalma was sick.

Councilwoman Donahue made the following Motion “To Consider and Act upon an Ordinance entitled “An Ordinance for the Appointment of Members of the Public to Work with Town Staff and Planning Consultants During the Development of the East Haven Skate Park.”

Mayor April Capone Almon spoke on behalf of the microphone/camera shy interested potential “Committee” members.

Mayor April Capone Almon indicated that they are all really interested. She indicated that she was hoping for nine (9) committee members and actually received nine (9) resumes.

Councilman Arpino indicated that they would need to have continued input in the operation, what it needs, what it does not need, a continued interest in running and improving the "Park". He also indicated that in reviewing the resumes some were very impressive and it would be an excellent idea to try to get sponsors to minimize costs to the town.

Mayor April Capone Almon agreed and indicated that this project will depend on the volunteers.

Councilman Parlato asked why a Skate Park Committee is needed when we had a Parks and Recreation Department and asked who is going to pay for this, and asked if there was a written plan?

Mayor April Capone Almon indicated that may be additional facts that still need to be looked into and researched.

Councilman Parlato asked "who is going to be responsible if something happens in the park .... the Town?"

Mayor April Capone Almon indicated that it would be just like the Town's baseball fields, basketball courts, etc.

Councilman Camera indicated that he thought we were fortunate to have folks interested that may have ties to corporate sponsors and that it was a plus to have people that are willing to do the leg work for getting funding and corporate sponsors.

Councilman McKay asked whether it was a Committee or Commission?

Town Attorney Cofrancesco indicated that they are interchangeable.

Councilman McKay asked why a Committee or Commission when we already have a Parks and Recreation Department?

Mayor April Capone Almon pointed out the Skate Park members in the back of the hall for the Board to see, with some prodding they stood up to a round of applause.

No Public Comment.

No Further Council Comment.

Councilman Arpino seconded.

## **Item #2**

Councilwoman Donahue made the following Motion “To Consider and Act upon an Ordinance entitled “An Ordinance Authorizing the Conveyance of a Certain Property [555 Coe Avenue, East Haven, Connecticut] Acquired from Michael Reznik, in Lieu of Payment of the Taxes thereon to the Town of East Haven.”

Councilman McKay asked if this will be going to the Land Trust or if the Town had plans to build on it and/or fix the drainage problem and then try to sell it.

Ralph Mauro, Assistant Director of Administration and Management indicated that this is a piece of land that that is basically salt marsh and not fit for building.

No Public Comment

No Further Council Comment.

Councilman Anania seconded.

## **Item #3**

Councilwoman Donahue made the following Motion “To Consider and Act upon an Ordinance entitled “Ordinance Authorizing the Town to Transfer Town-Owned Land [103 Warner Road, East Haven, Connecticut] to the List of Available Land for Purchase.”

Attorney Small [203 Campbell Avenue, West Haven, Connecticut] spoke on behalf of Patrick Hannon, Sr.

Mr. Hannon is interested in purchasing this land to increase the size of his driveway. As it stands now, Mr. Hannon and his next door neighbor share a driveway and both parties are in favor of this project.

Attorney Cirillo, Assistant Town Attorney indicated that this parcel did receive a favorable 8-24.

Councilman Arpino asked for confirmation that Mr. Hannon is interested in purchasing this land just to increase the size of his driveway?

Attorney Small indicated that is correct.

Councilman McKay asked if there is any drainage issue?

Attorney Small indicated that there is not.

Councilman Parlato indicated that there is a bidding process that is to be taken for interested parties to purchase Town owned land and that just because both parties were in agreement does not mean that Mr. Hannon will get the land.

Councilman Parlato asked if an appraisal had been done, how much was the cost of the appraisal and who had approved the appraisal being done?

Ralph Mauro, Assistant Director of Administration and Management responded that an appraisal had been done and that he was not sure of the exact amount but indicated that it was around \$400.00 to \$500.00.

Councilman Parlato indicated that they would like to see the appraisal.

Councilman McKay asked if this have to come back to Town Council.

Town Attorney Cofrancesco indicated that it does.

No Public Comment

No Further Council Comment.

Councilwoman Massaro seconded.

#### **Item #4**

Councilwoman Donahue made the following Motion “To Consider and Act upon a an Ordinance entitled “An Ordinance for the Adoption of an Arts Council to Promote Arts and Cultural Programs and Projects Within the Community of the Town of East Haven.”

Sam Giglio of 41 Robert Drive, East Haven spoke about this project. He indicated that he is very much in favor of this project and it is great for local talent. It is also a great way for East Haven to be a part of the other Shoreline Community Art projects.

He thanked the town for this wonderful opportunity and thanked the Council for their consideration.

No Further Public Comment.

No Council Comment.

Seconded by Councilman Anania.

#### **Item #5**

Councilwoman Donahue made the following Motion “To Consider and Act upon an Ordinance entitled “An Ordinance Authorizing the Acquisition of Certain Property [176 Mansfield Grove Road, East Haven, Connecticut] from D. William Owens, Jr. in Lieu of Payment of the Taxes Thereon, for the Purpose of Transferring said Properties to the East Haven Land Trust, Inc.”

Assistant Town Attorney Jim Cirillo spoke on behalf of this transfer. Attorney Cirillo indicated that this was one of 4 transactions, three had previously taken place with the Town. This piece had been examined by Town Engineer and was to be acquired for the Land Trust.

Dr. Schlegal spoke and indicated that is a valuable piece of property as it is part of the Bradford Pond area and that part of the Shoreline Green Way Trail will be going through it.

No Further Public Comment,

No Council Comment.

Seconded by Councilman Camera.

## **Item #6**

Councilwoman Donahue made the following Motion “To Consider and Act upon an Ordinance entitled “An Ordinance to Remove David Dorsa from the Zoning Board of Appeals.”

David Dorsa spoke on his own behalf, indicated his address to be 10 Brazos Road, East Haven.

He indicated that he did not appreciate his life being drawn into the public and that he had with him paperwork from his landlord and his motor vehicle registration.

Mr. Dorsa indicated that he believes that his ex-wife has made these accusations that have brought this matter before the Council, they had attempted to reconcile and after that did not work out he had moved out of town briefly, to a friend’s place. He hoped that this was not some sort of political payback for his differences with the Mayor.

Town Attorney Cofrancesco spoke to the Council and provided them with the background as to why this matter was now before them.

She quoted from the Town Charter 2-9 Subparagraph C of the Code “Notice.” Mr. Dorsa had been given notice. The Town had/has evidence that they deem relevant to this matter. The only person who can serve on a Board is a person who lives in the Town of East Haven.

The Mayor’s office had received more than one written communication indicating that David Dorsa was not living in East Haven. With that information the Administration had an investigation done and found that his driver’s license had an address of 28 Bennett Road, East Haven but that his primary car was registered to 413 Hill Street, Hamden, Connecticut.

Town Attorney Cofrancesco indicated that there is 80 years of case law on this matter. Basically residency is determined by “where you lay your head at night,” pay taxes, go to school, etc. No where in the Charter does it indicate that you can move out of Town and then move back in and still be a part of a Board.

Councilman Anania then presented a scenario of “what if” I went to Florida for a 2 month vacation and did not notify anybody?

Town Attorney Cofrancesco indicated that each case is different and fact specific. Town Attorney Cofrancesco pointed out that Mr. Dorsa never denied moving out of Town.

Chairman Benjamin Mazzucco, Jr., spoke and indicated that it is embarrassing to investigate a council member, wasting taxpayers money when the money can be going for more important things. Letters that the Mayor’s office received are suspicious at

best, coming from an unhappy person and that it is travesty to set him up based on the information provided.

Paul Hongo, Jr., Director of Administration and Management spoke and indicated that nobody is here to set anybody up and that we are here tonight based on the issue of Town liability and the impact this may have upon the Town of East Haven and the Community.

David Dorsa indicated that he only owns one vehicle and has a motorcycle and that this is happening because the “ex-husband has a girlfriend” and he lived in Guilford and at his parents while his divorce was going on.

Town Attorney Cofrancesco asked Mr. Dorsa when did he live on Bennett Road.

Councilman Parlato told Mr. Dorsa that he did not have to answer that

Councilman Parlato asked Mr. Dorsa if he was duly notified?

Mr. Dorsa indicated that he was not.

Councilman Camera asked if we are sticking with the Charter?

David Dorsa then indicated that at the time this happened it was a personal issue and he was staying with a friend, out of town.

Councilman Badamo indicated that there is nothing in the Charter that says you can do that.

Councilman Parlato indicated that he had an address in East Haven the whole time.

Carl Ruggiero indicated that this is an embarrassment to follow an official of the Town and asked to see the investigator’s report.

Chairman Thompson indicated that the Town is liable if he does not have residency in Town.

No Further Public Comment  
No Further Council Comment

Seconded by Councilman McKay

**Item #7**

Councilwoman Donahue made the following Motion “To Consider and Act upon an Ordinance entitled “An Ordinance Extending the Service of Captain James L. LaBanca.”

Captain James LaBanca spoke on his own behalf.

Captain James LaBanca indicated that this is his last request and that he is asking for an extension of seven to eight months. He does not feel that now is an appropriate time to retire with all the new inexperienced officers coming in and that with his expertise and knowledge he would be a good teacher and mentor.

Councilman Badamo asked when his extension would start from.

Captain James LaBanca indicated today (?)

Town Attorney Cofrancesco indicated that this is Captain James LaBanca's third request, his first request was in 2006 and 2007 was the last one.

Councilman Arpino indicated that he does not care how many times Captain James LaBanca requests an extensions as he is an asset the Town cannot afford to loose.

Town Attorney Cofrancesco questioned Captain James LaBanca about his knee injury and potential knee surgery.

Captain James LaBanca indicated that he does need knee surgery, indicates that he got hurt while on the job and that this is the only injury he has had in 43 years of service.

Councilman Badamo questioned when the injury occurred.

Captain James LaBanca indicated approximately October 22<sup>nd</sup> of this year (2008).

Town Attorney Cofrancesco indicated that a statute having application to a police officer would be applicable.

The Board of Police Commissioner had requested a similar opinion.

Councilman Camera indicated that perhaps we should table the issue tonight and see if we can have the police union give some information and if it proves positive to then go forward.

Councilman McKay indicated that we should move on this tonight and that they were being over cautious.

Town Attorney Cofrancesco indicated that the inquiry was designed to elicit from the Captain his capacity or incapacity to do his job. Any legal opinion is critical before you act on this. This issue was raised by Joe Civitello for a reason to protect the Town from liability.

Chief Gallo asked that only the Board can approve this and the Legal Opinion is secondary.

Town Attorney Cofrancesco suggested that this matter be tabled pending receipt of the Legal Opinion.

Seconded by Councilman Anania.

No Further Council Comment  
No Public Comment

Public Hearing adjourned at 8:43 p.m.

Respectfully submitted,

June A. Dunphy, Council Clerk

## **East Haven Town Council**

### **Minutes of the Regular Meeting**

The East Haven Town Council held a Regular Meeting on Tuesday, December 2, 2008 at 9 p.m. at the East Haven Community Center, 91 Taylor Avenue, East Haven, Connecticut in order to transact the following:

Chairman Thompson called the Regular Meeting to order at 9 p.m.

Chairman Thompson moved to accept the minutes of the November 12, 2008 meeting.

No Public comment.

Councilman Arpino seconded the Motion to accept the said Minutes.

Roll Call – All in favor – None opposed. Motion Carried.

Thirteen (13) present: Vincent Camera, Ken McKay, Fred Parlato, Vincent Arpino, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Two (2) Absent: Paul Cofrancesco and Michael Riolino

#### **Item #3**

Mayor April Capone Almon spoke to update the Town Council.

She informed the Council that they had received a Grant for the library in the amount of \$184,000.00.

During the Ticket or Click it campaign the officers gave out 76 tickets to people who failed to wear their seat belts, the Town will receive Grant money for participating.

December 2008 there will be more DUI checkpoints and seat belt check's.

The Town also received a Grant in the amount of \$13,000.00 for bullet proof vests.

Mayor April Capone Almon indicated that her office is putting together "Mayor's Night Out" by her going out to different areas of Town, as a way for her to reach out to more people in the community.

Mayor April Capone Almon updated the Town Council about the HELP Fair that was held by the Town on Saturday, November 22, 2008 and put together by Town Attorney Patricia Cofrancesco and her staff. Some of the community organizations that attended were the East Haven Counseling and Community Services, East Haven Social Services, Attorney Michael Albis, The Home Depot, Blake Financial, Cellura Mortgages, 211, The East Haven Food Pantry. The goal of the informational session

was to make the community aware of the services available to help them during tough economic times. The Town is considering doing another one in the Spring.

Chairman Camera asked that her "letter" that she had read into the record be published. Mayor April indicated that that would not be a problem.

#### **Item #4**

Paul Hongo, Jr., Director of Administration and Management had no new news to report.

#### **Item #5**

No correspondence to be read into record.

#### **Item #6**

Councilwoman Janice Donahue reading for Vice Chairman DePalma as Vice Chairman DePalma was sick.

Councilwoman Donahue made the following Motion "To Consider and Act upon an Ordinance entitled "An Ordinance for the Appointment of Members of the Public to Work with Town Staff and Planning Consultants During the Development of the East Haven Skate Park."

No Public comment.

Councilman Badamo seconded the Motion.

Roll Call – All in favor – None opposed. Motion Carried.

Thirteen (13) present: Vincent Camera, Ken McKay, Fred Parlato, Vincent Arpino, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Two (2) Absent: Paul Cofrancesco and Michael Riolino

#### **Item #7**

Councilwoman Donahue made the following Motion "To Consider and Act upon an Ordinance entitled "An Ordinance Authorizing the Conveyance of a Certain Property [555 Coe Avenue, East Haven, Connecticut] Acquired from Michael Reznik, in Lieu of Payment of the Taxes thereon to the Town of East Haven."

Speaker Gene Ruocco, of Planning and Zoning considered the 8-24 approval means that we already scrutinized the requirements

No Public Comment.

Councilwoman Badamo seconded the Motion.

Roll Call – All in favor – None opposed. Motion Carried.

Thirteen (13) present: Vincent Camera, Ken McKay, Fred Parlato, Vincent Arpino, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Two (2) Absent: Paul Cofrancesco and Michael Riolino

**Item #8**

Councilwoman Donahue made the following Motion “To Consider and Act upon an Ordinance entitled “An Ordinance Authorizing the Conveyance of a Certain Property [555 Coe Avenue, East Haven, Connecticut] Acquired from Michael Reznik, in Lieu of Payment of the Taxes thereon to the Town of East Haven.”

No Public Comment.

No Council Comment.

Councilwoman Badamo seconded the Motion.

Roll Call – All in favor – None opposed. Motion carried.

Thirteen (13) present: Vincent Camera, Ken McKay, Fred Parlato, Vincent Arpino, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Two (2) Absent: Paul Cofrancesco and Michael Riolino

**Item #9**

Councilwoman Donahue made the following Motion “To Consider and Act upon a an Ordinance entitled “An Ordinance for the Adoption of an Arts Council to Promote Arts and Cultural Programs and Projects Within the Community of the Town of East Haven.”

No Public Comment.

No Council Comment.

Councilman McKay seconded the Motion.

Roll Call – All in favor – None opposed. Motion carried.

Thirteen (13) present: Vincent Camera, Ken McKay, Fred Parlato, Vincent Arpino, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Two (2) Absent: Paul Cofrancesco and Michael Riolino

## **Item #10**

Councilwoman Donahue made the following Motion “To Consider and Act upon an Ordinance entitled “An Ordinance Authorizing the Acquisition of Certain Property [176 Mansfield Grove Road, East Haven, Connecticut] from D. William Owens, Jr. in Lieu of Payment of the Taxes Thereon, for the Purpose of Transferring said Properties to the East Haven Land Trust, Inc.”

No Public Comment.

Councilman McKay seconded.

Roll Call – All in favor – None opposed. Motion carried.

Thirteen (13) present: Vincent Camera, Ken McKay, Fred Parlato, Vincent Arpino, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Two (2) Absent: Paul Cofrancesco and Michael Riolino

## **Item #11**

Councilwoman Donahue made the following Motion “To Consider and Act upon an Ordinance entitled “An Ordinance to Remove David Dorsa from the Zoning Board of Appeals.”

Mr. Dorsa speaks on his behalf and indicates that he is a dedicated board member of the Town of East Haven; a resident of East Haven. He never received notice of this meeting and he has provided proof that he is a resident of East Haven.

Conversation, argument and discussion ensued by the Board and Public with regards to violation of Town Charter, Town liability, etc. (see notes from Public Hearing)

Upon No Further Public Comment and no Further Council Comment, Roll call was taken.

Roll Call – Three (3) Yeah. Eight (8) No. Two (2) Abstain. Motion failed.

Thirteen (13) present: Vincent Camera, Ken McKay, Fred Parlato, Vincent Arpino, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Two (2) Absent: Paul Cofrancesco and Michael Riolino

## **Item #12**

Councilwoman Donahue made the following Motion “To Consider and Act upon an Ordinance entitled “An Ordinance Extending the Service of Captain James L. LaBanca.”

Chairman Thompson made a Motion to postpone making a decision this month until more information is available.

No Public Comment.  
No Council Comment.

Roll Call – Eight (8) Yeah. Seven (7) No. Motion failed.

Thirteen (13) present: Vincent Camera, Ken McKay, Fred Parlato, Vincent Arpino, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Two (2) Absent: Paul Cofrancesco and Michael Riolino

Councilman McKay makes a motion to vote on Captain LaBanca’s matter this evening, Councilman Parlato seconded.

No Public Comment.  
No Council Comment.

Roll Call – Ten (10) Yeah. Three (3) Abstain. Motion passed.

Thirteen (13) present: Vincent Camera, Ken McKay, Fred Parlato, Vincent Arpino, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Two (2) Absent: Paul Cofrancesco and Michael Riolino

Councilman McKay makes a Motion to Adjourn; seconded by Councilman Parlato

No Public Comment.

Roll Call – All in favor – None opposed.

Thirteen (13) present: Vincent Camera, Ken McKay, Fred Parlato, Vincent Arpino, Gary DePalma, Ronald Toothe, Janice Donahue, Paul Thompson, Joseph Badamo, Pasquale Garguilo, Richard Anania, Diana Badamo and Carol Massaro.

Two (2) Absent: Paul Cofrancesco and Michael Riolino

Motion carried.

No other business to come before the Town Council. The Meeting was adjourned at 9:45 p.m.

Respectfully submitted,

June A. Dunphy, Council Clerk