

**EAST HAVEN TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, JUNE 5, 2018**

The East Haven Town Council held a regular meeting Tuesday, June 5, 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 7:23PM.
He asks all to stand for the pledge of allegiance.

Item #1

Roll Call-13 present – 2 absent (Deko and Anania).
A quorum is present.

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TOWN CLERK

Item #2

Approval of minutes from the April 25, 2018 Special Meeting

Councilman Nicholas Palladino makes a motion.

Councilman Louis Pacelli seconds the motion.

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

Item #3

Correspondence: Two letters written to Chairman McKay from Marcia Federico expressing her interest in being appointed to the Old Cemetery Board. She has known Judy Ruggiero for about 10 years, she is employed at Island Ave School in Madison, CT where she is a para educator for special needs children, lifelong resident of East Haven and served on this board 4 years ago.

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 Tracey says that two of the brand new police cars were smashed up over the weekend, they smashed into each other while chasing a stolen car. To his understanding, neither cop was hurt.
- Councilman Santino mentions that the Town Attorney was going to meet with the Chief. Attorney Zullo says he has a meeting with him tomorrow at 10:30.

c. Subcommittee on Finance;

(Judy Sittnick, Joseph Badamo, Joseph Carfora)

- Councilwoman Sittnick says they discussed all of the items on the Council's agenda tonight; the suspense list, the transfer, the Board of Ed, etc.

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

(Robert Parente, Joseph Deko, Lori Jaffe)

- Councilman Parente says the beach is open; the splash pad is open which they painted this year and it looks really nice. There haven't been any real concerns with parking as of yet. Tonight is opening night for the bocce league.
- Councilman Palladino asks about the buoy. Councilman Parente says they don't know whose it is; it came in during the storm.
- Councilwoman Sittnick asks if there have been any parking issues.
- Councilman Parente says Lou Pane has been going down every day and taking a count of the cars in the lots and so far there have been no concerns.
- Councilwoman Sittnick asks what days there will be someone at the lots.
- Councilman Parente says every day unless the beach is closed. Councilman Santino adds its every day until 2pm.
- Chairman Mckay says he received calls about the parking so Lou Pane has been giving him a report every day and on Saturday at 2:30 there were 55 parking spots open.
- Councilman Badamo asked about getting a parking pass for one that expired if you don't get a car tax bill.
- Chairman Mckay says he can get one at Town Hall and at the lot you have to have the sticker and show your license.

e. Subcommittee on Urban Renewal/Housing; No Report.

(Richard Anania, Henry Butler, III, Joseph Deko)

f. Temporary Subcommittee on Community Group Stipends.

(Kenneth Mckay, Nick Palladino)

- Councilman Palladino says sooner than later the Council has to come up with regulations for the stipends so it is clear whom they will give them to and whom they will not give them to. He's assuming the Town Attorney can figure this out for them and have them approve it so there is no arguing about the groups. They have to make sure it is strictly non-profit volunteer groups not businesses.
- Chairman Mckay says he will get another person appointed to the subcommittee and they can meet with the Town Attorney to draw something up and bring it to the Council.

Item #5

To consider and act upon a Resolution accepting the Suspense List for Tax Collection for the 2017-2018 fiscal year in the total amount of \$553,643.57 and authorizing the Tax Collector to place said accounts on suspense.

A Resolution accepting the Suspense List for Tax Collection for the 2017-2018 fiscal year in the total amount of \$553,643.57 and authorizing the Tax Collector to place said accounts on suspense.

BE IT RESOLVED that the Town Council hereby accepts the Suspense List for Tax Collection for the 2017-2018 fiscal year in the total amount of \$553,643.57 as presented by the Tax Collector;

BE IT FURTHER RESOLVED that the Tax Collector is authorized to place said accounts on suspense according to the following:

2007 Personal Property	\$18,343.99
2008 Personal Property	\$22,992.62
2009 Personal Property	\$111,596.75
2010 Personal Property	\$142,540.60
2011 Personal Property	\$60,724.41
2013 Motor Vehicle	\$498.07
2014 Motor Vehicle	\$1,770.95
2015 Motor Vehicle	\$151,769.57
2014 Motor Vehicle Supp.	\$417.04
2015 Motor Vehicle Supp.	\$37,992.16
2016 Motor Vehicle - Deceased	\$4,997.41
Total FY 2017-2018	\$553,643.57

Councilman Nicholas Palladino makes a motion.

Councilman Louis Pacelli seconds the motion.

- Tax Collector Lucille Huelin addresses an earlier concern about the beach passes and indicates they don't have the new ones yet but they will go out in the tax bills. Anyone who needs one can go to the Mayor's Office if they don't receive a bill. She asks if anyone has questions about the suspense list, they do this every year.

No Public comment.

Council comment:

- Councilman Joseph Santino says this is just to turn them over to collections right?
- Mrs. Huelin says this is to get it off of their books as assets. They can still collect for 15 years. Most of these are businesses that no longer exist and they have tried and are still trying to collect. With the motor vehicles, people leave Town, get rid of their cars, etc. and it takes a lot to find them. They are just trying to clean up the books so they aren't assets.
- Councilman Joseph Santino says but it doesn't sit in limbo it gets turned over to someone?
- Mrs. Huelin says all of these are already in collections; they are either with Marshals or Rossi Law Firm.
- Chairman Mckay says everyone has a list of the names so if anyone knows someone on the list or where they are located, you can send the info to the Tax Collector and she can follow up on it.
- Councilwoman Loria Jaffe says there are motor vehicles for \$151,000. Mrs. Huelin says there are a lot of vehicles and they are with Rossi Law Firm who is attempting to collect.
- Councilman Nicholas Palladino says he asked the Town Attorney last year if they can legally put the names in the paper that they are trying to locate; is it legal or not?
- Town Attorney Joseph Zullo says his investigation says no. It would run fowl to the fair debt practices act. It is public knowledge.
- Vice Chairwoman Linda Hennessey asks how they are notified from the debt collector? Is it just a standardized letter?
- Mrs. Huelin says yes. She gives the Marshals a warrant and Rossi Law Firm also sends out their own letters.

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

Item #6

To consider and act upon a Resolution setting a Public Hearing date and time to discuss "An Ordinance Reallocating Board of Education Capital Funds totaling \$150,000.00 within Capital Account 96-1-030 for District-Wide Security Upgrades and Improvements." The Public Hearing shall take place on July 3, 2018, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

A Resolution setting a public hearing date and time to discuss "An Ordinance Reallocating Board of Education Capital Funds totaling \$150,000.00 within Capital Account 96-1-030 for District-Wide Security Upgrades and Improvements"

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 July 3, 2018, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut to discuss "An Ordinance Reallocating Board of Education Capital Funds totaling \$150,000.00 within Capital Account 96-1-030 for District-Wide Security Upgrades and Improvements."

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.

Councilwoman Loria Jaffe makes a motion.

Councilman Henry Butler III seconds the motion.

- Councilman Joseph Santino mentions that July 3rd, the day before a holiday is not a good night for everyone to attend.

Councilman Joseph Santino makes a motion to change the date of the meeting to July 11, 2018.

Councilman Nicholas Palladino seconds the motion.

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

Roll call vote on Item #6- all in favor-none oppose-none abstain. Motion carries.

Item #7

To consider and act upon "An Ordinance amending the 2017-2018 capital ordinance entitled, 'An Ordinance making appropriations for various public improvements aggregating \$2,520,000 for the 2017-2018 capital budget and authorizing the issuance of \$2,520,000 bonds of the town to meet said appropriations and pending the issuance thereof the making of temporary borrowings for such purpose.'"

NOTE: *Reallocation Purpose - Substituting the purchase of an "ABI Force" machine instead of a "Sand Pro" machine for Public Works.*

"An Ordinance amending the 2017-2018 capital ordinance entitled, 'An Ordinance making appropriations for various public improvements aggregating \$2,520,000 for the 2017-2018 capital budget and authorizing the issuance of \$2,520,000 bonds of the town to meet said appropriations and pending the issuance thereof the making of temporary borrowings for such purpose.'"

NOTE: *Reallocation Purpose - Substituting the purchase of an "ABI Force" machine instead of a "Sand Pro" machine for Public Works.*

WHEREAS, on October 3, 2017, the East Haven Legislative Town Council considered and approved the following ordinance:

"An Ordinance making appropriations for various public improvements aggregating \$2,520,000 for the 2017-2018 capital budget and authorizing the issuance of \$2,520,000 bonds of the town to meet said appropriations and pending the issuance thereof the making of temporary borrowings for such purpose;"

AND WHEREAS, said ordinance provided for the bonding of \$25,000.00 for a "New Sand Pro machine;"

AND WHEREAS, since the approval of said ordinance, the Public Works Department has determined that it is in the Town's best interest to purchase an "ABI Force" machine, due to its lower cost and better performance;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of East Haven that the aforementioned ordinance is hereby amended to provide for the purchase of an "ABI Force" or like-kind machine in place of a "SandPro Machine."

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: _____

Councilman Joseph Santino makes a motion.
 Councilman Henry Butler III seconds the motion.

No public comment.

No Council comment.

Roll call vote: 12 in favor- none oppose- 1 abstention (Parente). Motion carries.

Item #8

To consider and act upon an "Ordinance approving a transfer of \$37,120.35 for Legal Services (Appraisals)" as follows:

AUTHORIZING ORDINANCE OF THE East Haven Town Council

An Ordinance approving a transfer of 37,120.35 for Legal Services (Appraisals)

WHEREAS, the Town Council of the Town of East Haven, upon recommendation of the Board of Finance, must approve transfers of monies in excess of \$50,000.00 in any given fiscal year;

AND WHEREAS, the Board of Finance, on April 23, 2018, approved and recommended the following transfer to the Town Council:

Legal Services		
To:	For:	
01-113-0694	Other Contractual Services	\$37,120.35
TOTAL		\$37,120.35
 From:		
01-881-0950	Self Insurance	\$37,120.35
TOTAL		\$37,120.35

Reason: Transfer needed for additional expert appraisal fees.

AND WHEREAS, the total aggregate transfers into the "Other Contractual Services" line item will exceed \$50,000.00 dollars this fiscal year, inclusive of this transfer;

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

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

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

Councilman Joseph Santino makes a motion.
Councilman Louis Pacelli seconds the motion.

No public comment.

No Council comment.

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

Item #9

To consider and act upon a Resolution setting a Public Hearing date and time to discuss "An Ordinance amending the 2017-2018 capital ordinance entitled, 'An Ordinance making appropriations for various public improvements aggregating \$2,520,000 for the 2017-2018 capital budget and authorizing the issuance of \$2,520,000 bonds of the town to meet said appropriations and pending the issuance

thereof the making of temporary borrowings for such purpose.'" The Public Hearing shall take place on July 3, 2018, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

NOTE: *Reallocation Purpose - Reallocating \$22,000.00 for the purchase of "Portable Radios" for the Fire Department to the purchase of a "Station 4 Generator."*

A Resolution setting a Public Hearing date for July 3, 2018

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 June 5, 2018, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut to discuss an "An Ordinance amending the 2017-2018 capital ordinance entitled, 'An Ordinance making appropriations for various public improvements aggregating \$2,520,000 for the 2017-2018 capital budget and authorizing the issuance of \$2,520,000 bonds of the town to meet said appropriations and pending the issuance thereof the making of temporary borrowings for such purpose.'"

NOTE: *Reallocation Purpose - Reallocating \$22,000.00 for the purchase of "Portable Radios" for the Fire Department to the purchase of a "Station 4 Generator."*

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 to change the meeting date to July 11, 2018.

Councilman Joseph Badamo seconds the motion.

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

Councilman Joseph Santino makes a motion on item #9.

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 #10

To consider and act upon "An Ordinance Approving and Authorizing the Conveyance of a Portion of 240 Commerce Street to Mellen Properties, LLC, or its designee."

AUTHORIZING ORDINANCE OF THE East Haven Town Council

An Ordinance Approving and Authorizing the Conveyance of a Portion of 240 Commerce Street to Mellen Properties, LLC, or its designee

WHEREAS, the Town of East Haven is desirous of selling a .6024 acre parcel of land, which is a portion of the real property located at 240 Commerce Street in East Haven, Connecticut, better known by the following Map, Block, and Lot Number: "090/0911/001;"

AND WHEREAS, the Town's Planning and Zoning Commission, at its regular meeting on April 4, 2018, issued a favorable 8-24 referral in connection with the proposed the sale of the property;

AND WHEREAS, the Town Council has approved, or will approve concurrently herewith, the waiver of the competitive bidding process in connection with the contemplated sale;

AND WHEREAS, the sale of this "sliver parcel" is necessary to correct a technical error in the original authorization issued by this Council on September 5, 2017 to sell a portion of property at 280 Proto Drive

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of East Haven that the conveyance of a .6024 acre parcel of land, which is a portion of the real property located at 240 Commerce Street in East Haven, Connecticut to Mellen Properties, LLC, or its designee, is hereby approved;

BE IT FURTHER ORDAINED, that the sales price of the .6024 acre "sliver" parcel shall be considered incorporated into the previously approved sales price for 280 Proto Drive, such that the total sales price for both parcels shall be \$191,789.12 (One Hundred and Ninety-One Thousand Seven-Hundred and Eighty-Nine Dollars and Twelve Cents 12/100);

BE IT FURTHER ORDAINED that the Land Disposition Agreement memorializing said sale is hereby re-approved in the form substantially as presented to this Council, such that it shall be understood to incorporate the appropriate portions of both 280 Proto Drive and 240 Commerce Street;

BE IT FURTHER ORDAINED that Mayor Joseph Maturo, Jr., or his designee, is authorized to sign the aforementioned Land Disposition Agreement, to enter into any agreements, and to execute any and all related deeds and documents in order to effectuate the contemplated conveyance.

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

Submitted by: Danelle Feeley, Council Clerk Date: _____

Approved by: Joseph Maturo, Jr., Mayor Date: _____

Received by: Stacy Gravino, Town Clerk Date: _____

Councilman Joseph Santino 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 #11

To consider and act upon a Resolution Waiving the Town Charter's Competitive Bidding Requirements in Connection with the Sale of a .6024 Parcel of Town Property located at 240 Commerce Street, East Haven, Connecticut.

A Resolution Waiving the Town Charter's Competitive Bidding Requirements in Connection with the Sale of a .6024 Parcel of Town Property located at 240 Commerce Street, East Haven, Connecticut.

WHEREAS, the Town of East Haven is the present owner of real property located at 240 Commerce Street, East Haven, Connecticut and identified by the following map, block, and lot number: "090/0911/001."

AND WHEREAS, since the property cannot be utilized for Town or municipal purposes, it would be in the Town's best interests to sell the property so as to put it back on the grand list;

AND WHEREAS, Chapter 6, Section 4(C) of the East Haven Town Charter provides that all sales of real property by the Town shall be by competitive bidding;

AND WHEREAS, the sale of this "sliver parcel" is necessary in order to convey all of the land the Town originally bargained and intended to convey to Town Fair Tire as part of its original proposal to sell a portion of 280 Proto Drive, said proposal having been approved by this Council on September 5, 2017;

AND WHEREAS, waiving the competitive bidding process will allow the Town to pursue the sale of over 33 acres of land to one of the Town's largest corporate stakeholders and benefactors;

AND WHEREAS, the Finance Director recommends that the Council waive the competitive bidding requirement to allow the Town to effectuate said conveyance;

AND WHEREAS, the assessor has reviewed the land to be conveyed and is of the opinion that the potential selling price for the property is within the range of estimated values for the property;

AND WHEREAS, the Town Charter's bidding requirements may be waived by two-thirds of the members present and voting;

NOW THEREFORE, be it **RESOLVED** by the Town Council of the Town of East Haven that any competitive bidding requirements associated with the Town's proposed conveyance of a .6024 acre parcel of certain real property located at 240 Commerce Street are hereby waived;

BE IT FURTHER RESOLVED that this bid waiver shall expire on December 31, 2018;

BE IT FURTHER RESOLVED that the bid waiver originally issued on September 5, 2017 in connection with the sale of property located at 280 Proto Drive shall be extended and shall expire on December 31, 2018.

Councilman Joseph Santino makes a motion.
Councilman Henry Butler III seconds the motion.

No public comment.

Council comment:

- Councilman Joseph Santino asks if they have to do a bid waiver if they are giving it away.
- Attorney Zullo says they are selling it, they are adding it to the original parcel.

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

Item #12

To consider and act upon a Resolution setting a public hearing date and time to discuss "An Ordinance Reallocating \$10,000.00 of Capital Funds between Capital Account #97-2-04 (Police - Keyless Entry) and #98-02-03 (Police New Server)." The Public Hearing shall take place on July 3, 2018, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

A Resolution setting a public hearing date and time to discuss "An Ordinance Reallocating \$10,000.00 of Capital Funds between Capital Account #97-2-04 (Police - Keyless Entry) and #98-02-03 (Police New Server)"

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 July 3, 2018, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut to discuss "An Ordinance Reallocating \$10,000.00 of Capital Funds between Capital Account #97-2-04 (Police - Keyless Entry) and #98-02-03 (Police New Server)" as follows:

Police - Accounts #97-2-04 and #98-02-03

To:	For:	
98-2-03	Police - New Server	\$10,000.00
TOTAL		\$10,000.00

From:		
97-2-04	Keyless Entry	\$10,000.00
TOTAL		\$10,000.00

Reason: To cover expenses for server licenses and software.

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 Santino makes a motion to change the meeting date to July 11, 2018.

Councilwoman Loria Jaffe seconds the motion.

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

Councilman Nicholas Palladino makes a motion on item #12.

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 #13

To consider and act upon a Resolution Appointing Mareia Fedirico to the Old Cemetery Board.

A Resolution Appointing Mareia Fedirico to the Old Cemetery Board

WHEREAS, a vacancy exists on the Old Cemetery Board for a term beginning February 1, 2016 and ending January 31, 2019;

AND, WHEREAS, pursuant to the East Haven Town Charter, the Town Council is designated as the appointing authority to re-appoint individuals to said position;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby appoints Mareia Fedirico to the Old Cemetery Board to fill said term.

Councilman Joseph Santino makes a motion.

Councilman Louis Pacelli 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 Waiving the Town Charter's Competitive Bidding Requirements in Connection with the Sale of Town Property located at 18 Glenmoor Drive, East Haven, Connecticut.

A Resolution Waiving the Town Charter's Competitive Bidding Requirements in Connection with the Sale of Town Property located at 18 Glenmoor Drive, East Haven, Connecticut.

WHEREAS, the Town of East Haven, through tax foreclosure, acquired the real property located at 18 Glenmoor Drive, East Haven, Connecticut and identified by the following Unique ID number: "B0268000;"

AND WHEREAS, in order to recover the delinquent taxes owed by the prior owner along with the Town's costs in foreclosing on the property, the Town is desirous of selling the property;

AND WHEREAS, Chapter 6, Section 4(C) of the East Haven Town Charter provides that all sales of real property by the Town shall be by competitive bidding;

AND WHEREAS, the Town wishes to list the residential property for sale with a local realtor as opposed to seeking bids by advertising in the newspaper because the Town feels that putting the property on the multiple listing service (MLS) will attract a larger group of potential purchasers and fetch a higher price for the property;

AND WHEREAS, in order to list the property with a realtor and sell the property, the competitive bidding process must be waived;

AND WHEREAS, the Finance Director recommends that the Council waive the competitive bidding requirement to allow the Town to list the property for sale;

AND WHEREAS, the Town Charter's bidding requirements may be waived by two-thirds of the members present and voting;

NOW THEREFORE, be it **RESOLVED** by the Town Council of the Town of East Haven that any competitive bidding requirements associated with the Town's sale of 18 Glenmoor Drive are hereby waived;

BE IT FURTHER RESOLVED that this bid waiver is contingent upon the issuance, by the Town's Planning and Zoning Commission within 60 days of approval hereof, of a favorable 8-24 referral approving the Town's plan of sale;

BE IT FURTHER RESOLVED that any realtor engaged by the Town in connection with the sale of the property shall condition the acceptance of any offer on approval of the proposed purchase price by this Legislative Town Council;

BE IT FURTHER RESOLVED that this Council reserves the right to reject any and all offers presented to it;

BE IT FURTHER RESOLVED that this bid waiver shall expire on October 31, 2018.

Councilman Joseph Santino makes a motion.

Councilman Nicholas Palladino seconds the motion.

Public comment:

- Donna Richo-67 Charnes Drive, East Haven, CT- Ms. Richo says this leads her to something they should be doing; when we acquire foreclosure properties we shouldn't have to come before the Board to waive a bid process. They should change the charter to allow us to sell the property as is normally done through a realtor and they can get it done and over with. A charter revision is something they should be looking into.

Council comment:

- Councilman Louis Pacelli asks what the size of the lot is.
- Attorney Zullo says he wants to preface this by saying if anyone is personally aware of the cost the Town has into the property they should keep it to themselves and not discuss any costs accumulated or purchase price because that would change peoples bid. If they are going to discuss the actual sale of the property he would suggest going into executive session, even if they are discussing issues with it because that would affect the sales price. He can answer the question that it is .22 acres.
- Councilman Big Steve Tracey says when they sell this, after they get the money from the taxes, do they have to give the money to the previous owner?
- Attorney Zullo says if this were a foreclosure sale by the court, the owner would have the right to the equity in the property after all costs and claims were paid. But this isn't a foreclosure sale from the court, this is a strict foreclosure and the Town benefits from the equity if there is any. This is probably one of the more burdensome bid waivers they have seen because they wanted to build into it plenty of discretion for the Council so that when it's placed with a realtor and they solicit offers even if the Council isn't happy with the offers they can reject them all and still go out to bid. He doesn't think that will be the case he thinks they will get a lot of interest in it which is why they think going with the MLS is better for this particular case.

Public comment:

- Ms. Richo asks if they have any liability for the previous owners.
- Attorney Zullo says no, that has all been foreclosed out.

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

- Councilman Nicholas Palladino makes a motion to add to the Agenda the setting of a date and time for a Public Hearing to allow the Deko family to come before the Council and explain the situation of the property they own on 97 Caroline Road. He says an Ordinance is preventing them from building a summer cottage so they would like a waiver of that Ordinance.
- Councilman Joseph Santino seconds the motion.
- Attorney Zullo says he doesn't know that they need a public hearing for that in order to have them come before the Council to discuss it. He can just make a motion to add to the Agenda discussion of this; they can do it now if the Council wants them to.
- Chairman Mckay says he knows this is an issue that has been going on a long time, is it a legal issue?
- Attorney Zullo says he has been talking to Councilman Palladino about it and there is nothing that prevents Mrs. Deko from talking to the Council about it tonight; they can't set a Public Hearing until there is an Ordinance which can be done at the next administrative services meeting. It is probably a good idea to let them talk so the Council knows what the purpose would be, if they want to and

assuming the Council understands the purpose, they would craft an Ordinance and bring it to administrative services.

- Councilman Parente says they would just be listening to his, it wouldn't be a back and forth discussion. No questions or banter back and forth.

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

Item #14B

- Robert Deko Jr.-97 Caroline Road- He addresses the Council and gives history on the property stating during the fall of 2004 the Deko family met with Planning and Zoning Enforcement Officer George Mingione and he on several occasions gave them verbal confirmation that this property was a confirmed approved buildable lot. On 1/25/05 Mingione provided them a letter on Town letterhead stating that a single-family residential dwelling is permitted; he has the letter. On 3/5/05 they purchased 97 Caroline Road for \$180,000 as a result of that letter. He continues on to explain the costs they have incurred. On 8/3/05 they had the property surveyed for \$1,690, 11/06 they did geotechnical investigation for \$2,000. On 4/16/08 the Assistant Town Attorney James Cirillo sent a letter to EH Building Official James Bassett stating, in his opinion, Town Ordinance 6-27 would allow the property owners of 97 Caroline Road to obtain a building permit for their parcel of land, which is located on an unimproved Town road. They would be required to only improve a minimum of 20 ft. frontage as was done with #41, #42, #35, #28 Caroline Rd. He mentions specific dates for land surveying of \$1,170, CAM and Food and Erosion for \$100 and \$150. On 9/11/08 adjacent neighbor Senator Len Fasano wrote a letter confirming he has no objection to the variance being requested. On 9/18/08 the Town of East Haven ZBA granted the Dekos the variance they went for, for 97 Caroline Road. The Dekos hired Attorney Avallone who is now a Judge to assist in the process of building on 97 Caroline Road, the appeal process from one of the neighbors cost another \$25,000. They paid \$46 for a warranty deed. On 10/6/08 Attorney Cirillo sent a letter to then Town Engineer James Stauton in regards to the adjacent neighbor indicating that they are grandfathered in and that the Town Engineer has the ability to sign off on the plans, specs and application for permits assuming he is satisfied with the submission. In December of 2008, the Chometa Family, adjacent to the Deko property appealed ZBA's decision and in 2011 the court upheld Chometa's appeal. On 9/7/11 Attorney Avallone sent a letter to East Haven Zoning to David Anderson explaining that 97 Caroline Road is a pre-existing non-conforming lot established by a subdivision created in August of 1944 and accepted and filed with the Town in July of 1945 known as the "Silver Sands subdivision". CGS 8-26(a) requires the owner of the property to comply only with zoning regulations in place at the time the subdivision was approved, which in this case was 1945 so it's their position this statute is controlling in all

respects. Attorney Avallone continues on to say that Caroline Road is impliedly accepted by the Town of East Haven through actions including but not limited to installation of sanitary sewers, fire hydrants, snow plowing and trash collection, so he stated he and the Dekos believe a building permit should be issued to allow the Deko's to construct a single family summer residence. On 3/6/12 a letter was sent to Zoning Officer David Anderson from Town of EH Attorney Alfred Zullo stating engineer Larry Fisher and Attorney Avallone contacted him to discuss the judge's decision regarding 97 Caroline Road. Attorney Zullo stated that the court sustained the appeal for the original proposed plan however the court found that 97 Caroline Road is in an R-3 district and is a pre-existing non-conforming lot established by a subdivision created in 1944. The Court pointed out that CGS 8-26(a) provides that construction on a vacant lot shown on a subdivision or re-subdivision plan approved before, on, or after June 1, 2004 shall not be required to conform to a change in the zoning regulations or boundaries of zoning districts in a town, city or borough adopted after the approval of the subdivision or re-subdivision. Attorney Zullo further stated in the letter that in light of the judge's decision it would appear that the Dekos could construct a structure without a variance, which is consistent with other houses, built in the area of the original subdivision. Anderson's office therefore can administratively approve the plans and the dwelling should not be bigger than those currently in the subdivision. He adds costs from Attorney Patricia Cofrancesco and a surveyor who completed plans for a new structure which is a single family residence of less than 1,000 sq. ft. which is a small, summer use only cottage. The Dekos hired a company to make 4 exploratory holes to find proof of an old foundation and they had to put up fencing due to dumping which both cost them more money. He speaks about the Deko family who all served the Town of East Haven, they are all EMT's, Volunteer Firemen, his father was a paid Fireman and his mom donated her time in the community and is a nurse. They have approximately \$240,000 invested into the property; they bought it for \$180,000 based on a letter that was given by the Town. They want to be able to do this in memory of their father, they are asking for under 1,000 sq. ft. so they can enjoy the beach. He adds that there were issues that arose in the past about emergency vehicles going down the road and he can have someone that's part of the paid firefighter service here to discredit anyone saying large emergency vehicles are not able to access it. Also, trash is picked up weekly, there's a fire hydrant at the end of the road past his property and mail is delivered daily.

- Attorney Zullo says that was a good summation and he thanks Mr. Deko for that. He says the Town has an Ordinance 6-27 that says the Town cannot issue a building permit with connection to any property that doesn't front on a Town accepted road or on a road built to Town accepted standards. So to date, the Town has not issued building permits with connection to that property or any

other property on Caroline Road or similar properties across the Town because they don't front on Town accepted roads. They heard a series of compelling circumstances indicating why the Dekos feel they should be able to build on the property. If the Council is inclined to consider it, the process would be to present an Ordinance at the next Town Council meeting. He doesn't know if they can single it out in an Ordinance but if the Council wants to consider it, they can take it up at the next Administrative Services meeting.

Council comment:

- Councilwoman Loria Jaffe asks if there are other homes on the street and if there are, then how did they get built?
- Chairman McKay says they agreed upon just having a presentation tonight with no comment from the Council. The Town Attorney who has a large file on this will review it and they will bring it up at administrative services. Once they allow one property to be built on, it will open it up for anyone to build on any paper road in Town and we abandon a lot of paper roads.
- Attorney Zullo says he will work with Councilman Palladino on drafting an Ordinance that will come before administrative services.
- Mr. Deko says the issue they have with this lot is that it is on an unapproved Town road and he understands that but it is part of a subdivision. If it's on this non-approved Town road and someone owns land, if it wasn't preapproved as a building lot that is a different story. His lot was preapproved and as far as they know there could have been a house on it; he went back into the history books and late Mayor Proto assisted him in looking for these files but they were unlocatable so he doesn't know if there was a house. People believe there was a house there, which is why he did 4 test holes and he only did 4 because it was a lot of money to do it. In his case, it was pre-approved as a building lot but now he can't build allegedly because of this ordinance.
- Chairman McKay says he mentioned that he thought there was something built on it, he asks when he tested it, what did he find.
- Mr. Deko says it was met with negative results but it was only 4 holes, they found pieces of wood which he didn't think was justifiable to bring to the Town.
- Councilman Joseph Santino says they are paying taxes on this right?
- Mr. Deko says yes, he went to Town Hall and confirmed the taxes paid for 97 Caroline Road since the Dekos purchased it was \$16,278.49, which he has the printout for. It's approximately 50ft wide by 160ft.
- Chairman McKay says there are other areas in Town where people develop subdivisions and people pay taxes on and they can't build because it's a non-accepted road.
- Councilman Joseph Carfora says wasn't there a house built on Caroline Road within the last 8 years?

- Mr. Deko says yes, but the response he is going to get is that there was a structure there before. Mr. Joseph Zullo and him have been through this before and from what he explained was that if he could locate some sort of foundation or pilings that would be proof that there was something there. But he has letters and proof that tells him that he should basically be grandfathered in because it's an approved building lot or else he never would have bought the lot.

Councilman Robert Parente makes a motion to add Agenda Item 14A to consider and act upon a Resolution, pursuant to Chapter III, Section 8 of the East Haven Town Charter, adopting the recommendation of the Mayor to appoint the firm of "PKF O'Connor Davies" to audit the books and accounts of the Town for the fiscal year ending June 30, 2018.

Councilwoman Loria Jaffe seconds the motion.

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

Councilman Nicholas Palladino makes a motion on Item #14A.

Councilwoman Loria Jaffe seconds the motion.

No public comment.

- Finance Director Paul Rizza explains that this is an annual event to hire the audit firm for the year we are finishing up June 30, 2018. The partner the Council is cognoscente of Joe Centofani who has been doing our audit work for what would be now year 11, changed firms 2 years ago and is now with PKF O'Connor Davies out of Wethersfield. The only thing that changed from last year's request for appointment is that there was a \$1,000 increase bringing the total for the audit report to \$88,500 which is split 50/50 between the Town and Board of Education.

No Council comment.

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

Item #15

Adjournment of Regular Meeting.

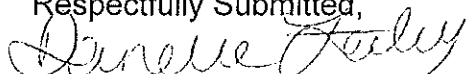
Councilman Robert Parente makes a motion.

Councilman Joseph Santino seconds the motion.

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

Meeting is adjourned at 8:36PM.

Respectfully Submitted,



Danelle Feeley, Clerk, East Haven Legislative Town Council