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TOWN CLERK'S OFFICE
EAST HAVEN, CONN.

EAST HAVEN TOWN COUNCIL
PUBLIC HEARING MINUTES
TUESDAY, JANUARY 9, 2018

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, January 9, 2018, 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 7:02PM.

Item #1

Roll Call for Hearing Committee-
12 present - 3 absent (Parlato, Badamo and Carbo).
A quorum is present.

Item #2

To conduct Public Hearing #1 regarding an "Ordinance Reallocating \$45,000.00 of Capital Funds between Capital Accounts #98-2 (Police) and #98-7 (Police)."

No Public comment.

Council comment:

- Councilman Anania asks if the \$45,000 is coming from what is left over in the DOJ account.
- Finance Director Paul Rizza says no, this has nothing to do with the DOJ. This is within the same year capital appropriation. The "from" accounts are for two police projects and the money is being moved for vehicles.
- Councilman Anania asks how many cars this is for.
- Mr. Rizza says one, fully equipped.
- Councilman Anania says didn't they allocate money for more cars in the capital budget? So this is outside of that?
- Councilman McKay says yes, they allocated money for four other cars and this makes 5.
- Councilman Pacelli asks how much is in the capital fund.
- Mr. Rizza says in total, \$2.4 million dollars but it's for all Departments and the Board of Education.

Item #3

Adjournment of Public Hearing #1.

Councilman Parente makes a motion.

Councilman Palladino seconds the motion.

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

Item #4

To conduct Public Hearing #2 regarding an "Ordinance Abandoning the Town's Interest in a Portion of Rose Street (AKA Rose Street Extension)."

**AUTHORIZING ORDINANCE OF THE
East Haven Town Council**

**An Ordinance Abandoning the Town's Interest in a Portion of Rose Street (AKA
Rose Street Extension)**

WHEREAS, the owner of 4 Center Street has requested that the Town of East Haven abandon its interest in the following:

1. The unimproved portion of Rose Street (AKA Rose Street Ext.) from its intersection on the south with the southernmost boundary of the property known as 4 Center Street (MBLU 490-6121-003) to its intersection on the north with the southern boundary of Center Street.

AND WHEREAS, the proposed abandonment of said road has been investigated by the Planning and Zoning Commission, which has issued a favorable referral regarding the same pursuant to C.G.S. §8-24;

NOW, THEREFORE BE IT ORDAINED that the unimproved portion of Rose Street (AKA Rose Street Ext.) from its intersection on the south with the southernmost boundary of the property known as 4 Center Street (MBLU 490-6121-003) to its intersection on the north with the southern boundary of Center Street is hereby abandoned as a public roadway;

BE IT FURTHER ORDAINED that the abandonment of the foregoing roads is hereby made subject to the retention by the Town of East Haven of any sewer, water, or utility easements as may exist in or over said property.

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

Submitted by: Danelle Feeley, Council Clerk
Approved by: Joseph Maturo, Jr., Mayor
Received by: Stacy Gravino, Town Clerk

Date: _____
Date: _____
Date: _____

Town Attorney Joseph Zullo addresses the Council and indicates this is one of several abandonments they are pursuing; he brought the list that the assessor has identified and they try to do a couple each year. They have done them successfully in the past and this one comes at the request of a taxpayer. There was an encroachment on what is a paper road, Rose Street/Rose Street Ext. and as a result to rectify it they looked at it and said they have no use for the road, it goes nowhere and has never been maintained. Should there be a need to maintain it, there would be a cost and liability to the Town so as a result; they have every reason to abandon it. They looked at who owns property along that road and every person with property on the road or that abuts the road actually has frontage on an accepted Town road with the exception of three people; one is the Town of East Haven and the others are people from Guilford and Southington. They have attempted to reach out to those two people and did not hear back from either property owner and they have no reason to believe anyone has an objection to the abandonment of the road so they are asking for the Council's support to abandon it.

Public comment:

- John Scelzo- regarding 25 West Street, East Haven, CT- Mr. Scelzo indicates his mother owns this property on the corner of Rose and West Street and her concern is the taxes and how much they will go up. How much property is she getting?
- Attorney Zullo says her lot is approximately 75x125 and she would be getting approximately 15x125 ft. long strip. It wouldn't be classified as a building lot so it's not going to be a massive increase in taxes. She would be getting a strip of land that is considered residential excess acreage which would be categorized very inexpensively by the assessor's office and if anything else, he would say the increase in the size of the land may increase the value of the property for resale. If it is characterized as excess acreage, he would have to check with the Assessor but he believes that is valued at about \$1,700 per acre so it's something like \$18 or \$19 per year.
- Mr. Scelzo asks about the part of it that is paved, is the Town going to come and plow it?
- Attorney Zullo says the Town's responsibility as far as the road would cease upon abandonment so any maintenance responsibility would be on the people who own it.
- Mr. Scelzo asks if they are going to come and mark it off, the person who plows now pushes it onto their property. Can they put up a curb or fence to block it off?
- Attorney Zullo says it becomes their property so they would have the right to do what they wish with the property.
- Ms. Scelzo says the Town has the equipment to take care of it and the manpower to take care of the road so why do they want to impose it on her by

giving it to her. It is not going to add that much value to the property because the person that is purchasing it is going to incur the same things she is incurring now and worse. They plow the snow onto her grass and the people who own that building don't maintain it as it is.

- Attorney Zullo asks if it is her contention that the Town abandoning the road is going to allow the abutting land owner on the other side of the road to encroach closer and cause more issues?
- Ms. Scelzo says yes definitely, they are encroaching now and she doesn't want that. She asks why this came about.
- Attorney Zullo explains that the Town tries to abandon as many paper roads as possible; along the way as the Town developed there were paper roads and a lot of times the subdivisions were never developed.
- Mr. Scelzo says he was told that someone built on the Town's property and now the garage is on the Town's property so now it is an issue; why not just give him an extra 10-15 ft. down that end and leave everything else how it is.
- Attorney Zullo says when they started the abandonment process they went to the whole road and said it is an inconvenience to abandon part of the road and have another homeowner come back 6 months later and ask for the whole thing. Today they are getting someone who prefers only a portion be abandoned.
- Mr. Scelzo says looking back it has been abandoned since 1977; it has never been taken care of. Now there is about a 20ft section of pavement that used to be a dirt road.
- Attorney Zullo says it sounds as if the road has been treated as private property for quite a long time so the actual legal abandonment isn't going to change very much.
- Ms. Scelzo says it is going to affect her taxes and she doesn't want to have to maintain that part of the road, do the people across from her also have to maintain that road?
- Attorney Zullo says yes, every abutting land owner will receive half of the road all the way up to it's intersection with Center Street, which for most people it just increases the size of their backyard.
- Ms. Scelzo says it increases her front yard, her legal address is West Street for the mail but her front yard is on Rose Street.
- Attorney Zullo asks if there is anyone else in the audience who owns property on this street.
- Resident of 39 West Street is present at the meeting.
- Attorney Zullo says it is up to the Council but the Ordinance can be revised to only abandon the portion of Rose Street/Rose Street Ext which would run along the southerly boundary line of the property with the encroachment to it's intersection with Center Street; that would solve the issue for everyone.

- Mr. Scelzo says that property is an asset because a plow goes down and clears a path and pushes the snow back there.
- Attorney Zulo says the Town's goal is always to abandon portions of a property where there is no inconvenience; it's obviously up to the Council but he would be happy to accept an amended Ordinance abandoning it from the southerly boundary of the property with the encroachment to it's intersection with Center Street; that would solve the problem for that taxpayer and the taxpayer here tonight and if someone else approaches them in the future to abandon another section they can have the conversation again. Attorney Zullo shows Mr. Scelzo and Ms. Scelzo the area that he is referring to.
- Mr. Scelzo says if they want to abandon it all the way up to the guardrail that's fine, as long as in front of the houses is taken care of.
- Attorney Zullo says it sounds like the Town is plowing it so they may not necessarily want to abandon the bottom portion of it; in this case it may be simpler only to abandon the portion next to that property.

Council comment:

- Councilman Carfora asks what the liability is to the Town for this paper road.
- Attorney Zullo says right now it sounds like we maintain a small portion of it so our liability would be no different than any other road. It costs the Town, though it may be nominal, the cost of plowing it.
- Councilman Carfora says he was going to suggest to the Council going all the way down to the two lots that are buildable and the Town is getting taxes on which is #125 and #129 Rose Street. The Town wouldn't lose the tax revenue on it and they can still reduce their liability. He is referring to from 129 all the way to Center Street, which would satisfy all the issues. He adds that he met with the Assessor Mike Milici and their taxes would only go up \$8.84 and the Town will keep the \$1,200 in tax revenue each year. He suggests starting at the northern boundary of 129 Rose and going all the way up to Center Street. He adds that 139 Rose Street is owned by the Town and Councilman Deko found out there is a building on there.
- Mr. Scelzo says that has been abandoned for 25 years.
- Councilman Carfora says he thinks they should table this item and do some more investigating.
- Attorney Zullo says tabling it at a public hearing would be an inappropriate action but beyond that he thinks the solution that makes the most sense would be to abandon from Center Street to the bottom of the property line at 4 Center street and that alleviates his concern about losing the tax revenue, it alleviates the concern of this homeowner and allows the people with the encroachment to move forward with their pending sale. If they want to go back and look into abandoning more, they certainly could. Tabling it now unnecessarily delays one

homeowner from pursuing a sale, it leaves one homeowner up in the air and then she will have to come back to a future hearing.

- Ms. Scelzo says shouldn't they have been notified about this?
- Attorney Zullo says notice is published in the New Haven Register, he has a copy of the notice; it has to be in the New Haven Register because it is the only paper that circulates daily in East Haven.
- Councilman Santino asks if these homeowners were notified via certified mail through zoning or anything like that like they do when someone comes in for a zoning permit.
- Attorney Zullo says they are not required to receive certified notices.
- Councilman Santino says he thinks they should at least be notified that they are getting a piece of property.
- Attorney Zullo says no Council members raised those concerns with the four other abandonments they had.
- Councilman Santino says but its affecting people who are here complaining about it.
- Attorney Zullo says and they have come up with a solution that solves their concern and only affects one homeowner, which is the homeowner that requested it.
- Councilman Santino says he agrees that they should table it.
- Attorney Zullo says respectfully he thinks tabling it is unnecessary obstruction.
- Chairman McKay says one person is concerned about it, the other resident present says it does not affect his property.
- Councilman Santino says there may be other people that may be concerned that weren't notified. What about the house on the other side that has street front, he is sure they don't want it abandoned either.
- Ms. Scelzo says she thinks it will be more difficult for them too.
- Councilman Santino asks where the trash is picked up.
- Mr. Scelzo says on the side, they have a driveway on West Street and that's the side the trash is picked up on.
- Councilman Palladino says he knows this was brought to their attention by the homeowner that encroached on our property. The person put a building on our property; obviously they didn't pull a permit because when they went to do it the building/zoning dept. would say they couldn't do that on our property because you can't build on property you don't own. Also, if there was a building there with value, there should have been taxes paid on it so however long the building has been there we haven't collected taxes on it. He says if he adds a garage onto his property he has to pay taxes on it. Whoever owns the property, added the building illegally without the necessary permits and inspections and the assessor was never notified of it so they never got taxed on it. If we just abandon it are we

forgiving the taxes they should have been paying and the permit fees to do it. If that's the case maybe we sell it to them.

- Attorney Zullo says we can't sell it because we don't own the property we own a right of way over the property.
- Councilman Santino says so why not just abandon that one piece if the people want it versus going all the way down.
- Attorney Zullo says that was his original suggestion to just abandon that portion and Councilman Carfora suggested abandoning it to a certain point but there was still concern about that. They can abandon just the portion that is going to affect the homeowner that requested it and that solves everyone's problems. With respect to the taxes, it says on the field card which was included in their packet that there is an outbuilding which has an appraised value of \$21,000 per year so we have not lost any tax revenue on it.
- Councilman Palladino asks how we tax something that is on our own property. How did it get built in the first place?
- Attorney Zullo says it is partially on our property and it appears it was built in 1965, we didn't have the benefit of GIS mapping, etc. but we have collected taxes.
- Ms. Scelzo asks how exactly it is affecting their sale.
- Attorney Zullo says he would guess that the encroachment is a title defect, which would disparege others from purchasing it.
- Chairman McKay asks the Scelzo's if the solution the Town Attorney came up with sounds like a feasible solution to their problem. The taxes are only going to go up about \$8.
- Councilman Carfora says he suggests going from Center Street straight down to the northern boundary of 129 Rose Street and then leave the rest of it. There are two building lots owned by someone in Guilford and someone in Southington, they are paying taxes on it and we wouldn't lose the tax revenue and the homeowners are happy with the way things are.
- Councilman Deko says just to be clear, what Attorney Zullo came up with is just abandoning from Center Street to the southern most property line of the property in question, not crossing over to #129.
- Attorney Zullo says that is correct, that is his suggestion. Based additionally on the fact that there is a structure on the Town property a couple lots up, he doesn't want to further complicate it so they can just abandon it with respect to this homeowner and if they want to abandon the rest later on after finding out what is on the Town property, they can.
- Councilman Carfora says so they won't abandon in front of 125 and 129?
- Attorney Zullo says no, it would just be from Center Street to the bottom of the property line at 4 Center Street.

- Councilman Deko says that is where the garage is; it is just that one property that would be affected.
- Attorney Zullo says and they would still keep the taxes on those two lots.
- Councilman Deko says his only other concern would be, if we abandon this road, 50% of the width of the road goes to the other landowner, which is the City of New Haven. He is not in favor of that; he is in favor of going from Center Street to the Southern most property line of 4 Center Street.
- Attorney Zullo says to be honest, he is not sure if that applies because that is the territorial boundary of the Town. He would have to look into whether or not the entire portion would go to the homeowner.
- Councilman Carfora says he spoke with the Assessor Mike Milici and the paper road is split right in half so if they did abandon it, 890 ft. would go to the City of New Haven, that is the sanctuary part. He doesn't agree with giving property to the City of New Haven.

Item #5

Adjournment of Public Hearing #2.

Councilman Palladino makes a motion.

Councilman Anania seconds the motion.

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

Item #6

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

Councilman Palladino makes a motion to recommend action on Public Hearing #1.

Councilman Deko seconds the motion.

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

Councilman Palladino makes a motion to recommend action on Public Hearing #2 with the amendment that the area abandoned be modified to the unimproved portion of Rose Street from its intersection on the north at the southerly boundary of Center Street and the south at the southerly boundary of the property line of 4 Center Street.

Councilman Butler III seconds the motion.

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

Item #7

Adjournment of Hearing Committee.

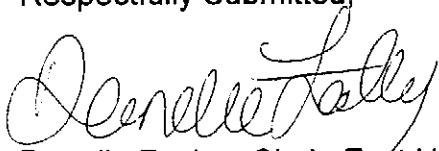
Councilman Parente makes a motion.

Councilman Pacelli seconds the motion.

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

Meeting is adjourned at 7:42PM.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Danelle Feeley".

Danelle Feeley, Clerk, East Haven Legislative Town Council