

EAST HAVEN TOWN COUNCIL REGULAR MEETING MINUTES TUESDAY, APRIL 3, 2012

The regular meeting of the East Haven Legislative Town Council was held Tuesday, April 3, 2012 at the East Haven Senior Center located at 91 Taylor Avenue, East Haven, Connecticut.

Chairman Richard Anania calls the meeting to order at 7:30 p.m.

Chairman Anania asks all to stand for the Pledge of Allegiance.

Item # 1

Roll call- 13 present- 2 absent (Depalma and Carbo).

Item # 2

Councilman Robert Parente makes a motion to approve the minutes from the March 6, 2012 regular meeting.

Councilman Anthony Purificato seconds the motion.

Councilwoman Gravino advises that she did not make comment regarding Parks and Recreation as indicated on page two of the minutes. Also, on page three of the minutes, Councilman Michael Riolino's name is misspelled. Further, the grant amount needs to be changed from \$65,000 to \$6,500.

Chairman Anania also recognizes the change in the grant amount.

Chairman Anania also notes that the minutes incorrectly name Councilman Riolino as Chairman Riolino.

Councilman Joseph Santino makes a motion to amend the minutes from the regular meeting from March 6, 2012.

Councilman Parente seconds the motion.

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

Councilman Parente makes a motion to accept the minutes from the regular meeting from March 6, 2012 as amended.

Councilman Purificato seconds the motion.

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

Item # 3

Correspondence-

- A letter written to Chairman Anania from Roxanne Melillo on March 20, 2012. The letter serves to formally notify that Roxanne Melillo is resigning from her position as the Clerk of the East Haven Legislative Town Council. This resignation is effective immediately.

Councilman Santino makes a motion to accept the resignation letter from Roxanne Melillo.

Councilman Badamo seconds the motion.

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

Item # 4

Subcommittee Reports-

Public Safety- Councilman Santino states that the cameras were ordered for the inside of cars for the Police Department. They likely will be looking for funds shortly; cost will be approximately \$100,000.

Councilwoman Gravino adds that the light for the Fire Department on Main Street is out. The box was ruined when a gentleman hit it. She spoke with the Chief and it should be back up soon.

Board of Education- Councilman Parente informs that he attended the Budget Meetings for the Board of Education and very spirited

conversations went on and he is looking forward to continued spirited conversations.

Parks and Recreation/ Public Services- There are no updates at this time.

Urban Renewal- Councilman Badamo- No updates at this time other than what is being written in the newspapers.

Board of Finance- Councilman William Richardson- He did not attend the Finance meeting this week. He reported that, as most people know, the budget has been presented to the Town Council.

Item #5

Councilman Richardson makes a motion to amend Agenda item #5 to reflect April 24, 2012 as an administrative services meeting.

Councilwoman Gravino seconds the motion.

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

Item #6

Councilman Santino makes a motion to consider and act upon filing a revised schedule for Regular Town Council Meetings with the Town Clerk's office.

Councilman Richardson seconds the motion.

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

Item #7

Attorney Joseph Zullo addresses the Town Council regarding the Town's Facilities Use Policy.

Attorney Zullo informs the Council that it was asked upon him by Lou Pane to look at the Town of East Haven's Facilities Use Policy. At the time, it

was thought that the Town had adopted and passed this Policy via ordinance. However, there is not currently a copy of this filed in the ordinance book in the Town Clerk's office. Attorney Zullo states that the Facilities Use Policy was not properly adopted by the Town Council. It seems there was another ordinance accidentally substituting for it, and as a result, it was never properly enacted. The issue before the Town Council at this time is whether or not they would like to pass this Policy again properly, adopt a new policy, or one which is internally directed by the Mayor's office.

Councilman Parente asks when the original policy that was incorrectly adopted took place. He also asks Attorney Zullo, in his professional opinion, if this is something that needs to be tweaked.

Councilman Fred Parlato also questions the date that this took place.

Attorney Zullo informs that this was adopted at the August 2, 2011 Town Council meeting. He responds that the agreement was actually prepared by Attorney Cofrancesco and is sound, succinct and simple. At this time, it is just an issue of being properly passed.

Councilman Parente questions whether or not this can be added to the agenda and voted on.

Councilman Riolino questions whether or not a motion can be made tonight to pass the ordinance.

Attorney Zullo informs that for any ordinance, there has to be a date set to hold a public meeting, the public hearing is to be held, there will then be a regular meeting and then it can be published.

Councilman Riolino makes a motion to amend this agenda to add to the agenda to set a public hearing date to adopt the Town's Facilities Use Policy as originally discussed in August 2011 after the next Town Council meeting on May 1, 2012.

Councilman Santino seconds the motion.

No public comment.

Council comment:

- Councilman Anthony Mansi requests a copy for the Town Council members to review prior to the next meeting.
- Chairman Anania asks if the Council will be able to review for any changes in regards to streamlining or any other changes.

Attorney Zullo confirms the Council will have a copy for their review prior to the meeting.

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

Councilman Parente makes a motion to schedule the Public Hearing.

Councilman Santino seconds the motion.

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

Item #8

Attorney Zullo addresses the Town Council regarding the Town's Blight Enforcement Ordinance.

Attorney Zullo informs the Council that he was asked to look into the Blight Assistance Committee which as defined by the Blight Ordinance consists of 5 residents from each district, one which is a Town Council member. It was brought to Attorney Zullo's attention that the blight assistance committee wasn't meeting the way it was intended originally, therefore the Mayor was looking to streamline and possibly disband the assistance committee.

Section 41.19 of the Blight Ordinance creates the Blight Assistance Committee. Given that Council members are not supposed to serve on any other board or commission, Attorney Zullo informed the council that he is not comfortable with that aspect of it. It is up to the Council as to whether or not they want to strike this section of the Blight Ordinance given no other section is dependent upon it.

Council Comment:

- Councilman Riolino questions whether this would require another public hearing to amend the ordinance to which Attorney Zullo responds that it would.
- Councilman Richardson asks when the last time the committee met was.
- Attorney Zullo explains that to his knowledge, it has not met since the Administration change in November of 2011.
- Councilman Riolino explains it is up to each district as to when they would meet given that it was broken down by district. If there were any town-wide issues brought up then the committee would meet as a whole.
- Chairman Anania verifies with Attorney Zullo that the Council is looking to streamline the process to make it simple for residents to know who to speak to and where to go to address an issue but it may go through several meetings before it gets acted on.
- Councilman Santino questions whether or not each department handles blight issues or if it all goes through planning and zoning.
- Chairman Anania informs that the zoning officer's assistant may get some of the work, public works etc. so the zoning officer will not have to handle everything.

Public Comment:

- Attorney Patricia Cofrancesco- 89 Kimberly Ave East Haven, CT. Ms. Cofrancesco explains that as the former Town Attorney she drafted the discussed Blight Ordinance. Discussions last year centered on helping people who needed help the most: elderly, handicap and those on fixed income. The people within the districts were in a position to know properties or the individual people in order to help or direct them in the direction of the agency where they could

get help. Ms. Cofrancesco suggests that if the committee is not meeting enough, the solution is not to eliminate the intended center piece of the legislation and centralize everything in one place.

Council Comment:

- Councilman Parlato indicates that he would like to see a copy of the ordinance and how it is written and how it may be revised. If it works well and meets legal statutes and just the mechanics of scheduling regular meetings needs to be worked on, he would be in favor of something like this.
- Councilwoman Gravino asks if there is a copy of this ordinance available in the Town Ordinance book to which Attorney Zullo confirms it is available in the ordinance book and a copy is located in the Town Clerk's Office.
- Councilman Mansi seeks clarification as to whether or not there are certain individuals reporting from the different Councils who are not actually on that Committee. Since the council members oversee the committee and attend but do not have direct input, it would not need to be changed.
- Councilman Riolino confirms that there are 5 people from each district on the committee, 1 of which is a councilman.

Item #9

Attorney Zullo address the Town Council regarding the November, 2011 Referendum regarding 200 Tyler Street.

Attorney Zullo informs the Council that he was asked by the current administration to investigate the referendum that was held in November 2011 following the election and determine whether or not the referendum was binding. Attorney Zullo looked into whether or not the Council itself has the authority to affect a referendum in East Haven. The actual terms of the Ordinance which the Council voted on were "To consider an act upon the

ordinance, to effectuate the ultimate disposition and use of property by the Town of East Haven and acting by and through its Town Council wishes to authorize a referendum. Attorney Zullo reports with regards to East Haven there is no enabling act, or enabling law that allows the Town or the Town Council to affect a referendum. Residents/ electors of the Town can approve or reject an ordinance by getting a petition with proper signatures which is then filed with the Town Clerks office, to then affect a referendum. Therefore, Attorney Zullo reports that he would believe the referendum held in November is invalid and not properly authorized.

Public comment:

- Attorney Patricia Cofrancesco- 89 Kimberly Ave East Haven, CT. Ms. Cofrancesco states that she was the author of the legislature brought before the Town Council last November. She discusses Connecticut General Statutes and the Home Rule Act which fills in the blanks when a charter is silent on an issue. The referendum done was in accordance to Title IX of the Connecticut General Statutes. Further, she provides percentages of the outcome from the referendum voted upon; 33% wanted that building used for educational purposes, 38% wanted the building used for community purpose and 29% said they wanted it used for senior purposes. Ms. Cofrancesco states that given the ads in the newspaper asking for proposals, if there was an issue raised regarding the legality of the referendum, that ship has already sailed.
- Gene Ruocco- 74 Bennett Road, East Haven, Connecticut. Mr. Ruocco informs that the terms mentioned by Ms. Cofrancesco were for elderly housing; however it was to sell for condominium use. He emphasizes that 71% of the people who voted do not want to sell this property. As chairman of planning and zoning, he informs that over the past twelve years there have been five elderly housing projects began but not completed, and the reason is that there is no market for senior housing.

- Andrew Esposito- 8 Ann Street, East Haven, Connecticut. Mr. Esposito agrees with Mr. Ruocco about the projects begun for senior housing, and that there is no market for senior housing.
- Arthur DeSorbo, 494 Silver Sands Road, East Haven, Connecticut, Director of Administration and Management for the Town. Mr. DeSorbo informs that there was nothing in the paper indicating that the property was going to be sold. There was never mention in the previous referendum of saying no to senior housing, it said no to condominium use. If money had been available on the state, local and national levels it would have been great to make that a Government building, but it is not affordable. If it was a public building, it would have to be maintained, we would have to pay for maintenance and utilities. The Mayor's intention was to fulfill a need and create elderly housing and something that would generate tax revenue. Mr. DeSorbo adds that the State Department of Education looks warily on reimbursing the Town for money it has paid previously which they have in several instances of Tyler Street. Also, everything will come before the Council for approval, they will always have a say in the final project.
- Vincent A. Camera, 43 Forbes Place, East Haven, Connecticut. Mr. Camera states that before this administration left office, they were going to sell 200 Tyler Street for \$750,000. He and several others sat for 8 weeks discussing the different options for this building. It was mentioned that the old wing be separated from the new wing which then would allow offices to go in there to generate revenue. There would still be the availability of the pool, gymnasium, cafeteria, and auditorium which could be rented out.
- Robert Hoff- 50 Michael Street, East Haven, Connecticut. Mr. Hoff states that in the November 2011 election, the voters of East Haven voted that the property located at 200 Tyler Street be rehabilitated for community purposes. On behalf of the people who voted for this decision, Mr. Hoff asks all the members of the Council to ensure that

the Town never sells this building, that it is left in the hands of the voters and that the Old High School at 200 Tyler Street be reconditioned and dedicated to the Town for community purposes.

- Debra Henley- 250 Laurel Street, East Haven, Connecticut. Ms. Henley questions the bids already being placed in the Register when the goal of this address tonight was just for the Town Attorney to provide a legal opinion.
- Dr. Norman Demartino- 32 Jardin Drive, East Haven, Connecticut. Mr. Demartino explains that part of the problem is, according to our population we have too many schools in the Town. We are spending approximately \$2,000,000 more in maintenance per year. The drawback of making it an educational facility is parking issues. If it is made into a middle school, the students do not drive and there would be enough parking for the teachers and staff. He suggests that this Town go down to 5 schools which would leave additional public buildings to do things with such as a recreational center, a teen center and other facilities.

Council Comment:

- Councilman Parlato states that he was part of the majority who voted to keep this building for community use. He adds that given the issues of legality regarding the referendum, nothing should go forward until it is settled.
- Councilman Parente expresses his desire for a cost factor of the three things included in the referendum from this past November. Aside from the selling of the building, there was no mention of what the proposals are going to cost. Mr. Parente insists that if these items are voted upon, it should to be clear what the out of pocket cost is going to be and how it is going to be paid for.
- Councilman Badamo brings up that the main issue is whether or not the referendum is or is not binding. An issue is now raised because

the people were told what they voted for was binding, and now it appears that the votes do not count.

- Councilman Santino questions whether a motion can be made that all action be frozen on the building until informed whether or not it is binding, to which Chairman Anania confirmed no action was taking place at this time.
- Councilman Mansi suggests that if he were to contemplate what to do with the building, he would find out what the possibilities were and one way is by placing an ad to see what responses you get. Mr. Mansi suggests waiting a little while if it is being questioned for legality before doing anything.
- Councilman Richardson asks Attorney Zullo if there is a timeline on referendums.
- Attorney Zullo explains that it is guided by the terminology to effectuate the ultimate disposition, which can be as far reaching as forever.

Item #10

To consider and act upon setting a public hearing date and time to discuss action on a referral from the Board of Finance requesting the following transfer:

To: 01-332-0190 Police Overtime Account
 \$100,000.00

From: 01-332-0110 Police Salaries
 \$100,000.00

The public hearing shall take place on May 1, 2012, at 7:00 pm at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

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 setting a public hearing date and time to discuss action on a referral from the Board of Finance requesting the following transfer:

To:	01-229-0203	Natural Gas	\$70,000.00
From:	01-885-0689	Contingency	\$70,000.00

The public hearing shall take place on May 1, 2012 at 7:00 pm at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

No public comment.

No council comment.

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

Item #12

To consider and act upon setting a public hearing date and time to discuss action on a referral from the Board of Finance requesting the following transfer:

To:	01-167-0972	Retirement Lump Sum Payments	\$185,000.00
From:	01-885-0689	Contingency	\$185,000.00

The Public hearing shall take place on May 1, 2012, at 7:00 pm, immediately following the previously scheduled public hearing, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

No public comment.

Council Comment-

- Councilman Badamo asks how much money is in the contingency fund.
- Chairman Anania responds that this item is just to set a public hearing date. All questions can be asked at that hearing.

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

Item #13

To consider and act upon setting a public hearing date and time to discuss the General Government portion of the 2012-2013 proposed budget. The public hearing shall take place on April 17, 2012 at 7:00 pm, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

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 setting a public hearing date and time to discuss the Board of Education and General Government portions of the 2012-2013 proposed budget. The public hearing shall take place on April 19, 2012 at 7:00 pm at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

No public comment.

Council comment-

- Councilman Riolino questions whether this public hearing should be just Board of Education rather than General Government again.
- Attorney Zullo informs that this was included again in the event that it runs long, or some individuals were unable to attend the first public hearing.

No public comment.

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

Item #15

Councilman Parente makes a motion to consider and act upon the appointment of David Sagnella to the following:

Board: Housing Authority Term: 2/1/2012 - 2/1/2015

No public comment.

No council comment.

Councilman Richardson seconds the motion.

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

Item #16

A Resolution permitting the Finance Director for the Town of East Haven to waive competitive bidding for the purpose of purchasing services to repair the steps at the East Haven Town Beach.

Whereas, steps at the East Haven Town Beach suffered structural damage as a result of Hurricane Irene, and;

Whereas, the Town and the Department of Public Works must obtain services to repair the same as a result of said Hurricane Irene, and;

Whereas, the purchase of said services has been deemed an emergency purpose by the Mayor given the danger the stairs represent to the public, and;

Whereas, the Charter of the Town of East Haven permits said emergency purchases without the necessity of competitive bidding.

Now therefore, be it resolved, by the Town Council of the Town of East Haven, that the Finance Director, acting on behalf of the Town and the Department of Public Works, is hereby permitted to waive competitive bidding for such purpose.

Chairman Anania calls Finance Director Paul Rizza to address the Council.

Mr. Rizza discusses that due to warm weather early into the year, there were a lot of people down at the Town Beach. The stairs and sidewalk could present a potential liability to the Town. The concrete work will be done by an outside company whereas the public service department would do the metal railing. If approved, this work is set to be done as soon as possible. In addition, Mr. Rizza states that 75% of the money spent on this project will be reimbursed through FEMA.

Public comment-

- Gene Ruocco- 74 Bennett Road East Haven, CT- states that he realizes there is urgency with this matter so if there is a need to waive bids, given that all the specs provided to the contractors are the same, he would have no problem with doing so. The pounds per square inch of concrete should be the same and materials should be the same. Given those are uniform, then the Town can go to the lowest bidder. Mr. Ruocco suggests the Town should adhere to a strict set of specs to avoid problems down the road with the work done by the lowest bidder.

Council comment-

- Councilman Parlato informs, in response to Mr. Ruocco's question, the Town Engineer's office does have a set of specifications on all sidewalk replacement. Only one bid includes wire mesh. Mr. Parlato informs that any installation of sidewalks does in fact require the wire mesh. The Town Engineer will be sitting with them to ensure it is done properly.
- Councilman Santino states that he noticed one bid calls for 6 inches of concrete with wire mesh. As Councilman of this district, he will also be there to be sure it is done properly.
- Councilman Badamo asks Mr. Rizza if public works can do this project without having to go out to bid.

- Councilman Mansi inquires as to whether or not each one got the identical requirements.
- Mr. Rizza informs that according to the Town Engineer it cannot be done by Public Works. It may be a bigger job at this particular time than the sidewalks that have been done in the past. Each contractor did in fact get the same requirements in the solicitations from the Town Engineer.
- Councilman Parente asks if there will be a bond requested on this project.
- Mr. Rizza responds that yes, there will be a bond requested. Usually it is a minimum of 10%. He informs that there has not been a date of completion set given that it was to be presented to the Council first.

Councilman Santino makes a motion to permit the Finance Director of the Town of East Haven to waive competitive bidding for the purpose of purchasing services to repair the steps at the East Haven Town Beach.

Councilman Parente seconds the motion.

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

Item #17

Councilman Richardson makes a motion to table item #7 on the agenda in which Attorney Joseph Zullo will address the Town Council in Executive Session regarding pending and threatened litigation until a future date.

Councilman Santino seconds the motion.

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

Item #18

Councilman Parente makes a motion to adjourn.

Councilman Riolino seconds the motion.

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

Meeting adjourned at 9:09 pm.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council