

EAST HAVEN TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, JULY 2, 2019

Stacy Gravino, CTC
TOWN CLERK

The East Haven Town Council held a regular meeting Tuesday, July 2, 2019, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Councilman Ken McKay calls the meeting to order at 7:38PM.

Chairman McKay asks all to stand for the pledge of allegiance.

Councilman Nicholas Palladino asks for a moment of silence for the passing of Phyllis McKay and Councilwoman Loria Jaffe asks for a moment of silence for Chuck Lang who is in the hospital.

Item #1

Roll Call-11 present- 4 absent (Pacelli, Badamo, Butler III and Anania).
A quorum is present.

Item #2

Approval of minutes from the June 4, 2019 Regular Meeting.

Councilman Joseph Deko make a motion.

Councilman Joseph Santino seconds the motion.

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

Item #3

No correspondence

Item #4

Subcommittee Reports:

- a. Subcommittee on Education, Library, and School Building; **no report**
(Robert Parente, Lou Pacelli, Linda Hennessey)
- b. Subcommittee on Public Safety, Health, & Welfare;
("BIG" Steve Tracey, Rich Anania, Joe Santino)
 - Councilman Joseph Deko mentions Firefighter Ron Rascati who was honored twice last year and thanks him for his 38 years of service to the Town. He has not retired yet.
- c. Subcommittee on Finance;
(Judy Sitnick, Joseph Badamo, Joseph Carfora)

- Councilman Joseph Carfora mentions the \$210,000 that is going to be coming up in Item #13; he has some evidence to pass out to the Council regarding it. The information was sent to him by a finance whistleblower and it needs to be discussed. He says our Town over the last three years has paid out \$2.6 million dollars in legal fees and he thinks there should be answers. He said Attorney Zullo made \$1 million dollars in three years.
- Attorney Zullo says he is going to object to this, this is a grandstanding performance by a mayoral candidate and has nothing to do with this item.
- Councilman Joseph Carfora says he wants an itemized report on every single payment to him and the \$210,000 that they are going to send to him. He says this is not grandstanding this is facts.
- Attorney Zullo says to him if he made \$1.05 million dollars over the last three years off the Town and Councilman Carfora can prove it, he will resign. It's not there. But if he didn't and it is substantially less, he wants Councilman Carfora to withdraw as a mayoral candidate because anyone that stands up and does something like that has to.
- Councilman Joseph Carfora says he is not resigning.
- Chairman McKay calls order and says to Councilman Carfora that anytime there is something like this to discuss, bring it to the Council ahead of time because he doesn't know this as the truth, anyone can make that up on the computer.
- Attorney Zullo asks if Mr. Carfora investigated the 1099's issued to his firm as part of this?
- Councilman Joseph Carfora says no he did not.
- Attorney Zullo says if he investigated that he would find that their general retainers for the year are about \$110,000 so over three years that's \$330,000. They haven't billed nearly outside their retainer in any way different than any prior administrations.
- Councilman Joseph Carfora says he wants an itemized report for it and also for Item #13 that they as a board tonight are going to transfer \$210,000 to his firm. He wants to know where the money is going. He is hearing it from his constituents on a daily basis.
- Attorney Zullo asks him if he pulled any purchase orders issued to his firm or any of these firms.
- Councilman Joseph Carfora says the facts are right there.
- Attorney Zullo says the facts are not there and that is the problem. There are no 1099's or purchase order so all he sees here are numbers and if you don't have experience reading these numbers you don't understand what they mean. Clearly he doesn't because he can tell him he did not make \$1.05 million dollars in the last three years. His concern is, and he is hurt, if that is what he wanted he didn't bring it to him and ask for it. He came in with a chart in front of a large amount of people in an attempt to grandstand. It was

obvious grandstanding. And he comes in with only a summary and lacking objective information, which would prove this to be demonstrably false. He will give him the correct information and asks if he does, will he issue an apology?

- Councilman Joseph Carfora says he will issue a public apology if he can disprove those facts that came from Town Hall from a very concerned whistleblower that told him those are all true. Up until then, he would like to have an itemized statement for those numbers and he would like an itemized statement when they get to the \$210,000 because he wants to know where our money is going.
- Councilwoman Linda Hennessey says obviously this line item is the subcommittee report on Finance so that members of the Council can attend and let the public know what is going on. Has he attended any of these meetings?
- Councilman Joseph Carfora says yes he has attended Finance meetings, not recently but that information was sent to him.
- Councilwoman Judy Sittnick says because he is running for Mayor.
- Councilman Nicholas Palladino says he spoke with the Town Attorney at the administrative meeting about the \$55,000 that was bonded money to repair the Vac Truck and was then moved and used to hire a subcontractor. It was never brought to the Board of Finance he checked with them and he asked the Finance Director if it went to the Bonding Commission and it didn't. So how was that money moved if the procedure wasn't followed. The money was to repair the truck, they didn't repair the truck they sold it and then moved it to do the subcontracting.
- Attorney Zullo says he doesn't have an answer yet because he just covered the bases he started with so now that he knows those things didn't happen, the question is if the wording of the bonding ordinance was broad enough to cover it to outsource rather than repair.
- Councilman Nicholas Palladino says the wording in the bonding was to repair.
- Attorney Zullo says he doesn't have the bonding ordinance in front of him but he will look into it and get back to him. The money wasn't moved, it is still in that line item but an expense was paid out of the line item. The question is whether the expense paid out of the line item was permissible under the bonding ordinance. They will actually give this question to the bond counsel to answer.

d. Subcommittee on Public Services, Parks, & Recreation;

(Robert Parente, Joseph Deko, Lori Jaffe)

- Councilman Robert Parente gives big kudos to his guys at Public Works who did a phenomenal job from 7:00 in the morning until 1:00 the following morning. When you pulled out of that lot you could not tell there was an event there all day. He is proud of the guys at public works and they deserve a shout out.

- Councilman Joseph Deko seconds what Councilman Parente said, they continuously do a good job down there especially with the fireworks. He asks where the rest of the garbage cans are that he found at the Town dump months ago that aren't down at the beach yet. The garbage cans are overflowing, there were no cans at the east entrance of the beach and they have been asking for that since Memorial Day. Councilman Robert Parente says he will meet him there tomorrow.
- Councilman Joseph Santino says they are starting phase II of the wall, they took the fencing out so the rest of the wall will continue all the way down to the end. And there are new benches ordered for around the bocce courts.
- e. Subcommittee on Urban Renewal/Housing; **no report**
(Richard Anania, Henry Butler, III, Joseph Deko)
- f. Temporary Subcommittee on Community Group Stipends.
(Big Steve Tracey, Nicholas Palladino, Robert Parente)
- Councilman Nicholas Palladino says he would like to set a couple dates to meet, he has been getting calls. They will give the dates to Candy for when the groups call.
- Chairman McKay says they should appoint a chairman of the committee and get in touch and meet as soon as possible.
- Councilman Joseph Deko mentions he forgot to mention it under subcommittee item D the topic of the parking ordinance he brought up at last month's meeting. He asks the Town Attorney to put on the record the discussion they had with regard to the new direction they will need to move in.
- Attorney Zullo states that he indicated to Councilman Deko that Section 7D of Chapter 4 of the Town Charter states that the Police Department vis-à-vis the Police Commission is responsible for traffic and that includes traffic enforcement which clearly places jurisdiction over the roads and traffic in the hands of the Police Commission as opposed to the Council. He referred to 2011 and he believes 2012 when the Town Council twice attempted to enact a Tow Policy, which during the DOJ consent decree period they determined it was an improper set of ordinances because it infringed upon the jurisdiction of the Police Commission because they direct towing, traffic, etc. so they repealed those Ordinances. For the Council to act on parking would be an infringement upon the jurisdiction, which is clear in the charter, of the Police Commission. What he emphasized was that that shouldn't be an affront to stop the efforts to fix it down there. For the Council to enact an Ordinance they would need to set a public hearing tonight and act on it at the next meeting but the Board of Police Commissioners does not act by Ordinance it acts by vote and resolution. So bringing it to the Police Commission at this meeting or the next would either save time or they would be on the exact same time schedule as they would be with the Council so they aren't losing any time and would be before the proper regulatory authority. He adds that maybe they can ask the Chair for a special meeting to

bring it up aside from the other business because they can get it done sooner and if they want to go out and look they can then bring it up at the regular meeting.

- Councilman Nicholas Palladino says if they decide the parking resolution would be a good thing to do, they would forward it to the Council to actually make the resolution?
- Attorney Zullo says no, just like the Police Commission votes to erect no parking signs on certain streets or make a street one way or to change a speed limit they would vote to do it. They wouldn't need an Ordinance, they could go off that and the enforcement of it and the fines would fall under the Ordinance that they revised last time with the fines that have much bigger teeth than before.
- Councilman Joseph Santino says in 2014 he tried to do it the same way through the Council and he had to form a committee with the Police Commission. They had to pull teeth to get parking on one side and the commission formed a committee and they walked the streets and met with the bus companies, etc. The only way to get it done is to work with them not against.
- Councilman Joseph Deko says nobody is working against them but they have been doing this for how long with the Momauguin group and they haven't gotten any further this is the first concrete answer they got. He thanks Attorney Zullo.

Item #5

To consider and act upon "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."

Councilman Nicholas Palladino makes a motion.

Councilman Joseph Santino seconds the motion.

No public comment.

No Council comment.

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

Item #6

To consider and act upon "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 Robert Parente makes a motion.
Councilman Big Steve Tracey seconds the motion.

No public comment.

No Council comment.

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

Item #7

"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)."

Councilman Robert Parente makes a motion.

Councilman Nicholas Palladino seconds the motion.

No public comment.

No Council comment.

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

Item #8

To consider and act upon a Resolution authorizing a Transfer of \$28,750.00 for the Public Safety Command Center as follows:

A Resolution authorizing a Transfer of \$28,750.00 for the Public Safety Command Center

WHEREAS, the Town Council of the Town of East Haven, upon recommendation of the Board of Finance, must approve, by resolution, transfers of monies in excess of \$25,000.00 but not in excess of \$50,000.00;

AND WHEREAS, the Board of Finance, on June 19, 2019, approved and recommended the following transfer to the Town Council:

Public Safety Command Center

To:	For:	
01-336-0190	Overtime	\$10,000.00
01-336-0115	Part-Time Wages	\$18,750.00
TOTAL		\$28,750.00

From:		
01-336-0110	Regular Salaries	\$10,000.00
01-336-0110	Regular Salaries	\$18,750.00

TOTAL **\$28,750.00**

Reason: Funds needed to close out FY 2018-2019.

NOW THEREFORE, be it **RESOLVED** by the Town Council of the Town of East Haven that said transfer is approved.

This Resolution shall be effective in accordance with the provisions of the East Haven Town Charter.

Councilwoman Loria Jaffe makes a motion.
Councilman Joseph Deko seconds the motion.

Public comment:

- Michelle Lettieri- 172 Cosey Beach Ave- Mrs. Lettieri asks what and where the command center is.
- Chairman Ken Mckay says it is the 9-1-1 command center at the Police Department.

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

Item #9

To consider and act upon a Resolution authorizing a Transfer of \$42,000.00 for the Recreation Department as follows:

A Resolution authorizing a Transfer of \$42,000.00 for the Recreation Department

WHEREAS, the Town Council of the Town of East Haven, upon recommendation of the Board of Finance, must approve, by resolution, transfers of monies in excess of \$25,000.00 but not in excess of \$50,000.00;

AND WHEREAS, the Board of Finance, on June 19, 2019, approved and recommended the following transfer to the Town Council:

Recreation Department

To:		For:	
01-661-0115		Part-Time Wages	\$10,000.00
01-661-0118		Seasonal Wages	\$32,000.00
TOTAL			\$42,000.00
From:			
01-661-0694		Other Con. Svcs.	\$24,000.00
01-661-0201		Electric, Town Pool	\$8,000.00

01-661-0203	Natural Gas	\$6,000.00
01-661-0579	Pool Chemicals	\$3,000.00
01-661-0646	Reg. Dues & Subscriptions	\$1,000.00
TOTAL		\$42,000.00

Reason: Funds needed to close out FY 2018-2019.

NOW THEREFORE, be it **RESOLVED** by the Town Council of the Town of East Haven that said transfer is approved.

This Resolution shall be effective in accordance with the provisions of the East Haven Town Charter.

Councilman Joseph Santino makes a motion.

Councilwoman Judy Esposito seconds the motion.

No public comment.

No Council comment.

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

Item #10

To consider and act upon a Resolution to provide a tax refund of \$1,416.44 to John Miessau as follows:

A Resolution to provide a tax refund of \$1,416.44 to John Miessau

WHEREAS, C.G.S. Section 12-129 provides that a local board of selectmen, or its equivalent, may, upon recommendation and certification of the Tax Collector, issue a refund for tax overpayments;

AND, WHEREAS, the following entity or person has requested a refund for the following overpayment:

John Miessau
19 Hampton Road
East Haven, CT 06512

Acct./List: 2017-01-0006717

Reason: Court Stipulation

Amount: \$1,416.44

TOTAL: \$1,416.44

AND, WHEREAS, the Tax Collector, via backup paperwork submitted to this Council, has recommended and certified the accuracy of this refund;

NOW, THEREFORE, BE IT RESOLVED that said refund is approved and the tax collector is authorized to effectuate said refund.

This resolution shall be effective in accordance with the provisions of the East Haven Town Charter.

Councilman Joseph Santino makes a motion.

Councilwoman Loria Jaffe seconds the motion.

No public comment.

No Council comment,

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

Item #11

To consider and act upon a Resolution to provide a tax refund of \$592.84 to Honda Lease Trust as follows:

A Resolution to provide a tax refund of \$592.84 to Honda Lease Trust

WHEREAS, C.G.S. Section 12-129 provides that a local board of selectmen, or its equivalent, may, upon recommendation and certification of the Tax Collector, issue a refund for tax overpayments;

AND, WHEREAS, the following entity or person has requested a refund for the following overpayment:

Honda Lease Trust

600 Kelly Way
Holyoke, MA 0140

Acct./List: 2017-03-0060256

Reason: Canceled Plates

Amount: \$592.84

TOTAL: \$592.84

AND, WHEREAS, the Tax Collector, via backup paperwork submitted to this Council, has recommended and certified the accuracy of this refund;

NOW, THEREFORE, BE IT RESOLVED that said refund is approved and the tax collector is authorized to effectuate said refund.

This resolution shall be effective in accordance with the provisions of the East Haven Town Charter.

Councilman Robert Parente makes a motion.

Councilman Big Steve Tracey seconds the motion.

No public comment.

No Council comment.

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

Item #12

To consider and act upon a Resolution to provide a tax refund of \$1,897.10 to Wendford, LLC as follows:

A Resolution to provide a tax refund of \$1,897.10 to Wendford, LLC

WHEREAS, C.G.S. Section 12-129 provides that a local board of selectmen, or its equivalent, may, upon recommendation and certification of the Tax Collector, issue a refund for tax overpayments;

AND, WHEREAS, the following entity or person has requested a refund for the following overpayment:

Wendford, LLC
27 Central Ave
Cortland, NY 13045

Acct./List: 2017-01-0004147

Reason: Paid to the wrong town on the wrong account.

Amount: \$1,897.10

TOTAL: \$1,897.10

AND, WHEREAS, the Tax Collector, via backup paperwork submitted to this Council, has recommended and certified the accuracy of this refund;

NOW, THEREFORE, BE IT RESOLVED that said refund is approved and the tax collector is authorized to effectuate said refund.

This resolution shall be effective in accordance with the provisions of the East Haven Town Charter.

Councilman Nicholas Palladino makes a motion.

Councilman Big Steve Tracey seconds the motion.

No public comment.

Council comment:

- Councilman Joseph Deko says we are just going to refund the \$1,800 and hope they pay the other Town?
- Attorney Zullo says they have no control over whether they pay the other Town, that is not in their jurisdiction. All we know is that we accepted a tax payment that wasn't due to us, and it could very well be that they are waiting to take this money we are going to refund and then send it to Hartford.
- Councilman Joseph Santino says he asked and it was the wrong Town that received the payment. He asks if the Town Attorney can send a memo to the Tax Collector, can they be a little more precise on the reasons. Some of the reasons are crazy.
- Councilman Joseph Deko says or more of an explanation, he didn't even know where this one was even for.

Item #13

To consider and act upon a Resolution setting a public hearing date and time to discuss an "Ordinance approving a transfer of \$210,000.00 for the Legal Services Department" as follows:

A Resolution setting a public hearing date and time to discuss an "Ordinance approving a transfer of \$210,000.00 for the Legal Services Department"

BE IT RESOLVED that, pursuant to Chapter 3, Section 6 of the Town Charter and Section A, Item 3 of the Town Council Standing Rules, a public hearing shall take place on August 6, 2019, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut to discuss an Ordinance approving the following transfer at the recommendation of the Board of Finance:

Legal Services

To:	For:	
01-113-0668	Legal and Lawyer Fees	\$210,000.00
TOTAL		\$210,000.00

From:		
01-881-8950	Self Insurance	\$150,000.00
01-885-0689	Contingency	\$60,000.00
TOTAL		\$210,000.00

Reason: Funds needed for complex litigation - to close out FY 2018-2019.

BE IT FURTHER RESOLVED that the council clerk and Town Attorney are charged to effectuate notice of said public hearing in accordance with the Town Charter and the Standing Rules.

Councilman Joseph Carfora makes a motion to table this item.
Chairman McKay says all they are doing it setting a public hearing.
Councilman Joseph Carfora withdraws his motion.

Councilman Nicholas Palladino makes a motion.
Councilwoman Loria Jaffe seconds the motion.

No public comment.

No Council comment.

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

Item #14

To consider and act upon a Resolution setting a public hearing date and time to discuss an "Ordinance approving a transfer of \$225,000.00 for the Public Services/Sanitation Departments" as follows:

A Resolution setting a public hearing date and time to discuss an "Ordinance approving a transfer of \$225,000.00 for the Public Services/Sanitation Departments"

BE IT RESOLVED that, pursuant to Chapter 3, Section 6 of the Town Charter and Section A, Item 3 of the Town Council Standing Rules, a public hearing shall take place on August 6, 2019, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut to discuss an Ordinance approving the following transfer at the recommendation of the Board of Finance:

Public Services/Sanitation

To:	For:	
01-226-0676	Waste Collection - Disposal	\$200,000.00
01-226-0674	Waste Collection - TrashMaster	\$25,000.00
TOTAL		\$225,000.00

From:		
01-224-0110	Regular Salaries	\$200,000.00
01-229-0201	Electricity	\$25,000.00
TOTAL		\$225,000.00

Reason: Funds needed to close out FY 2018-2019.

BE IT FURTHER RESOLVED that the council clerk and Town Attorney are charged to effectuate notice of said public hearing in accordance with the Town Charter and the Standing Rules.

Councilman Nicholas Palladino makes a motion.
Councilman Big Steve Tracey seconds the motion.

No public comment.

No Council comment.

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

Item #15

To consider and act upon a Resolution setting a public hearing date and time to discuss an "Ordinance approving a transfer of \$154,000.00 for the Police Department" as follows:

A Resolution setting a public hearing date and time to discuss an "Ordinance approving a transfer of \$154,000.00 for the Police Department"

BE IT RESOLVED that, pursuant to Chapter 3, Section 6 of the Town Charter and Section A, Item 3 of the Town Council Standing Rules, a public hearing shall take place on August 6, 2019, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut to discuss an Ordinance approving the following transfer at the recommendation of the Board of Finance:

Police Department

To:	For:	
01-332-0190	Overtime Wages	\$50,000.00
01-332-0190		
	Overtime Wages	\$104,000.00
TOTAL		\$154,000.00

From:		
01-332-0192	Repl. Vac. Days	\$50,000.00
01-332-0110	Regular Salaries	\$104,000.00
TOTAL		\$154,000.00

Reason: Funds needed to close out FY 2018-2019.

BE IT FURTHER RESOLVED that the council clerk and Town Attorney are charged to effectuate notice of said public hearing in accordance with the Town Charter and the Standing Rules.

Councilman Robert Parente makes a motion.
Councilman Big Steve Tracey seconds the motion.

No public comment.
No Council comment.
Roll call vote: all in favor-none oppose-none abstain. Motion carries.

Councilman Joseph Carfora makes a motion to add to the Agenda public comment on beach parking.
Councilman Joseph Deko seconds the motion.
Roll call vote: 6 in favor- 5 oppose (Parente, McKay, Esposito, Hennessey, Jaffe).
Motion fails.

- Chairman Ken McKay says it is not in their jurisdiction, it is in the Police Department's jurisdiction. They can go to them and speak about it. The Council regulates the budgets and things like that but the Police Department does the parking regulations. He sympathizes with the residents, he lived on Bradford Avenue for a while and he knows it is difficult to park down there.

Councilman Joseph Carfora makes a motion to add to the Agenda public comment on the rat infestation coming from the old high school.
Councilman Joseph Santino seconds the motion.
Roll call vote: all in favor-none oppose-none abstain. Motion carries.
Discussion will be **Item #16A**.

Item #16

To consider and act upon a Resolution setting a public hearing date and time to discuss an " An Ordinance Conveying the property located at 70 Elliott Street (AKA 82 Elliott Street) to Ralph Mauro, or his Designee." The public hearing shall take place on August 6, 2019 at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Councilman Joseph Santino makes a motion.

Councilman Joseph Deko seconds the motion.

No public comment.

Council comment:

- Chairman Ken McKay says this is the old DC Moore School that is being sold.

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

Item #16A

Discussion of rat infestation at the old high school at 200 Tyler Street.

- Joanne Acabbo-127 French Ave-Mrs. Acabbo discusses that she lives in close proximity of the school, near the pool area. She has attended many meetings and listened to Winn Corporation and she is in agreement with the plans and the proposal; she thinks it will be an asset to the neighborhood. She discusses the conditions of the building now that it has been vacant for 20+ years with broken windows, graffiti and drug deals going on. The Police Department has been called several times and they take care of it when they can catch the people. The building was used for storing eviction property. In November they noticed rodent activity and they started invading hers and her neighbors houses. She has been there 25 years and there has never been a rodent problem until now. They have educated themselves on rats and purchased solutions, glue pads, ratttraps, etc. East Shore Health walked around the neighborhood and found 4 holes, which they were told to fill in with cement concrete, so they did that otherwise their house would be listed as rodent infested. After 6 months of dealing with it they thought the problem was solved until 4 am on Monday when a rat crawled into her bed and her dog went crazy. She was told by Sal that the rats were looking for warmth and food; they have found it at hers and her neighbor's house. It upset her even more than the rats that the Mayor said to the New Haven Register on two occasions that they were nut cases. She knows he won't give a public apology and she doesn't expect one but she expects a solution to what they have been dealing with for the last 6 months.

- Louis Speringo-488 Thompson Avenue-Mr. Speringo explains that he lives at 866 Thompson Street right now but he is the property owner of 488 Thompson Avenue, which abuts the school. They lived there for about 18 years and they have tenants there now. There were never rats there until February they started coming in. They paid Terminex to come a few times. He and his neighbors who are also there tonight have been inundated with rats. He is 100% in favor of the school getting the renovation done. A lot of people on the Council know who he is, he isn't a liar and this is a very frustrating situation. They aren't asking for a renovation of their house or any monetary payments they are just asking for reimbursement of what they are paying out to get rid of the rats. They would like for someone to take a good look at it, he knows East Shore Health has said there is nothing there and Mr. Brancati will probably come up and say there is nothing there for the last two years. His cousin, god rest her soul, Susan Wood, worked in the historical society and she would talk about the rats in the building up until the day she passed away. His wife adds that they had terminex there when the tenants let them know there were rats there and they spent \$920. The tenants called them again two days ago to tell them there were rat droppings in the garage even after they spent the money for terminex. There's nothing in the garage, no garbage cans, no animals, nothing. Surrounding neighbors are having the same issues.
- Tracey/Frank Ettore-176 Tyler Street- Mrs. Ettore says that same as the other neighbors that spoke, since the construction started they have had a rat problem. They have set up traps, they don't have bird feeders and in the past 4 days they have ripped up every floor in the back of their house because the smell is unbelievable of decomposing rats. They found food wrappers in the floors, droppings, dead rats and food they have gone into her pantry and taken. She finds wrappers in the pantry closet on the floor. They put lime down to keep them away and the smell is still there. They don't know if they are in the walls, bathroom or what. Mr. Ettore says he is going to have channel 8 at his house tomorrow; this is not going to go down good for the Town. Winn said not to worry but he doesn't want to hear another lie from anyone. He has talked to people who have worked in the school that told him numerous times how many rats they had to deal with and get suited and wear respirators. He does not appreciate the Mayor calling anyone names; that is crazy.
- Robert Schumitz-Borrmann Road-Mr. Schumitz asks if this just started with the renovation of the school? Prior to this there were no rats? Residents from the audience say yes.

Item #17

Adjournment of Regular Meeting.

Councilman Nicholas Palladino makes a motion.

Councilman Joseph Santino seconds the motion.

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

Meeting is adjourned at 8:42PM.

Respectfully Submitted,

Danelle Feeley

Danelle Feeley, Clerk, East Haven Legislative Town Council