

**EAST HAVEN TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, AUGUST 6, 2013**

The East Haven Town Council held a regular meeting Tuesday, August 6, 2013, 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 7:07pm.
Chairman Anania asks all to stand for the pledge of allegiance.

Item #1

Roll Call- 12 present – 3 absent (Gravino, Cubellotti and Mansi).
A quorum is present.

Item #2

Approval of minutes from July 24, 2013 Special Meeting

Councilman Joseph Santino makes a motion.
Councilman Paul Carbo seconds the motion.
Voice vote: all in favor- none opposed- none abstain. Motion carries.

Item #3

No Correspondence.

Item #4

Subcommittee Reports:

- Public Safety- Councilman Carbo states that as of right now the only thing he has pertaining to public safety is the non-registered motor vehicles. He was given the assignment to look into this and essentially mimic the State of Connecticut and we added a few clauses to it but it is not quite ready for presentation yet; he has handed it off to Attorney Joseph Zullo.
 - Chairman Anania states that this was for ATVs and motorcycles. Councilman Carbo also adds dirt bikes and scooters to that.
 - Chairman Anania explains that the Mayor asked him to form a subcommittee because the State law was changed and by doing this, we would change our Ordinance to correspond with the State and it gives us a little bit more authority. Right now we don't have too much authority, we

give a warning but once this goes through the Town would have more authority.

- Board of Education- Councilman Robert Parente states that the new superintendent is ready to go and is excited to work with the Town and the community.
- Splash pad/Skate Park- Vice Chairman Robert Sand states that the members of the committee are himself, Judy Esposito and Anthony Mansi and they have met several times. The discussion was to identify a location somewhere in the North end. The committee took 10 properties in different locations that are Town owned whether it is a school or open lot which could be considered as a possible location. The committee has brought that number down to three primaries; the top runner for that is currently the pit. There are details they are looking into as far as what supports the pit as far as a water main and drainage. They contacted two vendors, one that provided equipment for the Candlelight splash pad and an additional vendor to look into what it would cost for a splash pad and the separation of the skate board park. He states that the skate park is it little more difficult, there are good ones in the area and according to the skateboarders there are some horrendous ones out there. The liability issue was tackled by the Towns, so it is something that is viable. The north end is the area they are working on, they were asked to look into something closer to the center, but their charge is the North end and something in that proximity. They are due to make a report on the 11th to the Mayor and they are close, there are a few minor details to iron out. They are working hard and looking forward to submitting the final report.
 - Chairman Anania explains this came from the Mayor, he was getting some questions about a skate park and water park and he wanted to have some research done; this is the first step of gathering information, so there will be more on that to come.
- Urban Renewal- nothing to report.
- Park/Rec- Councilwoman Esposito says that they were not happy to see the parks and the grass cutting that was not done well. They are also getting a lot of feedback for charging for use of the fields. All Council members got a letter about their next meeting inviting them to come.
 - Councilman Carbo says that Attorney Zullo was going to look into the deeds to Memorial Field and some of the other properties we own.
 - Attorney Zullo explains that it is not an easy task, some of the events that may have created some of these restrictions happened so long ago but he is working on it and will have some information on it soon.
 - Councilman Joseph Badamo asks how they came up with the \$1,000.
 - Councilwoman Esposito says that the recreation committee came up with that amount; the cost is for the whole season.

- Councilman Carbo states that he thinks one of the major concerns is that the leagues donate back to the Town, some are not for profit.
- Finance- Councilman Richardson states that the Board of Finance has made a recommendation that they will be acting on tonight concerning the Recreation Department and wages.

Item #5

To consider and act upon an Ordinance authorizing the sale and conveyance of any right, title, and interest in and to property located at 10 Suppa Drive and authorizing Mayor Joseph Maturo, Jr. on behalf of the Town of East Haven, to consummate the same.

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

CERTIFICATION:

I, Stacy Piccirillo, the Town Clerk of the Town of East Haven, do certify that the following is a true and correct copy of an ordinance adopted by the East Haven Town Council at its duly called and held meeting on _____, 2013, at which a quorum was present and acting throughout, and that the ordinance has not been modified, rescinded, or revoked and is at present in full force and effect:

An Ordinance authorizing the sale and conveyance of any right, title, and interest in and to property located at 10 Suppa Drive and authorizing Mayor Joseph Maturo, Jr. on behalf of the Town of East Haven, to consummate the same.

WHEREAS, Chapter 1, Section 3 of the Town Charter of the Town of East Haven authorizes the Town Council of the Town of East Haven to administer the sale of all Town-owned property.

AND WHEREAS, The Town of East Haven enjoys a drainage easement over property located at 10 Suppa Drive as depicted on Maps 03-11 and 97-26 on file in the East Haven Town Clerk's office;

AND WHEREAS, said easement is no longer needed by the Town;

AND WHEREAS, the Town wishes to extinguish the easement by conveying all of the Town's interests in and to the easement and the subject property to the property owner;

AND WHEREAS, it is in the best interests of all parties to make said conveyance;

NOW THEREFORE, be it ORDAINED, by the Town Council of the Town of East that the Town may convey its interests in and to 10 Suppa Drive;

BE IT FURTHER ORDAINED that Mayor Joseph Maturo, Jr. is authorized to execute any deeds or paperwork necessary to consummate the conveyance of the Town's interests in and to said property.

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: Stacey Piccirillo, Town Clerk Date: _____

IN WITNESS WHEREOF:

The undersigned has executed this certificate this _____ day of _____, 2013.

Stacy Piccirillo, Town Clerk

Councilman Santino makes a motion.

Councilman Anthony Purificato seconds the motion.

Public Comment:

- Donna Richo-67 Charnes Drive, East Haven, CT- Ms. Richo asks if there are any funds being transferred or is it just a conveyance.
- Attorney Zullo states that it is a conveyance for \$1.00.

Council comment:

- Vice Chairman Sand states that the drain easement in its given location when the development was made, in order to catch water you want it to go back in somewhat naturally into the given area. He sees that in this property, he doesn't know if that's what it was originally intended for, but if it was and it was built in, was it in violation of the easement for what it was intended for. He asks if anyone knows if that is what occurred here and then to give up that piece of property, the easement portion of it, do the neighbors understand why it was put there in the first place.
- Attorney Zullo states that it was not a condition of the subdivision approval; it wasn't made to say specifically that they put it in and as a result when Ralph Mauro filled it in, he was well within his rights to do it. It was a determination made at the time by the Town Engineer that indicated it was okay to do. He has spoken with officials in zoning and everyone says it was done fine. Again, none of the neighbors have complained about flooding issues; there are actually several drainage easements and lines that run through and under Suppa Drive;

this was the only one that was found to be non-functioning. It may just simply be that there was enough there to begin with.

- Councilman Richardson asks how many years it has been to which Attorney Zullo says it has been filled in since 2010.
- Councilman Gary Depalma says he has traveled this road many times and during wet periods water would flood into the road, since it has been filled in it has been much better. It has absorbed the water since they filled it in.
- Attorney Zullo says that according to the homeowners, since they planted grass, they believe it is absorbing more of the water.
- Councilman Parlato says there is not a functioning drainage system there, it floods twice a day. Any attempt to take water off of Suppa Drive which is slightly elevated is a matter of dumping it into the streets and it has nowhere to go when it gets there. In the 50s that area was filled in, it was a natural water course and over the years you could do anything you wanted. Whoever is taking care of Suppa drive now, it is in better condition than it was.
- Councilman Riolino asks if the person who owns the property will now have a right to the property and can taxes be collected on it.
- Attorney Zullo says they have the right to the property now and ironically they do pay taxes on it. Essentially, when your property is subject to an easement you can't do anything to interfere with the person's right who benefits from the easement. For instance they could not put a fence around it and keep the Town out of it; that would interfere with our use of the easement. Now they can do as they wish with the property without worrying that they will be infringing on our rights.

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

Item #6

To consider and act upon a resolution appointing Paul Constantinople, Jr. to the Urban Renewal Agency to fill the vacated and unexpired term of William Kane beginning 2/1/2013 and ending 2/1/2016.

Councilman Riolino makes a motion.

Councilman William Richardson seconds the motion.

No public comment.

No Council comment.

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

Item #7

To consider and act upon a resolution appointing Dave L. Stevens to the Americans with Disabilities Act Commission to fill the vacated and indefinite term of Ann Desorbo.

Councilman Robert Parente makes a motion.

Councilman Carbo 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 setting a public hearing date and time to discuss an "ORDINANCE MAKING APPROPRIATIONS FOR VARIOUS PUBLIC IMPROVEMENTS AGGREGATING \$976,500 FOR THE 2013-2014 CAPITAL BUDGET AND AUTHORIZING THE ISSUANCE OF \$976,500 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 September 3, 2013, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

Councilman Richardson makes a motion.

Councilman Santino 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 authorizing the following transfer at the recommendation of the Board of Finance:

Recreation Department

To:	01-661-0190	Overtime Wages	\$2,000.00
	01-662-0201	Electricity	\$15,800.00
	01-661-0116	Seasonal Wages	\$6,000.00
	01-661-0115	Part-Time Wages	\$5,000.00
	01-661-0118	Seasonal Wages	<u>\$1,500.00</u>

	Total:		\$30,300.00
From:	01-661-0697	Bus Transportation	\$2,750.00
	01-661-0667	Temp/Part Contractor	\$8,650.00
	01-661-0203	Natural Gas	\$3,000.00
	01-662-0203	Natural Gas	\$10,000.00
	01-662-0570	Bldg. & Grounds	\$3,000.00
	01-662-0561	Vehicle Supplies	\$800.00
	01-662-0202	Water	\$2,100.00
	Total		\$30,300.00

Reason: Funds needed to close out 2012-2013 fiscal year.

Councilman Purificato makes a motion.

Councilman Carbo seconds the motion.

No public comment.

Council comment:

- Councilman Riolino states that it says funds needed to close out 2012-2013 fiscal year, so it is just an accounting entry.

Item #10

To consider and act upon a Resolution to provide the following tax refund:

Personal Touch Lawn Care

48 Brennan St
East Haven CT 06513-2604

2011-03-66875 E/S 22133

Reason: Reduced Assessment per Assessor

TOTAL: \$652.35

Councilman Richardson makes a motion.

Councilman Carbo seconds the motion.

No public comment.

Council comment:

- Councilman Parlato asks the reason for the reduction, was it Court ordered or was it appealed.

- Attorney Zullo explains that it was purely a mistake, it was for an old trailer which was incorrectly inputted as \$60,000 and should have been \$6,000; there was an extra 0 added in. This was fixed when they went to Town Hall.

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

- Councilman Parlato states that it appears several members of the Council don't agree with the Parks and Recreation Committee's decision, so is it possible even though we don't have a legal right, to ask the Chairman to write a letter to the board to reconsider their decision.
- Attorney Zullo says that if he would like to add this to the agenda by a 2/3 vote and then ask the Chairman to do it, he would be well within his right to do so.

Councilman Parlato makes a motion to add it to the agenda.

Councilman Santino seconds the motion.

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

- Councilman Parlato says that he was contacted by a member of one of the groups affected by this; in the letter he received it explains that basically the money they make is put back into the Town. It does not seem like charging a fee would make any future attempts to improve the quality of life in East Haven. One of the complaints was that they leave the fields a mess, maybe something can be addressed with that such as a deposit to ensure that it is cleaned. We are making an attempt to put a splash pad or skate park to entertain the young, if we do something like this we are sending out a message that without a check in your hand there's nothing for the kids to do. While we don't have any legal right, he asks the Chairman to write a letter, if all Councilman were in agreement that they ask them to disregard the proposal they are going to or have already voted on and see if they would like to install a clean-up fee which would be refunded if it was left in the condition it started in.
- Councilman Richardson asks if this is an East Haven team.
- Chairman Anania says they are not all from East Haven, some live in Town some are from out of Town.
- Councilman Parente seeks to clarify some of the concerns, he states that there are two separate situations; the cleaning of the fields came about when a tournament was held here over the weekend and two out of three of the fields were left in horrendous condition. The \$1,000 was charged to this tournament that came in with 60 teams last Saturday. The person who runs the tournament comes into Town and collects about \$25,000 from the teams and he leaves. Basically they stipulated \$1,000; \$500 went to park/rec the other \$500 was given to the Public Works Department for overtime wages for Saturday and Sunday, they line the fields during the game and do some basic clean up. The situation

that has come up with the umpires league, while it is not a Town run league, they have been in existence here since the 1960s. The teams that play in Town such as the 89ers who get a stipend, Momauguin and the Pit get a stipend; those are considered Town run leagues. If this league that has been in existence since the 1960s was given a \$1 stipend they would be exonerated from any charges. They would be considered a Town run league and in his opinion it should be considered one. The people involved in this league have a long heritage of giving back to the community whether it is through scholarships, donations to the food pantry or what have you. Again, the \$1,000 is not for any Town run leagues, it is for any leagues that come into Town and utilize the fields, make a ton of money on it and then leave. Because the way the fields were left last weekend, the Mayor had a discussion to create a clean-up deposit. The \$1,000 is assumed to be a set fee for out of Town tournaments that come in.

- Chairman Anania adds that there is another league, fall softball that uses the Town fields. Not all of them are East Haven residents.
- Chairman Richardson states that he doesn't have a problem with the charge if they are from out of Town, but if the majority of the people are from East Haven, they shouldn't get charged.
- Councilman Carbo says that the problem is the Board basically put on an across the board charge and he thinks they should review the leagues that have a majority of East Haven residents a little more closely instead of charging \$1,000 for whatever field they use.
- Councilman Parente says or they can give \$1.00 stipend so they then become a part of our Town as they have been for a number of years.
- Chairman Anania says that is a good idea but they also have to look into some leagues who utilize the field and the Town has to take care of maintenance, are they making a profit. If the leagues are giving all of the money back to the Town through charities or whatever, he doesn't have a problem with it. If someone is coming in and making money and the Town gets nothing out of it, then that is an issue.
- Councilman Parlato says we can also not allow them to use the fields; they are the Town's fields. They can submit an application and we can say no.
- Councilman Carbo says he believes a suggestion was made by those two groups that they would be more than willing to make up the fee in donations rather than just giving a check for \$1,000, they tally up their donations and allow it to count towards it; therefore we would not be picking favorites. The Town people deserve consideration.
- Chairman Anania says he does not have a problem with that but it comes back on the Charter, the Council does not have jurisdiction over it. He can write a letter to the Chairman of park/rec but he doesn't have to listen to it.

- Councilman Carbo says as Councilman Parente mentioned, we can also put them on as a Town league.
- Attorney Zullo states he would like to look into the requirements of receiving Town funding. He isn't certain but anyone who receives a stipend, are they considered charitable under the tax code. His understanding is that you had to be charitable or not for profit. The only problem you may have is that they may not meet the requirements that the Town has for giving a stipend. He cautions that before they do it.
- Councilman Parlato says he knows that the garden club is and they are required to get their insurance policy and anything else.
- Councilman Carbo asks if they can get the recreation commission to come in and give a presentation as to why they can't judge each league individually.
- Councilman Parlato says the letter he got explains to him that the group makes about \$5,000 per year and they give the \$5,000 back to the Town so they are not making any money. As soon as you single a group out, they will no longer exist.
- Chairman Anania says it was also brought to his attention about that particular group that the money was supposed to be donated to the East Haven food pantry and the recreation commission checked and said they didn't receive it. We would have to police these organizations to be sure they do donate.
- Councilwoman Esposito says that the next meeting is on the 12th and they recommended that the Town Council members attend the meeting. She explains that the league in discussion said they make \$5,000 per year and they give money to the fireworks, alumni hall of fame, Momauguin hall of fame, Connecticut baseball hall of fame and scholarships, so they do give back.
- Attorney Zullo suggests that since the Council technically has no jurisdiction to compel them to do anything, take them up on their invitation to attend and speak your mind at that point.
- Councilman Richardson says we have a motion to write them a letter suggesting that they look at their prices.
- Councilman Depalma feels they should rescind that motion and go to the meeting and if need be write a letter.

Councilman Parlato withdraws his motion.

Councilman Sand seconds the motion.

- Chairman Anania says the consensus is the Council will attend the next park/rec meeting as they were invited.

Item #11

Councilman Carbo makes a motion to adjourn.

Councilman Parlato seconds the motion.

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

Meeting is adjourned at 7:46pm.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council