

EAST HAVEN TOWN COUNCIL REGULAR MEETING MINUTES TUESDAY, MAY 1, 2012

The regular meeting of the East Haven Legislative Town Council was held Tuesday, May 1, 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: 11 Present – 4 absent (Depalma, Gravino, Cubelotti and Carbo)

A quorum is present.

Item #2

Councilman Robert Parente makes a motion to approve the minutes from the March 29, 2012 special meeting.

Councilman Joseph Santino seconds the motion.

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

Item #3

Councilman Parente makes a motion to approve the minutes from the April 3, 2012 regular meeting.

Councilman Fred Parlato seconds the motion.

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

Item #4

Councilman Parlato makes a motion to approve the minutes from the April 17, 2012 public hearing.

Councilman Parente seconds the motion.

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

Item #5

Councilman Santino makes a motion to approve the minutes from the April 19, 2012 public hearing.

Councilman Anthony Purificato seconds the motion.

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

Item #6

Correspondence:

- A letter to the Council from William W. Cote dated April 19, 2012 regarding conflict of interest. Mr. Cote informs the Town Council that in addition to performing foreclosure work for the town, he maintains a private practice of law in East Haven, CT. He discloses that the firm may have matters involving the Town or one of its agencies or commissions and he is therefore submitting this disclosure on behalf of himself and the extent required by Chapter IX, Section 3 of the East Haven Town Charter.
- A letter to the Council from Robert Parente dated April 25, 2012. Mr. Parente advises that his wife, Linda Faye Parente recently applied for assistance under the Town's Housing Rehabilitation program. Pursuant to the Town Charter, Mr. Parente presents this letter as his notice to the Council of a potential conflict of interest. Further, he agrees to abstain from any votes regarding the program for the duration of the time that his wife is applying, receiving funding, or repaying funding through the program.

Councilman Santino makes a motion to accept the correspondence.

Councilman Purificato seconds the motion.

Roll call vote: 10 yes – 1 abstain (Councilman Parente).

Item #7

Subcommittee Reports:

- Public Safety- Councilman Santino asks Police Chief Brent Larrabee about the plate reader cameras for the cars. Chief Larrabee explains they purchased a larger capacity of storage for the video cameras and plate reader system that has been ordered and has not come in yet.

- Board of Education- nothing to report at this time.
- Parks and Recreation/Public Service- nothing to report at this time.
- Urban Renewal- nothing to report at this time.
- Finance- nothing to report at this time.

Vice Chairman Robert Sands makes a motion to add a resolution of the East Haven Town Council authorizing Mayor Joseph Maturo, Jr., on behalf of the Town Council and the Town of East Haven, to sign documents adopting an updated hazard mitigation plan.

Councilman Parlato seconds the motion.

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

Vice Chairman Robert Sand reads the following resolution:

WHEREAS, the Disaster Mitigation Act of 2000 encourages communities to prepare a Hazard Mitigation Plan to outline natural hazard vulnerability and potential mitigation measures; and

WHEREAS, in light of recent natural disasters that severely impacted public infrastructure and private properties in the Town of East Haven, the Town updated its Hazard Mitigation Plan to understand local conditions and plan accordingly; and

WHEREAS, the primary goal of the updated plan is to reduce the loss of or damage to life, property, infrastructure, and natural, cultural, and economic resources from natural disasters; and

WHEREAS, the updated Hazard Mitigation Plan recommends many hazard mitigation actions that will protect the people and property affected by the natural hazards that potentially face the town; and

WHEREAS, some of the recommended mitigation actions may qualify for Federal funding, but only if the Town of East Haven officially adopts the Hazard Mitigation Plan; and

WHEREAS, public information meetings were held to solicit public input and recommendations and to review the updated plan as required by law;

THEREFORE, BE IT RESOLVED by the Town Council of the Town of East Haven that Mayor Joseph Maturo, Jr., on behalf of the Town Council and the Town of East Haven, is authorized to sign any and all documents adopting the updated Hazard Mitigation

Plan as an official plan of the Town of East Haven and shall take steps to implement the Plan including requiring all municipal departments to report regularly on their activities, accomplishments, and progress relative to the Plan for the Town of East Haven.

BE IT FURTHER RESOLVED that the Town of East Haven is authorized to apply for and accept any future Federal or State grant assistance to accomplish the goals of the Plan.

Chief Doug Jackson addresses the Council and explains this is a plan that they have had since somewhere around the year 2000. The plan runs out every five years, and when it runs out they can not apply for several grants. If this is passed by the Council tonight, it would allow the Mayor to sign off on it and they can utilize it for funding. He states this is posted on the fire department website, under the Chief's page and the link is underneath the photograph. It lists all types of instances within it and how to handle each situation.

Public Comment:

- Donna Richo- 67 Charnes Drive, East Haven, CT. Ms. Richo asks Chief Jackson if this is a plan for just emergency personnel handling disasters, if you become part of DEEP/FEMA in accepting this and allow them to supersede, she also questions land use after a disaster and whether or not they take the land.
- Chief Jackson explains that this is a framework for responding to disasters such as flooding, tornados etc. The DEEP has approved it, some changes were made back and forth and then FEMA approved it as well. Chief Jackson states that this does not change duties; it does not give them any additional rights. He further states that it is just a local plan and an updated list of guidelines for preparing for national hazards.

Council Comment:

- Councilman Santino asks Chief Jackson to verify that this is a plan that was already in effect to which Chief Jackson explains that duties do not change, it gives guidelines on how to prepare for a hurricane or earth quake, it tells if there is a fault line in town, and provides a lot of geology. It is basically an update.
- Councilman Parente states that these are just guidelines and nothing supersedes local ordinances to which Chief Jackson agrees.

- Councilman Riolino asks if there is any training to get everyone in the Fire Department ready for this. Chief Jackson explains that the fire fighters do not deal directly with this update.
- Gene Ruocco - 74 Bennett Road, East Haven, CT. Mr. Ruocco asks Chief Jackson if he is saying, without this approved plan, he is unable to apply for funding and that they have used this to apply for funding in the past but it has just run out, to which Chief Jackson states that is correct.

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

Item #8

To consider and act upon a Resolution endorsing a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law.

Arthur DeSorbo, Director of Administration and Management, explains that this is a Policy the state requires in order to apply for grants, it is readopted every year, and has been done for at least the past 14 years.

No public comment.

Council Comment:

- Councilman William Richardson asks if this is the same as in the past, to which Arthur DeSorbo states that there are no changes in this particular policy.
- Councilman Michael Riolino asks why it would be the Town's role in this versus a realtor who is selling a piece of property. Mr. DeSorbo responds that if the private side does not act in response to a claim, it comes to the Town who then investigates the claim.

Councilman Richardson makes a motion.

Councilman Santino seconds the motion.

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

Item #9

To consider and act upon a Resolution authorizing Mayor Joseph Maturo, Jr. to sign a Fair Housing Policy Statement on behalf of the Town Council and Town of East Haven.

Councilman Richardson makes a motion.

Councilman Santino seconds the motion.

Mr. DeSorbo states that this is a standard federal government regulation, it is required in order to receive state funding and this too has been done for the past 15 or 20 years that he can recall.

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 a Resolution authorizing Mayor Joseph Maturo, Jr. to sign, on behalf of the Town Council and the Town of East Haven, a Title VI Compliance Statement certifying that the Town seeks to fully carry out its responsibilities under the Title VI Regulations.

Councilman Santino makes a motion.

Councilman Parente seconds the motion.

Mr. DeSorbo states that this is a requirement directly related to the 1964 Civil Rights Act of non discrimination in hiring. It prohibits discrimination on the grounds of race, color or national origin.

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 an Ordinance authorizing the following transfer at the recommendation of the Board of Finance:

To:	01-332-0190	Police Overtime Account	\$100,000.00
From:	01-332-0110	Police Salaries	\$100,000.00

Councilman Parente makes a motion.

Councilman Santino seconds the motion.

Police Chief Brent Larrabee addresses the Council and states that this is due to a shortfall in the overtime account and this transfer would be from unused salaries.

No public comment.

Council Comment:

- Councilman Joseph Badamo asks if this will carry through to June, to which Chief Larrabee states no, there are about 7 or 8 officers working 16 hours a day, 7 days a week. They plan to go before the police commission at their next scheduled meeting with hope to get 3, 5, or 6 certified officers to be on the books. In addition, another cause of overtime is the dispatcher position and the fact that there are only 1 or 2 officers able to do this.
- Councilman Parlato asks if taking the \$100,000 from police overtime will wash out that account to which Chief Larrabee clarifies that the \$100,000 is being put into the overtime account.
- Councilman Santino asks about the road jobs the officers do, can that be put back into the police funds rather than making all these transfers, can an account be made where this money goes and is given to the police department. Finance Director Paul Rizza explains that there already is a special duty and revenue account in the budget for the Police but there are no funds at this time.
- Councilman Riolino asks if the \$100,000 out of police salaries is the most that can be pulled from that account. Chief Larrabee explains that it depends when people actually leave, there may be some extra, it should be pretty close.

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

Item #12

To consider and act upon an Ordinance authorizing the following transfer at the recommendation of the Board of Finance:

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

Councilman Parlato makes a motion.

Councilman Santino seconds the motion.

Public Comment:

- Ken McKay- 59 Sidney Street, East Haven, CT. Mr. McKay asks how much money will be left in the contingency account. Finance Director Paul Rizza responds that after this and the following transfer, there would be \$6,000 left.

Council Comment:

- Councilman Badamo asks Mr. Rizza what was in the contingency account when they started given that after the \$70,000 transfer and the following \$185,000 there will only be \$6,000 left. Mr. Rizza responds that there was \$435,000 at the beginning of the year.
- Councilman Parente asks if these accounts are running short because of underfunding from the last year. Mr. Rizza responds that there was a lot of underfunding and there is an increase of a lot of accounts for the following year's budget. Further, the request for natural gas was \$120,000 last year and what is currently in the budget is \$81,000. This \$70,000 will bring it to \$151,000. Looking at what was spent in the fiscal year that ended June 2011; \$174,000 was spent on natural gas. It was extremely underfunded in the current year which presented a problem. Despite a warmer winter in the past year, they are projecting an expenditure of around \$150,000 for the year.
- Councilman Richardson asks if they have seen an increase in the cost of natural gas. Mr. Rizza states that the Town is currently in an agreement with a supplier, it did come down very slightly in 2010. Right now, they are in a fixed price contract which over the next couple of weeks Mr. Rizza is trying to either get out of the agreement because the agreement is not binding on part of the Town based on it not being signed by the Mayor. Mr. Rizza says hopefully we will be going out to bid or renegotiating, it is down under about \$2.00 and we paid about \$8.00 under the current contract.
- Councilman Richardson asks Mr. Rizza if, since the contingency fund is one used for emergencies, he foresees any problems coming up and there being only \$6,000 left. Mr. Rizza states that he does not see a problem so much with this account.
- Councilman Riolino asks Mr. Rizza if the practice is to go into the contingency account first rather than hunting through the budget for savings, and with two months left to go, what would the surplus be in the budget that ends 6/30/12. Mr. Rizza states that there is a looming large problem in the retirement lump sum payments and he will answer the question when they get to that account.

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

Item #13

To consider and act upon an Ordinance authorizing the following transfer at the recommendation of the Board of Finance:

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

Councilman Purificato makes a motion.

Councilman Santino seconds the motion.

Paul Rizza addresses the Council and states that when the budget was passed last year, the original request that came in was \$280,000 and it was cut to \$100,000. Of that \$100,000, \$78,000 was utilized for the second payment in a series of three which was a negotiation between the administration and the union which gave each employee \$500.00 per year if they retired. The payments were disbursed over three payments; one in 2010-2011 fiscal year, one in 2011-2012 and one in 2012-2013, so as we started the fiscal year July 1, we knew all we had for retirement lump sum payouts was \$22,000. Prior to the budget being accepted last April, they were aware of the \$78,000 plus 4 additional retirees. So far this year, the \$185,000 plus the original \$100,000 they had, \$285,000 was what would have been the normal request if approved but it was not. Currently, if the Council approves this transfer, spending \$285,000 and having \$285,000 will make them exactly even. Currently, there are 6 additional retirees that may come up in the next few months, and they are trying to calculate what the payouts will be. Using an average of between \$20,000 and \$30,000 his guess now is they will need at least another \$150,000 in this account. Further, using the contingency fund first, if there is no money in the account, it puts it back on the Department Heads to review their department and possibly take care of their own problem.

Public Comment:

- Gene Ruocco- 74 Bennett Road, East Haven, CT. Mr. Ruocco asks Mr. Rizza if the \$280,000 that was presented to the Council was cut to \$100,000. Mr. Rizza states that the number was cut from the \$280,000 by the Mayor before it was brought to the Town Council. Mr. Ruocco asks if they were aware that there was going to be trouble in this account. Mr. Rizza states that roughly April of 2011 the finance department became aware. Mr. Ruocco asks where the \$100,000 retirement for Chief Gallo came from and if this is why they now need a transfer

of money. Mr. Rizza states that it was Chief Gallo's retirement along with several other retirees which caused the need for this transfer. Some received \$50,000, some received \$78,000; it is not just from one person. Mr. Rizza further states that at least 4 or 5 other individuals had already talked of retiring, but Chief Gallo's retirement was not know. Mr. Ruocco asks what the amount of money is for this account in the current budget to which Mr. Rizza states it is \$300,000.

Council Comment:

- Councilman Riolino asks what the lump sum payments are; once the people retire they receive a regular payment and then what else is paid out. Mr. Rizza states that the pension is handled by the State. All the additional costs are variable depending on the person in regards to paid vacation, sick time, etc.
- Councilman Santino states that once people know their pay out amount, they may all want to come in and retire at the last minute and then there will be a problem.
- Chairman Anania states that they have to abide by the contract, moving forward some changes can be made.
- Mr. Rizza states that there is a month period that the finance department has to pay these individuals who retire.

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

Item #14

To consider and act upon an Ordinance passing a Facilities Use Policy for the Town of East Haven.

An Ordinance passing a Facilities Use Policy for the Town of East Haven.

WHEREAS, the Town Council of the Town of East Haven, is authorized to dispose of and manage the facilities of the Town of East Haven;

AND WHEREAS, it would be favorable to enact a Facilities Use Policy so as to promote the fair and efficient management of Town Facilities sought to be used by individuals and groups;

AND WHEREAS, the Town has developed a Facilities Use Policy to direct the use of Town-owned facilities;

NOW THEREFORE, be it **ORDAINED** by the Town Council of the Town of East Haven that the Town codifies the attached Facilities Use Policy as a Town Ordinance.

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

Councilman Parente makes a motion.

Councilman Purificato seconds the motion.

Chairman Anania clarifies that this is already in place but was never enacted upon so the Council has to vote it in.

Attorney Zullo states that it is essentially the same policy that the Council attempted to adopt last year but it was never noticed in the paper properly so it was not enacted. Attorney Zullo adds that he took the liberty of adding the last provision, a facility rental agreement that people execute a rental agreement if they use any of our Town facilities; it is essentially a contract that can be changed at any time. It includes no smoking, no alcohol, indemnifying if they break things, etc.

Councilman Badamo asks about negotiation, if there is a rental fee and how long it will be used for and those types of things in the agreement.

Attorney Zullo responds that rental rate is negotiated by the administration. It will be discussed on a case by case basis.

Public Comment:

- Donna Richo- 67 Charnes Drive, East Haven, CT. Ms. Richo states that there is no rent given, so who decides what it is. She asks about if it has to go before the Council and some party wants to use it and there is not enough time to get before the council. She would like to see a list of facilities and potential rents.

Attorney Zullo states that it does not go before the Town Council; it goes before a counsel, such as the Town Attorney. This aspect was changed from them having to go before the Council. He further states that maybe this is something the Counsel can do in conjunction with the Mayor's office and set a rate to go along with the policy.

- Gene Ruocco- 74 Bennett Road, East Haven, CT. Mr. Ruocco asks if there is anything addressing the insurance liabilities to the Town. Attorney Zullo explains that they will be using the Tulip Program which requires renters to obtain insurance and they can apply for it online and it generates a policy on the spot

given the type of vendor, number of people, etc. Mr. Ruocco asks about if a car wash is being held and someone slips and falls, is the Town liable for that.

Attorney Zullo states that the Town can choose to waive or not waive anything in the rental agreement which includes insurance, but the insurance would be additional protection. Further, if there is an instance where someone gets hurt, it will be handled on a case by case basis by his office. In addition, sports teams are taken on an individual basis and can be waived from obtaining insurance, but they are required to execute the rental agreement. With the grandfathered idea, sports teams, girl scouts etc. can waive certain requirements.

- Gene Ruocco adds that the insurance carrier is the one that brought up this issue. Does this weaken the strength of an organization knowing when using town facilities they have to be insured? He feels it should be mandated so people aren't waiving insurance and then somebody gets hurt.

Attorney Zullo responds that it should be left up to the administration to determine if they are going to require insurance on an individual basis. If it's 5 people they may not want it, and larger groups they may want it as protection. He further states that anybody who uses the facility agrees to indemnify the Town and hold the Town harmless which is one layer of protection, the next layer would be if they are required to get an insurance policy. The people who sign the policy are responsible for anyone who may get hurt, and that aspect is required.

- Robert Hoff- 50 Michael Street, East Haven, CT. Mr. Hoff states that hold harmless agreements don't hold up in court. He asks what is going to be done with certain Town buildings that people who are disabled want to use but they do not have total accessibility to the building, will the cost of the facility be pro-rated? Attorney Zullo states that this should be left up to the American Disabilities Act Commission.

Council Comment:

- Councilman Badamo asks about someone renting a facility outside and if there is anything within this regarding a cancellation; if it rains, do they get a refund?

Attorney Zullo responds that clause #12 pertains to cancellation in the rental agreement. If you cancel within so many days, and you write in whatever the terms of the contract are, they then forfeit any rental agreement.

- Councilman Parlato has trouble accepting this because very seldom is there a representative for a group using the facility. The Town is still liable for the same dangers whether we enforce or waive the agreement.

Attorney Zullo responds that he ran a Tulip on a Branford property for about 20 people and came up with a cost of \$46.00 which is relatively low and the Town always has the option to waive it. It is added protection if the Town wants it, and is sensitive that not all organizations may be raising a lot of money.

- Councilman Parente asks if this excludes any language that the Board of Education has under their facilities and whether or not Attorney Zullo looked into the language of theirs in creating the one for the Town. Attorney Zullo responds that they deal with their own facilities. He further states that their policy has been reviewed by their own counsels. When revising the Town's rental agreement, he looked to other Town's as example and moving forward maybe there can be one uniform policy.
- Councilman Purificato asks why the Town would ever waive it if the amount is around \$46.00.

Attorney Zullo says it depends, if there was going to be cooking or other things, the cost will go up substantially. He informs them that he ran another scenario where there were over 100 people; the cost was about \$246.00. In running a few different ones the cost was never over \$250.00.

- Councilman Santino asks if this also affects the fireworks that the Veterans put on.

Attorney Zullo states that the Veterans would be required to abide by the guidelines in regards to no smoking, no alcohol, etc. but the Town can be sensitive to their needs in regards to insurance.

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

Item #15

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

BAC Tax Services Corp

MS: CA6-913-LB-01

P O Box 10211

Van Nuys CA 91499-6089

List(s): 2010-01-8978

Reason: Double Payment made on 2nd Installment.
Amount: \$3234.15

Public Comment:

- Donna Richo- 67 Charnes Drive, East Haven, CT. Ms. Richo states that she has a concern because there are a number of foreclosure properties in the Town. She would want to hold up the refund until the properties are cleaned up on the inside and outside. She wants to make sure we aren't sending money back to any Bank that has foreclosed homes in the Town that aren't properly being maintained. Her concern is primarily with the foreclosed properties because they are dragging down property value.

Attorney Zullo states that moving forward, when he receives the information from the tax office, Donna Richo and the Zoning Enforcement Officer will look at these homes and if the Council wants to withhold payment until they can notify the Banks, they can do so. He feels her suggestion was a very good one and is a good policy to have.

Council Comment:

- Councilman Parlato asks if they have the legal right to take that action. For the Council to go in and say they will withhold payment, what is the recourse of the home owner coming back to the Town?

Attorney Zullo responds that the money will not be held for more than a couple days, it is just putting them on notice. It is not a civil action. He further adds that Councilman Santino noticed that the copy of the check did not match the total payments, but in looking at the payment history on the account, the total payments do match and you can see the double payment on the account.

- Councilman Robert Sand states that from what he recalls from Lisa's explanations in the past, there is no leverage. It is an overpayment, not an assessment. We are obligated to return the money, the request has to follow a procedure and the money should then be sent back.

Councilman Richardson makes a motion.

Councilman Purificato seconds the motion.

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

Item #16

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

Wells Fargo Home Mortgage

1 Home Campus

X2301-02D FI 02

Des Moines IA 50328

List(s): 2010-01-9728

Reason: Double Payment made on 2nd Installment.

Amount: \$3501.20

Councilman Parente 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 #17

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

Richard and Phillip Raccio

15 River Rd

East Haven CT 06512-1241

List(s): 2008-01-8332 E/S 19094 (\$603.92)

2009-01-8346 E/S 19093 \$709.38

2010-01-8326 E/S 19092 \$702.78

Reason: Change of Square Footage of Dwelling

Amount: \$2,016.08

Councilman Richardson makes a motion.

Councilman Santino seconds the motion.

No public comment.

Council Comment:

- Councilman Riolino asks if the \$603.92 is a credit. Attorney Zullo explains that all three are a credit in the total amount of \$2,016.08.

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

Item #18

Attorney Joseph Zullo will address the Council in Executive Session regarding pending litigation.

Attorney Zullo requests that this item be withdrawn, the original items have already been resolved on their own.

Councilman Santino makes a motion to remove this item from the agenda.

Councilman Purificato seconds the motion.

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

Item #19

Councilman Santino makes a motion to adjourn.

Councilman Richardson seconds the motion.

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

Meeting is adjourned at 8:49 p.m.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council