

**EAST HAVEN TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, JULY 2, 2013**

The East Haven Town Council held a regular meeting Tuesday, July 2, 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 7:00PM.
Chairman Anania asks all to stand for the pledge of allegiance.

Item #1

Roll Call- 11 present – 4 absent (Purificato, Santino, Gravino and Riolino).
Councilman Parente arrives at 7:04PM.
Councilman Depalma arrives at 7:10PM.

A quorum is present.

Item #2

Approval of minutes from June 11, 2013 Regular Meeting

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

Item #3

No Correspondence

Item #4

Subcommittee Reports:

- Public Safety- nothing to report
- Board of Education- nothing to report
- Parks/Rec- nothing to report
- Urban Renewal- nothing to report
- Finance- nothing to report

Item #5

To consider and act upon a Resolution authorizing Mayor Joseph Maturo, Jr., on behalf of the Town Council and the Town of East Haven, to enter into an Agreement with The Shoreline Greenway Trail, Inc regarding financial obligations relating to construction, maintenance, and expansion of the trail.

A Resolution authorizing Mayor Joseph Maturo, Jr., on behalf of the Town Council and the Town of East Haven, to enter into an Agreement with The Shoreline Greenway Trail, Inc regarding financial obligations relating to construction, maintenance, and expansion of the trail.

BE IT RESOLVED that Mayor Joseph Maturo, Jr., on behalf of the Town Council and the Town of East Haven, is authorized to enter into an agreement with the Shoreline Greenway Trail Inc., securing funding from the Shoreline Greenway Trail, Inc. to construct a section of the trail identified and commonly known as "E2."

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

Councilman Robert Cubellotti makes a motion.

Councilman Carbo seconds the motion.

Assistant Town Attorney Alfred Zullo as well as Barbara Brow of the Shoreline Greenway Trail address the Council.

Attorney Al Zullo states that items #5, #6 and #7 on the agenda tonight are interrelated so he will go over all of it together. Right now the Town is getting federal funds from the Shoreline Greenway Trail and State funds from the State of Connecticut to construct a portion of the Greenway trail known as "E2". Each Town has their own agreement with the State and the Shoreline Greenway Trail. The agreement that we have today involves the consulting of an engineering company for the designing of the Greenway Trail. After the design phase is done, they would come back to the Council with an agreement for the construction. Item #7 is an agreement between the Town of East Haven and the Engineer, #6 is an agreement between the State of Connecticut and the Town of East Haven for 80% reimbursement for the services that will provided by the engineer and #5 is for the 20% portion of federal funds that we are to receive from the Shoreline Greenway Trail. This agreement was heavily negotiated; all of his concerns were addressed between the Town Engineer and the Finance Director. The Finance obligations are all put in place. He is asking that this be approved which would then allow the design segment of the agreement to begin.

Barbara Brow thanks the Council for the opportunity to come before them and says this has been a long process and they are pleased at this juncture and the embarking of the design phase. She asks that they grant Mayor Maturo the opportunity to sign the agreements and thanks them for their consideration. She thanks Attorney Al Zullo for guiding them through this process. She explains that after the designing phase and the beginning of the construction, they are looking to connect the Shoreline from Cosey Beach Ave through the Splash Park up Bradford to Atwater Street.

No public comment.

Council comment:

- Councilman Carbo says that Attorney Zullo stated there is not money in the budget for this, so what is being done by Mr. Rizza for it to happen.
- Attorney Zullo states that he has spoken with Mr. Rizza specifically in regards to #7, he went over a list of comments about funding. Many of the reimbursement systems and procedures are put in place to ensure we get the money from each of the parties. He adds that he is very comfortable with this.
- Barbara Brow adds that she and Councilman Richardson who is also a member of the Greenway Trail have met with Kevin White who has assured them.
- Councilman Parlato says that the Town will be required to deposit a sum equal to 20% of the projects projected cost associated with design. Do we have to come up with the money up front?
- Attorney Zullo says no, some of the service being done in the design phase is being done by the State of Connecticut who wants us to pay our 20%. But immediately upon signing this agreement, the Shoreline Greenway Trail has to deposit the 20% with it which is \$9,900. When we sign the State agreement, we send the money with the agreement; the money does not come out of our pocket.
- Barbara Brow says that this is reflected in the agreement with the Town of East Haven and the Shoreline Greenway Trail. The Shoreline Greenway Trail guarantees the money to the Town.
- Councilman Robert Parente asks if there are any areas of concern that may not have been negotiated that may still be a concern to which Attorney Zullo says no, not anymore all the things he wanted were done which is why it took so long.
- Vice Chairman Robert Sand asks about the other area that has to be crossed, getting from New Haven to East Haven, does this include a portion of that?
- Barbara Brow says no this is the portion from Cosey Beach through D.C Moore School by way of the Splash Pad across Bradford to Atwater Street. The other section would be E1 from South End Road. These are being explored for not the immediate future, hopefully in about 6 years when budgetary constraints are lifted.

- Councilman Sand asks if this would go before a public hearing. Barbara Brows says yes, nothing goes forward until the public has a voice.

Public Comment:

- Jane Bigler- 1 Burr Street East Haven, CT- Ms. Bigler states that she walks the D.C .Moore portion every day and she wishes it were better protected by the Police, people are making a mess of it. Also, at the end of South End, there is a lot of flooding over there; she doesn't know what kind of design could be done. She asks if there is any type of maintenance crews. She also asks about the connection to the Town of Branford.
- Barbara Brow explains that they have spoken with Police Chief Brent Larrabee about the patrolling of this area. She feels they have been down there and any time she has seen anything she reports it directly to him. She recommends if she sees anything going on, he will welcome the phone call. Also, regarding the flooding the board walk will be elevated enough to protect the area from flooding. She says there is a maintenance crew but the Town is also very gracious to them in that they have gone down there to help in the maintaining of the trail. Ms. Brow explains that discussions have taken place regarding the connecting into Branford; ideas are being explored for the future.

Council comment:

- Councilman Carbo states that the Mayor, the Public Safety Committee and the Town Council are looking into tightening up the Ordinances to enforce vehicles such as ATVs and Motorcycles to stay off of the trails and the roads.

Public comment:

- Dan McCann- 137 Mansfield Grove Road, East Haven CT- Mr. McCann says that the Police Department has done a great job of stopping the ATVs and whatever construction was done there has alleviated a lot of the problem and is perfect.

Councilman Richardson states that he will be abstaining from voting on the next three agenda items as he has been greatly involved in the negotiations of the Greenway Trail contracts. He says the Town has done a great job supporting the Greenway Trail.

Roll call: 10 in favor- none oppose- 1 abstention (Richardson).

Item #6

To consider and act upon a Resolution authorizing Mayor Joseph Maturo, Jr., on behalf of the Town Council and the Town of East Haven, to enter into an Agreement with the State of Connecticut for the Development of Contract Plans, Specifications, and Estimates for the Shoreline Greenway Trail.

Councilman Carbo makes a motion.

Councilman Parent seconds the motion.

Attorney Al Zullo says that this is the agreement between the Town of East Haven and the State of Connecticut for 80% reimbursement from the State to the Town for the project. He has been very involved with the Town Engineer in negotiating it and the Finance Director who feels this is a standard reimbursement contract and all of the procedures are in place for reimbursement to the Town.

No public comment.

No Council comment.

Roll call: 10 in favor- none oppose- 1 abstention (Richardson).

Item #7

To consider and act upon a Resolution authorizing Mayor Joseph Maturo, Jr., on behalf of the Town Council and the Town of East Haven, to enter into an Agreement with Stantec Consulting Services, Inc. for consulting/engineering services for the design of the Shoreline Greenway Trail, Segment E-2, East Haven.

A Resolution authorizing Mayor Joseph Maturo, Jr., on behalf of the Town Council and the Town of East Haven, to enter into an Agreement with Stantec Consulting Services, Inc. for consulting/engineering services for the design of the Shoreline Greenway Trail, Segment E-2, East Haven.

BE IT RESOLVED that Mayor Joseph Maturo, Jr., on behalf of the Town Council and the Town of East Haven, is authorized to enter into an agreement with Stantec Consulting Services, Inc. for consulting/engineering services for the design of the Shoreline Greenway Trail, Segment E-2, East Haven.

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

Councilman Parente makes a motion.

Councilman Badamo seconds the motion.

No public comment.

Attorney Al Zullo says that this is the agreement between the Town of East Haven and the consulting Engineer. This agreement was heavily negotiated numerous changes were made and he is comfortable with it at this time that the Town will get compensation.

Roll call: 10 in favor- none oppose- 1 abstention (Richardson).

Item #8

To consider and act upon a Resolution to waive competitive bidding for the purpose of conveying the Town's interest in and to 10 Suppa Drive.

A Resolution to waive competitive bidding for the purpose of conveying the Town's interest in and to 10 Suppa Drive

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 Assessor is of the opinion that the easement is of de minimus value to 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;

AND WHEREAS, the Charter of the Town of East Haven permits the Town Council to waive the competitive bidding requirement for such a sale by a two-thirds vote, upon the recommendation of the Director of Finance; and

AND WHEREAS, the Finance Director recommends that competitive bidding be waived in this instance;

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of East Haven, that competitive bidding shall be waived for the purposes of conveying the Town's interest in and to 10 Suppa Drive.

Councilman Parente makes a motion.

Councilman Richardson seconds the motion.

Town Attorney Joseph Zullo explains that the resolution is a good summary of what is going on. When the development on Suppa Drive was done, there was a drainage/retaining pond that was put on the lot that is now 10 Suppa Drive. After some time it was determined that the pond was ineffective and was serving no purpose. During the previous administration Ralph Mauro filled it in as the Town no longer needed it anymore. However the Town still holds the easement to go over the property to maintain it. Now that it has been filled in, the Town has no use or reason to go on the property anymore. The property owner would like us to abandon the easement probably for no other reason other than when selling it; it is not subject to easement by the Town of East Haven. Since we don't actually own land, we just own the right to pass over it, there is not a selling of a land or building, all we are doing is conveying our interest in the easement under a doctrine of the law known as MERGER which says they become one and the easement essentially disappears. This would be the proper way to abandon an easement. The reason for the bid waiver is because chances are the only person who would want to bid on this would be the property owner.

Council comment:

- Councilman Fred Parlato asks if the proper permits were taken out when the previous administration filled it in.
- Attorney Zullo says that he spent a long time with building and planning and zoning and it looks like everything was done properly.
- Councilman Parlato says that there is a reason when designing it that it called for a retention pond, are there going to be any adverse effects to eliminating it. Will the people of the surrounding areas be affected by this? He asks if anyone in the area has been able to voice concerns, can a canvas be done.
- Attorney Zullo says that from what he can see there are no adverse effects. There are other drain easements which have proven effective in that area since it is a flood area. There is an entire drainage system that runs underground. To his knowledge nobody in the area was contacted, but zoning had no problem with it and everything was properly done. He explains that this is only a resolution for the bid waiver; the Council has the opportunity to schedule a public hearing which he can arrange for the Town Engineer to come before the Council.
- Councilman Parlato says usually they get more information about the area and what it may affect in the surrounding area. Without any information it is irrelevant to make an educational decision about it. He has concerns about what was done in that area.
- Councilman Richardson asks how many years ago this was. He asks if the homeowner has to bid.

- Attorney Zullo says it was in 2010 and no, the point of the bid waiver is that if there wasn't one, we would have to bid out, go through the Finance Department, publicize notice that we are bidding it. He couldn't imagine anyone else would want to bid on this easement.
- Vice Chairman Sand seconds the concerns by Councilman Parlato. It may not be working properly now, but it was designed for a purpose and it may affect the neighbors. He would like to inform the neighbors by postcard or something that there is public meeting.
- Attorney Zullo says that they can identify those in the area around it and send out a notice of the Public Hearing.

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 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. The public hearing shall take place on August 6, 2013, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

Councilman Carbo makes a motion.

Councilman Parente 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 setting a Public Hearing date and time to discuss a request from the East Haven Public Schools to extend an existing Lease Agreement with GE Capital to fund technology projects for FY 2013-2014. The public hearing shall take place on July 24, 2013, at 7:00PM, at the Mario Giaimo Room, East Haven Town Hall, 250 Main Street, East Haven, Connecticut.

Councilman Richardson makes a motion.

Councilman Mansi seconds the motion.

No public comment.

No Council comment.

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

Item #11

Discussion and potential action regarding a referral from the Recreation Commission regarding the charging of fees to use Town facilities, including ball fields.

Councilman Richardson makes a motion.

Councilman Parente seconds the motion.

Council comment:

- Chairman Anania explains that this is pertaining to matters involving different organizations and prices/fees for the use of ball fields by those organizations both in and out of Town. It was brought up at a Recreation meeting and referred to the Town Council. However, by charter the Council does not have the Authority to act on it. We would have to refer it back to Recreation and they have the authority to set the fees for use of Town fields and what so ever.
- Councilman Carbo asks if the Council has the authority to make a recommendation.
- Chairman Anania says they can recommend anything they would like, but they do not have to abide by it. The Council does not have the authority.
- Councilman Parlato suggests that research be done on this because if he recalls correctly, there are stipulations like for Memorial Field where they cannot charge a fee for use of the field. He believes it was in the original dedication to the Town back in the 1940's. There needs to be fair and equal treatment among the groups. Some organizations are funded more than others and that needs to be considered along with any restrictions. We need to think about any negative impact it may have by charging fees.
- Councilman Carbo says that an appointed committee should have the right to bring up ideas but this body as the governing body should be the one to vote on it. If we don't have a charge, maybe we have someone give a donation to that field or recreation center but we should have the final say on it.
- Attorney Zullo says that the source of all power in Town comes from the charter and the power of the Council and the Recreation Department are both spelled out in there. Recreation has the power to set the fees for usage of town fields and recreation facilities as the Council sets fees for other things. The power is specifically reserved for Recreation it would be in violation for the Council to try

and set a fee schedule. They can make a recommendation, which should be researched.

- Councilman Joseph Badamo recalls the setting of a rate where people had to produce a \$1,000,000 insurance policy.
- Chairman Anania says it was not specific to baseball fields.
- Attorney Zullo explains that we did pass a facilities use agreement but it did not set fees. The purpose of the agreement was to limit the Town's liability and encourage, not force, people to get their own private insurance so that if someone got hurt, their insurance would be the primary insurance and our self-insurance would be secondary. Last year they renewed what was passed with the previous administration with minor changes because of procedural issues. There was definitely a requirement of insurance, but there was not a schedule of fees, that is all set by Recreation.
- Councilman Richardson asks how we monitor them setting these fees to ensure they are properly assessing each group and how do we monitor the money to be sure it is accounted for. Are the books audited?
- Attorney Zullo says the money goes to the Recreation Department so essentially Lou Pane is responsible for tracking it and he is doing that. There is a revenue report which can be looked at in the Finance Department at any time for that line item. Presumably they will act fairly in accordance with the charter. The Council is welcome to sit in on a meeting to see if they are acting fairly.
- Chairman Anania asks if this research can be done as Councilman Parlato had suggested since they will be looking to act on this at their next meeting.
- Attorney Zullo says he can get ahold of the Chairman of Recreation and try to have them push it back. He will try to report back to the Council with some information on the 24th.
- Councilman Badamo questions the case of something like a 'Battle of the Bands' there is a question of security like when the green is used and there are kids crossing the street.
- Attorney Zullo explains that all the liability issues are part of the facilities use agreement. For instance when part of the beach was used for people to stage construction of their house. They had to obtain their own insurance and there was no security provided, they had to provide their own overnight security. So both insurance and security are incorporated into the facilities use agreement.
- Councilman Mansi asks about the fact that we suggest people take out the insurance, so are they not required.
- Attorney Zullo says that they are not required to take it, but it is highly unlikely it would be approved. It is an agreement among parties so they can negotiate and agree on certain areas and strike out others. The amount of the policy may change based on each instance. Someone who wants to simply exhibit art probably would not need a million dollar policy, maybe it's less, maybe they don't

need one at all. For a non-profit, maybe we do not charge them a fee. Certain things are negotiable in the policy. Other instances you would want them to have full insurance.

Public comment:

- Dan McCann- 137 Mansfield Grove Road, East Haven CT- Mr. McCann says we have had issues in the past with St. Vincent DePaul using basketball facilities and fees being exempt by the Board of Education. Would this prevent them from using the fields? Currently the fees are waived once they call. Would the recreation know that they are not subject to fees.
- Attorney Zullo says he is not aware of any agreement with St. Vincent. He will look into it and report back on the 24th. The Board of Education is responsible for its own buildings; State law says they take care of their own schools. If they didn't want to charge for the use of something within their buildings, that is up to them. As far as other fields go, if they are not owned or maintained by the Board of Education it would be looked at differently.
- Mr. McCann says they are tax payers; they should not have to pay. Does it apply to the individual as well if you wanted to go down with your own children.
- Attorney Zullo says he cannot speak for Recreation Department but he highly doubts that would be the case.
- Chairman Anania says it would mostly be for out of town organizations that use our ball fields, not for the ones that are already established in Town.

Attorney Zullo recommends that the motion be withdrawn and a new motion be made. Councilman Richardson withdraws his motion.

Councilman Richardson makes a motion to refer this matter back to Parks/Recreation. Councilman Badamo seconds the motion.

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

Item #12

Councilman Parente 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 7:51PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council