

RECEIVED FOR FILING
JUL 05 2019 1

TOWN CLERK'S OFFICE
EAST HAVEN, CONN.

EAST HAVEN TOWN COUNCIL
PUBLIC HEARING MINUTES
TUESDAY, JULY 2, 2019

Stacy Gravano, CTC
TOWN CLERK

In accordance with Chapter III, Section 6 of the East Haven Town Charter, the East Haven Town Council Hearing Committee held a public hearing meeting Tuesday, July 2, 2019, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Chairman Ken McKay calls the meeting to order at 7:00PM.

Item #1

Roll Call for Hearing Committee-11 present – 4 absent (Pacelli, Badamo, Butler III and Anania).

A quorum is present.

Item #2

To conduct Public Hearing #1 regarding "An Ordinance Banning the Use of Tobacco and Vaping Products on Town Properties."

An Ordinance Banning the Use of Tobacco and Vaping Products on Town Properties

The following shall be codified as Section 17-2, in Chapter 17, of the East Haven Code:

"Sec. 17-2. An Ordinance Banning the Use of Tobacco and Vaping Products on Town Properties

(a) Definitions

As used in this section, the following terms shall have the following meanings:

- (i) "Town Facility or Property" means any Town-owned or operated building or property, including land, or any property leased to a third-party whose operating budget is funded more than fifty-one percent (51%) by funds allocated by the Town of East Haven. Town facilities or properties shall specifically include, but not be limited to, those properties or facilities used in connection with recreational programs or purposes, including, but not limited to, sports or athletic fields and facilities, parks, beaches, playgrounds, biking or walking paths, dog parks, bleachers, gardens, passive recreation areas, trails and other areas where people may assemble for recreational purposes, including markets, fairs, parades, and any community, recreation or building located on park or recreation property. Park or recreational property shall not include school grounds.
- (ii) "Public School Grounds" means a parcel of land or portion thereof used for school purposes and operated by the Town of East Haven Board of Education.

- (iii) "Tobacco product or vaping product" means any substance containing tobacco or any tobacco product in all of its forms, including but not limited to a lighted cigarette, cigar, pipe, or similar device, such as all electronic cigarettes (e-cig, e-hookah, vape pen, electronic nicotine delivery system), as well as chew tobacco and snuff as well as any product of formulation or matter containing biologically active amounts of nicotine that is manufactured, sold or offered for sale or otherwise distributed with the expectation that the product or matter will be introduced into the human body but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

(b) Smoking and/or Use of Tobacco Products or Vaping Products Prohibited at Town Facilities or Property

- (i) It shall be prohibited, at all times, for an individual to smoke and/or use any tobacco product or vaping product in any form while at, in, or upon a town facility or town property, public school grounds, or on any other specified sections of town owned property.
- (ii) Notwithstanding the prohibitions contained in this section, the use of tobacco products or vaping products while at, in, or upon a town facility or town property may be permitted in areas designated by the Mayor or his/her designee. In the event any such use of tobacco products or vaping products is authorized pursuant to this section, the Town Council may overrule such authorization by resolution receiving a two-thirds vote of those members present and voting at a duly called meeting.

(c) Locations and Signs to be Posted.

Town facilities or properties, public school grounds and other specified sections of town owned property where the use of tobacco products or vaping products has been banned pursuant to this chapter shall be so designated by signs posted that give notice of the same to those at, in, or upon said properties or facilities. In furtherance of the same, the town may post signs sufficient in size and number to alert those at, in, or upon such properties that such properties are "Tobacco/Vaping Free Zones." Any such signs shall clearly indicate that said prohibition is made pursuant to this section and shall state the penalty amount for violations.

(d) Enforcement.

Sworn officers of the Town of East Haven Police Department shall be charged with the enforcement of this chapter. Upon observing or having probable cause to believe that a violation of this section has occurred, any sworn officer of the department may inform the violator of this chapter of the same and take enforcement action when a violation has occurred.

(e) Penalty.

Law enforcement officers may issue citations for violation of this chapter. Persons found to be in violation of section (b) herein shall be fined \$100.00 for each violation. Appeals

of any violations issues pursuant to this section may be made in the same manner as specified in E.H. Code 11-18."

No public comment.

Council comment:

- Councilman Nicholas Palladino says it mentions any product with nicotine, should we make an exception for a nicotine patch or chewing gum which people are using to help them quit smoking.
- Town Attorney Joseph Zullo says the Section 3 of the definitions says it excludes specifically any products approved by the US FDA for use in treating nicotine/tobacco dependence so that would cover the patches.

Item #3

Adjournment of Public Hearing #1.

Councilman Joseph Santino makes a motion.

Councilman Big Steve Tracey seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #4

To conduct Public Hearing #2 regarding "An ordinance making an appropriation of \$7,200,000.00 for the purchase and installation of equipment to achieve energy savings at various municipal buildings and schools in the Town of East Haven and authorizing the issuance of \$7,200,000 bonds of the Town to meet said appropriations and pending the issuance thereof the making of temporary borrowings for such purpose."

AN ORDINANCE MAKING AN APPROPRIATION OF \$7,200,000 FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT TO ACHIEVE ENERGY SAVINGS AT VARIOUS MUNICIPAL BUILDINGS AND SCHOOLS IN THE TOWN OF EAST HAVEN AND AUTHORIZING THE ISSUANCE OF \$7,200,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAST HAVEN:

The sum of \$7,200,000 is appropriated by the Town of East Haven (the "Town") for the cost of the purchase and installation of certain equipment to achieve savings in energy costs at various municipal buildings and public schools, including, but not limited to, LED lighting and lighting controls, boiler plant upgrades, kitchen hood controllers, walk-in freezer/cooler controllers, building management system upgrades, building envelope improvements, pipe insulation, steam trap replacement, high efficiency transformers, plug load controllers, pool dehumidification unit, and water conservation, and all alterations, repairs and improvements in connection therewith, as well as engineering,

architectural and temporary and permanent financing costs (the "Project"), said appropriation being inclusive of any and all grants which may be received for the Project.

To meet said appropriations, \$7,200,000 bonds of the Town or so much thereof as shall be necessary for such purposes, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series in the amount necessary to meet the Town's share of the cost of the project determined after considering the estimated amounts of the State or Federal grants in aid of any of the public improvements listed in Section 1, or the actual amounts thereof, if this be 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. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company and be approved as to their legality by Pullman & Comley LLC, of Hartford, CT. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including approval of the rate or rates of interest shall be determined by the Mayor and the Director of Finance in accordance with the General Statutes of the State of Connecticut, as amended.

Said bonds shall be sold by the Director of Finance in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest true interest cost to the Town. If the bonds are sold by negotiation, the terms and conditions of the purchase agreement shall be approved by the Mayor and the Director of Finance.

The Director of Finance is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Director of Finance, be approved as to their legality by Pullman & Comley LLC, of Hartford, CT and be certified by a bank or trust company designated by the Director of Finance. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every

requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the projects defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds.

The Mayor, Director of Finance and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town of East Haven, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Enacted by the Town Council: _____ (Date)

Approved by the Mayor

(Signature)

(Date)

Councilman Nicholas Palladino makes a motion to read only the title and the first and last paragraph of the Ordinance.

Councilman Robert Parente seconds the motion.

Roll call vote: all in favor-none oppose-none abstain. Motion carries.

Council comment:

- Donna Richo-67 Charnes Drive, East Haven-Mrs. Richo asks what the term and type of the bonds is.

- Finance Director Paul Rizza indicates they will be one-year notes to start. The first would probably be \$3 million and then it will depend on where they are in the project. They will probably go two years then issue 20-year bonds.
- Mrs. Richo says this is for upgrading electricity?
- Mr. Rizza says energy projects for all of our buildings including the schools; it is Town and Board of Education.
- Mrs. Richo asks if there is a break down of who gets what and if she heard something about the pool.
- Mr. Rizza says there is funding for the old high school pool which is about \$250,000 which would include a desert air system which removes moisture.
- Mrs. Richo asks why that is not being funded through the bonding of that building.
- Mr. Rizza says that's different, the funds are available right now for the desert air system.
- Stacy Gravino-132 Vista Drive, East Haven- Ms. Gravino asks when the bonding will take place and how soon after the bonding will the work begin. She is asking as Town Clerk because the Town Clerk's Office doesn't have air conditioning. They haven't had air conditioning that works correctly for several years. She has had to purchase out of her own money portable air conditioners. This week it is horrible, there is no ventilation in the vault; it is hot in there and in their office. The air quality is poor and people in the office are suffering and people who come to use the office. She wants to make sure the Town Clerk's Office is part of this bonding project and she would like to know when this project would be done.
- Sal Brancati-Director of Administration & Management- Mr. Brancati says they have had conversations with representatives from Honeywell and they are here this evening. The air conditioning in the Town Clerk's Office is on the list of improvements to be done. As early as today, they had public works workers on the roof checking the unit and they think there may be a freon leak in the unit. The compressor was changed and the circulator fan was changed. He believes the last time the coolant level was checked the level was between 63 and 68 degrees, which he thought was sufficient but he is told it should be cooler than that. Honeywell's whole project is for energy conservation and things that will save us money so since the unit is not efficient and serving properly, changing it will add to our savings. This evening he confirmed that the system in the Town Clerk's Office is on the agenda and will be replaced. As far as the time frame it depends when the bonds are sold and they can give Honeywell the money to start buying equipment for that office and other areas around Town and then the construction will begin. It's impossible to give an exact date.
- Mr. Rizza adds that tomorrow he will be on the phone with the underwriters who he has been working with over the last three weeks putting information together for the initial \$3 million dollars. They will hopefully have the money prior to the end of this month.

Council comment:

- Councilman Joseph Carfora asks Sal if he said it is leaking water.
- Mr. Brancati says not water, they believe that it should blow at 54 degrees out of the air ducts and it is at 63 so they believe there is a circulatory issue with the

coils. He thought about having Viglione or someone come check it in the interim and see if a charge in the unit would suffice temporarily. They haven't made the decision yet.

- Ms. Gravino says they hear the unit click on and click off and it's not doing anything.
- Mr. Brancati says that is because of the low freon.
- Councilman Big Steve Tracey asks if they could put this project first.
- Mr. Brancati says he could talk to the project manager from Honeywell to find out when they can get that unit done but it's not his decision to make. There are other priorities that have been laid out and explained to the Council in the past. They are trying to get to the schools first while school is out it is the best time to do it there.
- Ms. Gravino says when Honeywell came to talk to them they said they could do it simultaneously with the schools.
- Attorney Zullo says that improvement to Town Hall falls under energy conservation number five and is one of the first sets of measures to be completed. It was in the Council packet last meeting and it is in the timeline of first set of improvements happening.
- Councilman Joseph Carfora says his concern is if there is a health hazard with the four ladies working in there. We know there is a health hazard already in the tax assessor's office that is being addressed by East Shore Health. Is there going to be a mold problem in this office because there is a mold problem in Mike Milici's Office and from what he hears he is still working out of his vault and not his office because there are also issues with asbestos in there.
- Mr. Brancati says they have had East Shore Health there and they have had the State there to inspect the Assessor's Office. There were two sets of tests done and with one it appeared there was a poke in a pipe, some material fell and it was tested and it was asbestos. The next day they found another pile on the floor, East Shore Health picked it up, put it in a bag and sent it out for testing and there was no asbestos in the material. They have no knowledge where it came from, it was in the same place and it tested negative. The State Health Department came down and did an inspection two weeks ago and said they can't touch any tiles and they would be sending an email putting it on the record but they have yet to receive any orders from the State as to what actions the Town was supposed to take. He can go back in his office there is no danger there and East Shore Health has assured them of that, there is no asbestos in there now, the ceiling has been repaired. If he wants to stay in the vault, he can stay in the vault.
- Councilman Joseph Carfora asked if someone went in Stacy's office to verify there is no harmful stuff going around in there.
- Mr. Brancati says he can call East Shore Health and have them take a look but he's not sure if a non-working air conditioning not working in any room or building creates a health hazard.
- Councilman Joseph Carfora says just the working conditions for the 4 people working in the office.
- Mr. Brancati says that is a totally different issue he doesn't want people coming in unhappy to come to work but they have taken appropriate actions it is on

Honeywell's agenda and they can't work any faster than they are. He would be willing to have it looked into to see if a charge will get it working temporarily.

- Councilman Joseph Carfora asks if they have window units or central air.
- Ms. Gravino says it is central air but she has portable units in there now.
- Councilman Robert Parente says he did speak to Ms. Gravino yesterday about it and he will see if there are enough volts in the plugs to put in temporary window units on an interim basis.

Item #5

Adjournment of Public Hearing #2.

Councilman Robert Parente makes a motion.

Councilman Big Steve Tracey seconds the motion.

Roll call vote: all in favor-none oppose-none abstain. Motion carries.

Item #6

To conduct Public Hearing #3 regarding "An ordinance Amending E.H. Code 12-6, "Prohibiting dogs and other animals from the Town Green during certain events."

An Ordinance Amending E.H. Code 12-6, "Prohibiting dogs and other animals from the Ton Green during certain events."

The following shall be codified as Section (e) in Section 12-6, in of the East Haven Code:

"(e) There is hereby established a prohibition of dogs and other animals, reptiles, birds and amphibians of any kind on the East Haven Town Beach and any beach owned by the Town of East Haven. An animal or other creature shall be exempt from the prohibition set forth in this subsection (e) if it satisfies any of the criteria set forth in Sec. 12-6(b)."

Public comment:

- Donna Richo-67 Charnes Drive- Mrs. Richo says they are banning dogs and all animals from the green, why?
- Chairman Ken Mckay says during events.
- Attorney Zullo states to make it clear the current ordinance bans dogs and other animals from the Town Green during town events which over 100 people are attending. When it is under 100 people or just a normal day people can bring their animals or other pets unrestricted. That is under the current Ordinance. Under the revision that was proposed at the last meeting by the Council it is establishing a blanket prohibition on the Town Beach for any situation regardless of the number of people.
- Mrs. Richo says so no animals on the beach ever?

- Councilman Joseph Santino says for the past 50 years that he has been there no, but it has only been a rule it was never an Ordinance. We found out when the dog warden went to enforce something and they went to the Town Clerk's office and found there is no ordinance for it. So they have had this rule for 40-50 years that says no pets allowed. People have gone down with iguanas, parrots, snakes, etc. and the person at the gate tells them the rule of no pets. They need to put in an Ordinance because they can't do anything about it right now.
- Mrs. Richo says so we think we can regulate morality? Pets are nice things to have.
- Councilman Joseph Santino says he doesn't know if she ever goes down there but it has been a rule there forever. He says what if someone comes down with a dog and she's afraid of it. Some people are afraid of animals.
- Mrs. Richo says she can be afraid of a kid on a motorcycle, people are afraid of people.
- Councilwoman Judy Sittnick says it is more than being afraid, it's pets messing on the beach.
- Councilman Nicholas Palladino says the most important reason is the health reasons. They want to put it into an Ordinance because they don't need people walking their dogs on the beach. If the dog just defecates on the beach it can be picked up but if they urinate on the beach it stays there. He mentions his 185lb great dane and if he urinates it's a gallon or more at a time how can he clean it up and when he defecates its like a cow plop. There are people and kids at the beach it's not a place to bring animals. If it is a service dog that's okay.
- Pat Marchitto-111-5 Cosey Beach Ave- Mr. Marchitto says he knows right now it is only a rule there isn't an Ordinance, but he read in the list of Town Ordinances that there is an Ordinance in place that states the Park and Rec sets the beach rules so if they set the rule of no animals on the beach doesn't that fall into an Ordinance.
- Attorney Zullo says this has to do with the finance aspect of it because you can make all the rules you want but if you don't have an enforcement mechanism then you don't have the ability to enforce it or give it any teeth. The Council creates enforcement mechanisms and sets fines so what they are doing by adding this to that Ordinance is taking the \$75 fine and applying it to this rule that Parks and Rec has created.
- Mr. Marchitto says he is in favor of it, he isn't a dog hater but humans have made him hate dogs. There are humans on the beach and if the dog defecates and it is cleaned up there is still bacteria in the sand. Maybe somewhere there should be a dog park but not the Town Beach.

Item #7

Adjournment of Public Hearing #3.

Councilman Joseph Santino makes a motion.

Councilman Robert Parente seconds the motion.

Roll call vote: all in favor-none oppose-none abstain. Motion carries.

Item #8

Hearing Committee report(s) to the full Town Council and recommendation of action on Public Hearings #1, #2, #3.

Councilman Nicholas Palladino makes a motion.

Councilwoman Loria Jaffe seconds the motion.

Roll call vote: all in favor-none oppose-none abstain. Motion carries.

Item #9

Adjournment of Hearing Committee.

Councilman Joseph Santino makes a motion.

Councilman Big Steve Tracey seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Meeting is adjourned at 7:36PM.

Respectfully Submitted,

Danelle Feeley

Danelle Feeley, Clerk, East Haven Legislative Town Council