

**EAST HAVEN TOWN COUNCIL
PUBLIC HEARING MINUTES
TUESDAY, JULY 8, 2014**

In accordance with Chapter III, Section 6 of the East Haven Town Charter, the East Haven Town Council held a public hearing meeting Tuesday, July 8, 2014, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Chairman Richard Anania calls the meeting to order at 7:00PM.

He reads a letter from Finance Director Paul Rizza requesting that the topic of public safety bonding that is on the agenda for both the public hearing and special meeting be removed and re-scheduled for 8/5/14. He assures the Council that the Town will not be prejudiced in any way by this rescheduling.
(See attached letter).

Chairman Anania removes Item #1(1-3) for the Public Hearing and Item #4 for the Special meeting and will be rescheduled for 8/5/14 at 7:00PM.

Item #1

REMOVED

Roll Call for Public Hearing #1

Item #2

REMOVED

To conduct Public Hearing #1 regarding "AN ORDINANCE MAKING AN APPROPRIATION OF \$1,225,000 FOR THE CONSTRUCTION AND EQUIPPING OF A PUBLIC SAFETY COMMUNICATIONS CENTER AND AUTHORIZING THE ISSUANCE OF \$1,225,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE."

Item #3

REMOVED

Adjournment of Public Hearing #1

Roll call for Public Hearing #2- all 15 members present.

Item #4

To conduct Public Hearing #2 regarding “An Ordinance Abandoning the Town’s Interest in a Portion of Oak Grove Street (AKA Oakgrove Street, AKA Oak Grove Road) and the Portion of Whitman Avenue north of the Northern Boundary of Coolidge Street.”

No Public comment.

Council comment:

- Councilman Joseph Santino asks if we made sure we are not land locking anyone by doing this.
- Town Attorney Joseph Zullo says yes they did, they carved out the portion of Oak Grove Road that remains which will give the owners of #15 a public highway to their property; they will not be land locked.
- Councilman Robert Sand asks if we are abandoning the entire roadway/property.
- Attorney Zullo says yes, the entire parcel with the exception of the very front portion which fronts on Mansfield Grove Rd. That is the part being retained as a public access way, so that they will not land-lock 15 Oak Grove Road.
- Councilman Sand asks if the two properties are going to divide the abandoned roadway.
- Attorney Zullo states that when a municipality abandons a roadway, essentially 50% (left side) will go to one owner and 50% (right side) will go to the other owner. Each homeowner who owns property on the abandoned roadway will pick up 25 feet in front of their parcels. He believes the home owner who requested the abandonment owns one entire half that is being abandoned and the other one owns the other half; it will be equally split.
- Councilman Sand says we have a lot of paper roads that were established. He asks if when abandoning this parcel at this time, we are giving the property to the neighbors. Or do we establish a value then abandon the roadway and sell them the property?
- Attorney Zullo explains that when the Town has a roadway, in many cases such as the paper roads Councilman Sand mentioned, the Town doesn’t actually own the land. What the Town has is a right of way over the land. We are not actually abandoning land; we are abandoning our interest of right of way over it. When the Town has a right of way over a road, when they abandon it the home owners split it because they actually own it. He states for example that he owns up to the median of his road and if the Town were to ever abandon his road, they made this rule because they didn’t want property owners fighting over who owned what.

So we won't be selling it because we don't actually own the land, we are only abandoning a right of way. As a result, it will revert to the neighboring home owners. The assessor did note that it is of minimal value, part of it is wetland. It does not have to go out to bid if it were to be sold.

- Councilman Sand says the owner who requested it at #19 Coolidge has access from Coolidge currently, and the claim is that the utilities and necessities will be accessed easier.
- Attorney Zullo says that is correct, it is for the purposes of better accessing utilities and for satisfying set back requirements for the structure being built. In reality it is in everyone's best interest because we get to abandon land that we are not taxing so we will pick up a little bit of extra tax revenue and the home owner gets to satisfy the requirements of the zoning standards by having the additional land.
- Councilman Santino says we would also get taxes on the structure. Attorney Zullo says that is correct.

Item #5

Adjournment of Public Hearing #2.

Councilwoman Beverly Gravino makes a motion.

Councilman Ken Mckay seconds the motion.

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

Item #6

To conduct Public Hearing #3 regarding "An Ordinance Authorizing the Conveyance of a Portion of River Street to the East Haven Trolley Museum."

Public comment:

- Niki Whitehead-9 Hilton Ave, East Haven, CT- Ms. Whitehead states that in some respects the magnitude of this sale has been underestimated. Looking at the survey In the Council's packet, exhibit D shows that the River St area being considered for conveyance to the Trolley Museum gets wider on the river side. She says it is 83 or 84 feet of river frontage/about 50 ft. wide of Town ownership. She assumes in this case we are talking about ownership, not right of way.
- Attorney Zullo says no, we are talking about a right of way however it was found that the best way to facilitate the needs of the trolley museum is to do it by conveyance. He defers to Attorney Alfred Zullo who is handling this matter.

- Attorney Alfred Zullo explains that they appeared before Planning and Zoning for a 8-24 referral with the condition that pedestrians can have access to the river. If the Town abandons it, they could not add that condition. As Attorney Joseph Zullo pointed out early, we don't own it, we only own the right. We would just be giving up our right of the road. The 8-24 referral that was approved by planning and zoning was with the condition that the public can still have access of that land to the river to whatever extent they can get to. It doesn't give them the right to go onto Trolley Museum property, but whatever right they have now the intent is for them to continue to enjoy that right. Whatever is approved tonight is going to be under the same condition that planning and zoning put on the 8-24 and approved. The Town will enjoy a license for the public to continue to have the same public access to the river that they enjoy now. This is just a practical matter because the Trolley Museum needs to build a permanent ramp. It is impossible for them to build a temporary ramp as high as they need it to be to get people on the Trolley. Logistically it would be almost impossible for them to take it down every winter and maintain it with snow plowing, etc. In order to accommodate them, this was the most logical thing to let them pay for the maintenance of the parcel, build the permanent structure they need to build and the Town can still enjoy the same access of the river they enjoy now. This solves everyone's problem and helps a great organization of the Town. He wants to make it clear that the Town is not giving up any of its access rights, that was a condition of the planning & zoning approval.
- Ms. Whitehead states that the minutes don't reflect the condition of the 8-24 referral.
- Attorney Alfred Zullo states that the condition was clearly stated and if the minutes don't reflect that, he will make a motion at the next meeting that those minutes be amended. He states it was a clear condition put on by Town Engineer Kevin White. He verifies that Jeff from the Trolley Museum was under the same understanding, to which he says yes.
- Ms. Whitehead asks if the ADA Accessibility is for the trolleys themselves.
- Attorney Alfred Zullo says that is correct. They are going to build a ramp on the street for access to the Trolley.
- Ms. Whitehead asks if it will be on the Trolley side of the street. Attorney Alfred Zullo says it is on the only side where you can get onto the Trolley.
- Ms. Whitehead says she believes the Town is also holding drainage rights, so she suggests that the Town only relinquishes their rights where they inflict with the building of the ADA ramp.
- Attorney Alfred Zullo says we are only giving up our right of way over that property as that is all we own. We have no right to reserve anything else that we don't own.

- Ms. Whitehead suggests that we give up the right of way with respect to making the higher ramp and keep the rest of it.
- Attorney Alfred Zullo says we cannot do that because we would have to have our guys coming out with plows and shovels and snow blowers doing the work by hand. With this, the Trolley maintains and pays for everything. The idea is to let them take over the property and let us enjoy the access to it. People can then walk across the property without any responsibility. This is something the Town really needs to do.
- Ms. Whitehead says she is still concerned because we hold a lot of reserve there.

Council comment:

- Councilman Santino wants to make a motion that they follow Attorney Alfred Zullo's recommendation to amend the minutes.
- Attorney Joseph Zullo says this doesn't have to be done during the Public Hearing but can be done during the regular meeting.
- Councilman Fred Parlato says this is to facilitate an ADA Ramp correct? If it should come to pass that the Branford electric railway entity in itself no longer exists as we know it today, will that revert back to the Town? Is there any need for it to?
- Attorney Alfred Zullo says he spoke to Kevin White who says that there is no practical reason for us to own the private land from the Trolley Museum to the river because the Trolley Museum essentially utilizes it as if it is theirs now anyway. By giving them the responsibility, all it does is save us money.
- Councilman Parlato says for the entity itself, it is run by volunteers and things like this over time start to become relics. He hopes it never happens but if it does is it a stipulation that it would come back to the Town?
- Attorney Alfred Zullo says no, practically speaking if a private entity bought it, it would become taxable and that would be a great thing for the Town so why would we even want it.

Item #7

Adjournment of Public Hearing #3

Councilman Santino makes a motion.

Councilman Vincent Spaduzzi seconds the motion.

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

Item #8

Roll Call for Hearing Committee-all 15 members present.

Item #9

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

Councilman Santino makes a motion.

Councilman Mckay seconds the motion.

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

Item #10

Adjournment of Hearing Committee.

Councilman Santino makes a motion.

Vice Chairman Parente seconds the motion.

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

Meeting is adjourned at 7:31PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council