

**EAST HAVEN TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 5, 2013**

The East Haven Town Council held a regular meeting Tuesday, February 5, 2013, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Chairman Richard Anania asks all to stand for the pledge of allegiance.

Chairman Anania asks all to remain standing to say a prayer for Democratic Registrar of Voters Joe Buonome who is ill.

Item #1

Roll Call- 10 present- 5 absent (Esposito, Richardson, Badamo, Riolino and Carbo)

Item #2

Approval of minutes from January 16, 2013 Special Meeting-

Councilman Joseph Santino makes a motion.

Councilwoman Beverly Gravino seconds the motion.

Roll call- 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/Recreation- nothing to report
- Finance- nothing to report.

Attorney Joseph Zullo asks the Council to make a motion allowing him to discuss a few items with them that are not on the agenda. They are not things that need to be voted on, just things he would like to ask the Council.

Councilman Santino makes a motion.

Councilman Robert Cubellotti seconds the motion.

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

Attorney Zullo address the Council-

- Attorney Zullo asks the Council's opinion on changing the Town Ordinance for public meeting times. Right now it is a Town Ordinance that requires all boards and commissions of the Town to meet after 7:00. He states that it was enacted in 1987 and there were only very minor changes in 1992 and 2001. The ordinance reads that no board meeting shall commence earlier than 7:00 and no meeting of a subcommittee before 5:00. He asks if the Council would be interested in changing it from 7:00 to 6:00 which he feels may be a benefit especially during budget season; normal meetings could still be conducted at 7:00 or 7:30.
 - Councilman Robert Parente and Councilman Santino state that they have no problem with that.
 - Councilman Fred Parlato states that he feels the whole purpose of the designated time is to get as much public input as they can. If it is moved from 7:00 to 6:00, for those who do not work in East Haven by the time they get home from work, take care of their families and get to the meeting, it puts a handicap on it. He adds that he hasn't heard complaints about it being too late even during late budget meetings, but in order to have disclosure he sees no reason to change it.
 - Vice Chairman Robert Sand agrees with Councilman Parlato in that the 7:00 was designated for that reason, to give people time to get there.
 - Councilman Parlato adds that they do not get as much public input as they should, changing it may lead to not having anyone in the audience.
 - Councilwoman Gravino asks if 6:30 would be a compromise.
 - Chairman Anania asks if it can just be changed when they are doing the budget.
 - Attorney Zullo explains that the Council can do whatever they want, it can be changed just for budget and regular meetings can stay the same. He states that he will talk to other boards as well since it could also affect them. He concludes that he will draft something and bring it back to the Council to see if they like it or not.
- Attorney Zullo states that the second thing is an email he received from Ed Lennon regarding the DOJ Compliance Agreement training that is part of the agreement. They will be holding a training session for the Board of Police Commissioners on February 19th, 2013 at 7:00 PM at the East Have Police Department. He explains that members of the Board of Finance expressed an interest in it and they wanted to extend the invitation to the Town Council as well if any of them wanted to receive the same training.

- Councilman Parente asks what the capacity is to which Councilman Gary Depalma states they could fit about 45 people at the PD.
- Chairman Anania asks what kind of training it is.
- Attorney Zullo explains that it is the 2-4 hour mandated training required in the agreement. It is a training session on the agreement itself.
- Attorney Zullo presents the last thing to the Council which is in regards to the standing rules of the Town Council which control how the Council functions. He states that the last time they were changed was in 1992. Some of it is outdated, some of it is not. He states there are minor tweaks he would like to make but he wanted to ask the Council first before he drafted something. He asks if the Council would be open to possible modifications, since it determines how the board runs he would draft something, get copies out and then it can be discussed.
 - There was no opposition- Attorney Zullo states that he will draft something up and present it to the Council within the next couple of months.

Item #5

To consider and act upon a Resolution correcting a scrivener's error in the resolution passed on January 16, 2013 and confirming and approving the appointment of Tony Criscuolo to the Greater New Haven WPCA Board of Directors for a term running from 1/1/2013—12/31/2015.

A Resolution amending the resolution passed on January 16, 2013 and confirming and approving the appointment of Tony Criscuolo to the Greater New Haven WPCA Board of Directors for a term running from 1/1/2013—12/31/2015

WHEREAS, Section 2.2 of the By-laws of the Greater New Haven WPCA Board of Directors indicates that East Haven members shall be appointed by the Mayor of East Haven, subject to the approval of the East Haven Town Council;

AND, WHEREAS, Mayor Joseph Maturo, Jr. has appointed Tony Criscuolo to the Greater New Haven WPCA Board of Directors for a term running from 1/1/2013-12/31/2015;

NOW, THEREFORE, BE IT RESOLVED that said appointment is hereby approved by the East Haven Town Council.

BE IT FURTHER RESOLVED that the purpose of said resolution is to correct a scrivener's error in the dates of the appointments in the resolution passed by the Town Council on January 16, 2013.

Councilman Robert Parente makes a motion.
Councilman Santino seconds the motion.

Attorney Zullo states this was just a simple scrivener's error when transcribing the dates of the appointments.

No public comment.
No council comment.

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

Item # 6

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

Police Department

To:	01-332-0190	Overtime Wages	\$75,000.00
	Total:		\$75,000.00
From:	01-332-0110	Regular Wages	\$75,000.00
	Total		\$75,000.00

Reason: Transfer needed for shortage in overtime account.

The public hearing shall take place on March 5, 2013, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

A Resolution Setting a Public Hearing for March 5, 2013

WHEREAS, the Board of Finance has referred the following transfer to the Legislative Town Council for approval:

Police Department

To:	01-332-0190	Overtime Wages	\$75,000.00
	Total:		\$75,000.00
From:	01-332-0110	Regular Wages	\$75,000.00
	Total		\$75,000.00

Reason: Transfer needed for shortage in overtime account.

AND WHEREAS, said transfer is in excess of \$50,000.00 and, pursuant to Chapter 3, Section 5 of the East Haven Town Charter, such transfers must be approved by Ordinance;

AND WHEREAS, Chapter 3, Section 6 of the East Haven Town Charter contains specific publication requirements for public hearings regarding ordinances;

AND WHEREAS, Section A, Item 3 of the Standing Rules of the Town Council requires that the Town Council schedule all public hearings by vote of the Council;

NOW THEREFORE, BE IT RESOLVED that said public hearing shall take place on March 5, 2013, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut;

BE IT FURTHER RESOLVED that the council clerk and Town Attorney are charged to effectuate notice of said public hearing in accordance with the Town Charter and the Standing Rules.

Councilman Anthony Purificato makes a motion.

Councilman Cubellotti seconds the motion.

No public comment.

No council comment.

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

Item #7

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

Police Department

To:	01-885-0694	Other Contractual Services - DOJ	\$200,000.00
	Total:		\$200,000.00
From:	01-885-0689	Contingency	\$200,000.00
	Total		\$200,000.00

Reason: Funds needed for compliance expenses regarding DOJ.

The public hearing shall take place on March 5, 2013, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

Councilman Parente makes a motion to change the date and location to February 13, 2013, at 7:00PM at the Hagaman Memorial Library – DeMayo Community Room, 227 Main Street, East Haven, CT 06512.

Councilman Purificato seconds the motion.

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

A Resolution Setting a Public Hearing for February 13, 2013

WHEREAS, the Board of Finance has referred the following transfer to the Legislative Town Council for approval:

Police Department

To:	01-885-0694	Other Contractual Services - DOJ	\$200,000.00
	Total:		\$200,000.00
From:	01-885-0689	Contingency	\$200,000.00
	Total		\$200,000.00

Reason: Funds needed for compliance expenses regarding DOJ.

AND WHEREAS, said transfer is in excess of \$50,000.00 and, pursuant to Chapter 3, Section 5 of the East Haven Town Charter, such transfers must be approved by Ordinance;

AND WHEREAS, Chapter 3, Section 6 of the East Haven Town Charter contains specific publication requirements for public hearings regarding ordinances;

AND WHEREAS, Section A, Item 3 of the Standing Rules of the Town Council requires that the Town Council schedule all public hearings by vote of the Council;

NOW THEREFORE, BE IT RESOLVED that said public hearing shall be held on February 13, 2013, at 7:00PM at the Hagaman Memorial Library – DeMayo Community Room, 227 Main Street, East Haven, CT 06512.

BE IT FURTHER RESOLVED that the council clerk and Town Attorney are charged to effectuate notice of said public hearing in accordance with the Town Charter and the Standing Rules.

Councilman Purificato makes a motion.

Councilman Santino seconds the motion.

Attorney Zullo explains that the reason for this change is that he spoke with Attorney Sgrignari who stated there is an immediate need for these funds to be made available, they are moving forward quickly and trying to meet the deadlines of the compliance agreement. In order to do so they need to have the money in place in order to not violate the charter.

Councilman Santino asks if they will be going to the Council explaining what the money is being used for. Attorney Zullo states presumably they will be telling them what it is being used for, and that night these things can be discussed.

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

Item #8

To consider and act upon a Resolution authorizing Mayor Joseph Maturo, Jr., on behalf of the Town of East Haven and the East Haven Town Council, to execute all documents in connection with a Supplemental Agreement with the State of Connecticut regarding the Maple Street Bridge project.

AUTHORIZING RESOLUTION 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 a resolution 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 resolution has not been modified, rescinded, or revoked and is at present in full force and effect:

State Project No. 43-123

A Resolution authorizing Mayor Joseph Maturo, Jr., on behalf of the Town of East Haven and the East Haven Town Council, to execute all documents in connection with a Supplemental Agreement with the State of Connecticut regarding the Maple Street Bridge project.

BE IT RESOLVED, that Joseph Maturo, Jr., be, and hereby is, authorized to sign the agreement entitled "Second Supplemental Agreement between the State of Connecticut and the Town of East Haven for the Construction, Inspection and Maintenance required in conjunction with the Replacement of the Maple Street Bridge (Bridge No. 04881) over the Farm River utilizing Federal Funds from the Highway Bridge Program."

IN WITNESS WHEREOF:

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

Stacy Piccirillo, Town Clerk

Councilman Santino makes a motion
Councilwoman Gravino seconds the motion.

- Arthur DeSorbo- Director of Administration & Management- States that he will let the Town Attorney discuss this, but explains that he went over this with the Town engineer who signed off on the supplemental agreement.
- Attorney Zullo explains that in 2010 the Town executed a supplemental agreement, this will be the second supplemental agreement the Town has executed. The primary driving reason for this is that it has taken extra time to finish. The goal is for everything to be done by May 31st, he explains he has worked very hard with the other attorney to solve any existing problems when they took over in November of 2011, they made payments to the contractor and then some time did get away from them. He states that the supplemental agreement does six things that he will explain.
 1. The primary thing is that if we spent more than is allowed under the contract, it requires us to go execute a new contract and if there is federal funding available, we have to obtain state approval and then we are entitled to reimbursement. Essentially, it says it wants them to stay within the contract which to date he can say we are doing pretty well with.
 2. It corrects a grammar and reference change in article 33; it is just a reference change.
 3. It rephrases a monthly reporting responsibility that we have when a contractor is performing active construction; we have to report monthly on finances and statuses of construction. We had this responsibility already, the phrasing of the paragraph has changed but it is still the same responsibility.
 4. Refers to total project cost which is a bit lower than the previous supplemental agreement, it reflects a lowering of costs for certain physical goods. As the prices of sand, fill, etc. rise and fall, and new agreements are executed, those numbers change slightly.
 5. A grammatical update and an update of all state executive orders that we have to be in compliance with which is in almost every State and Federal agreement, for example the Civil Rights Act.
 6. Asks us to be in compliance with certain administrative and statutory requirements, they are the same responsibilities just reinstated. The biggest requirement is that we submit federal auditing; we do one of those every year.

Council comment:

- Vice Chairman Sand asks about page 2, he was looking for what the final expense is.
- Attorney Zullo states that we are still waiting for the return of state funding; we pay the contractors and wait for the state to reimburse us. We are waiting for \$100,000 in reimbursement and we have roughly the same amount in upcoming expenses, between \$60,000 and \$100,000 to finish out the project.

- Vice Chairman Sand states that on page 2 item 4 states that the estimated cost is \$3,105,635 and the maximum reimbursement is \$2,359,368 leaving a difference of \$746,267, is that still accurate.
- Attorney Zullo states that we are only entitled to 80% reimbursement and the Town Council went out years ago and bonded for that difference so that money is sitting in the account. He states that he presumes that Town figured out the amount of reimbursement and bonded for the difference and put that bond in the account. He adds that number does reflect an increase in the cost, including the costs for the engineering firm that had to go back and do a redesign.
- Councilman Santino and Sand express a concern for change orders.
- Attorney Zullo states that we are still in negotiations for some of the change orders but the goal is to have the whole project completed by May 31st.
- Councilman Parlato asks if the Town has an recourse going back to whoever designed this or the State because they had to approve the design and it seems many things in the design were overlooked such as manholes and different things which added to the cost and held the job up. He expresses concern that the Town should not have to pay any more than originally agreed upon.
- Attorney Zullo states that so far we are working within the framework of the total bonded money and the total that we came up with in the beginning. He adds that the idea of litigation has come up a number of times, and it would be complex litigation and he is looking to avoid litigation at all costs because he feels the Town would end up paying more money in legal fees than it will ever recoup, which is not in the best interest of the Town. Attorney Zullo states he has done everything he can to keep this matter from ending up in the courts and he will keep trying to do that because he feels they will spend so much more in legal fees and it is not worth it to the taxpayers.

Public comment:

- Donna Richo- 67 Charnes Drive, East Haven- Ms. Richo asks if the addendum to the contract is relieving the State from paying the 80% and passing it on to Federal.
- Attorney Zullo states that it is his understanding that it was always Federal obligation, these were Federal funds. He adds that it may block down from Federal and then move down to the State and come to Municipalities through the State so there is a perception that it is State money, but to his knowledge it all originated federally.
- Ms. Richo adds that her concern is whether we give up anything in doing this addendum which says "if" federal funds are available.
- Attorney Zullo expresses states that he doesn't believe any of this ever originated with the State, it can be just semantics because to his knowledge it was always Federal. If we did go over, we would have to talk to congress.
- Ms. Richo asks if we are in compliance with all executive orders.
- Attorney Zullo states presumably we are at all times; we do our best to stay abreast with all of them. We keep a book of them and there is municipal education and training on this and a resolution is passed yearly to state we are in compliance.

- Ms. Richo asks if the addendum requires any additional reporting.
- Attorney Zullo states that the only additional reporting he saw was the active construction which all they essentially did was change the name of the form, it didn't change the frequency of reporting at all.

Item #9

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

Toyota Financial Services

19001 S. Western Ave

ATTN: Dept WF21-TFS Customer Service Tax

Torrance, CA 90509

2011-03-71421 E/S 20576

Reason: Vehicle Sold in November

TOTAL: \$567.97

A Resolution to provide the a tax refund of \$567.97 to Toyota Financial Services

WHEREAS, C.G.S. Section 12-129 provides that a local board of selectmen, or its equivalent, may, upon recommendation and certification of the Tax Collector, issue a refund for tax overpayments;

AND, WHEREAS, the following entity or person has requested a refund for the following overpayment:

Toyota Financial Services

19001 S. Western Ave

ATTN: Dept WF21-TFS Customer Service Tax

Torrance, CA 90509

2011-03-71421 E/S 20576

Reason: Vehicle Sold in November

TOTAL: \$567.97

NOW, THEREFORE, BE IT RESOLVED that said refund is approved and the tax collector is authorized to effectuate said refund.

Councilman Parente makes a motion.

Councilman Santino seconds the motion.

Council comment:

- Councilman Santino says that according to the Tax Department if you own a vehicle until October, you are required to pay the taxes and this vehicle was sold in November.
- Attorney Zullo explains that it is a year in reverse; taxes are paid in the rear. He adds that he will send a memo to the Tax Collector to attend these meetings to explain these refunds.

No public comment.

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

Item #10

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

Siemens Medical Systems

701 Market St.

Philadelphia PA 19106

2010-02-40784 E/S 20803

Reason: Bill Removed by Assessor

TOTAL: \$1,718.66

A Resolution to provide the a tax refund of \$1,718.66 to Siemens Medical Systems

WHEREAS, C.G.S. Section 12-129 provides that a local board of selectmen, or its equivalent, may, upon recommendation and certification of the Tax Collector, issue a refund for tax overpayments;

AND, WHEREAS, the following entity or person has requested a refund for the following overpayment:

Siemens Medical Systems

701 Market St.

Philadelphia PA 19106

2010-02-40784 E/S 20803

Reason: Bill Removed by Assessor

TOTAL: \$1,718.66

NOW, THEREFORE, BE IT RESOLVED that said refund is approved and the tax collector is authorized to effectuate said refund.

Councilman Santino makes a motion.
Councilman Cubellotti seconds the motion.

Council comment:

- Councilman Purificato states that the adjusted refund was \$1,458 but this shows a refund of \$1,718.
- Attorney Zullo states there was a payment of interest for \$259.82; it must have been paid late and accumulated interest. The total payment of \$1,458.84 when added with the interest is the total of \$1,718.66. Because the bill was removed and should not have been on the grand list, they are entitled to the full amount. It is leased equipment that should not have been there in the first place.
- Vice Chairman Sand asks how old this is.
- Attorney Zullo states that it is from 2010 and figuring 10% a year it is not too far off.

No public comment.

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

Arthur DeSorbo, Director of Administration and Management extends an invitation to the Council to an important Economic Development announcement that will take place Thursday, February 7, 2013 at 11:00 AM at the Foxhaven Plaza.

Item # 11

Councilman Santino makes a motion to adjourn.

Councilman Purificato seconds the motion.

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

Meeting is adjourned at 7:38PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council