

**EAST HAVEN TOWN COUNCIL  
PUBLIC HEARING MINUTES  
MONDAY, MAY 13, 2013**

The East Haven Legislative Town Council conducted a Public Hearing meeting on Monday, May 13, 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.

**Item #1**

Roll Call for Public Hearing #1: 10 present - 5 absent (Parente, Santino, Badamo, Cubellotti and Riolino). Councilman Paul Carbo arrives at 7:03.

A quorum is present.

**Item #2**

To conduct Public Hearing #1 to discuss an Ordinance approving the following transfer at the recommendation of the Board of Finance:

**Police Department**

To:	01-332-0190	Overtime Wages	\$150,000.00
	<b>Total:</b>		<b>\$150,000.00</b>
From:	01-332-0110	Regular Wages	\$150,000.00
	<b>Total</b>		<b>\$150,000.00</b>

**Reason:** Transfer needed for shortage in overtime account.

Councilman William Richardson makes a motion.

Councilman Anthony Purificato seconds the motion.

Police Chief Brent Larrabee addresses the Council. Chief Larrabee states that there have been some shortages within the Department. There were a significant number of vacation requests for June and July.

Public comment:

- Donna Richo-67 Charnes Drive, East Haven CT- Ms. Richo asks if any of the shortage is attributable to the Department of Justice.

- Chief Larrabee says no, it is not; there is a separate line item for all things related to the Department of Justice. This is just operational.

### **Item #3**

Adjournment of Public Hearing #1

Councilman Richardson makes a motion.

Councilman Purificato seconds the motion.

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

### **Item #4**

To conduct Public Hearing #2 to discuss an Ordinance making various revisions to the Town's Blight Ordinance.

Councilman Purificato makes a motion.

Councilman Paul Carbo seconds the motion.

Attorney Alfred Zullo addresses the Council. Attorney Al Zullo states that Act 12-146 was passed by the House of Representatives and the Senate which calls for certain mandatory changes in the Blight Ordinance. In doing so, other changes were discussed by the Town. There are issues in regards to times when the Town has to go in to clean up blighted properties. Specifically, in instances when the property owners are not doing it or the Banks aren't in the case of a foreclosure. They have added in Section 41.16 language which is required by the Statute requiring notice to be given to the owner to remediate the property. They then have the right to a 30 day extension to continue to try and remedy the situation before the Town imposes penalty. Language is in there as far as unpaid penalties, the Town will constitute a lien which will be foreclosed in the same manner as a tax lien. They also reserve the right to hire private contractors to complete the work on any property that is owned or actively in foreclosure by a Bank or financial institute, which has become a big problem. They are not hiring management companies to clean up the properties, which is putting stress on our Public Works. We want a firm charge list which is uniform to be sure that the Town is getting reimbursed. Under our own ordinance we can lien them and enforce the lien. While looking at the blight ordinance, 41.19 is required by State Statute and allows the property owner to appeal any action the Town takes against blight. They have established a blight assistance committee to help people who are unable to afford to do their own cleanup, as well as to take the appeals. They felt that committee having three people from each district for a total of 15 people is unworkable so they cut it down to 1 resident for each of the 5 districts. They also named the Planning and Zoning Commission of the Town of

East Haven as the Blight Appeals Commission. It makes sense that the appeals are heard from people who are regularly meeting and looking at properties in Town. They also made the Zoning Enforcement Officer the administrator or person directly responsible for enforcing the ordinance as way of fining people and sending out notices. They also added language to define the Town's position when it comes to sidewalk repair and maintenance. Especially in situations when owners are neglecting to maintain sidewalks by putting too much salt in the winter, not cleaning it and causing deterioration and not repairing them. It has been made clear that it is the property owner's obligation to repair their own sidewalk, not the Towns.

Public comment:

- Donna Richo-67 Charnes Drive, East Haven, CT- Ms. Richo asks if we can collect from HUD, for the federally owned properties.
- Attorney Al Zullo says we can collect from any property that fails to comply with the blight ordinance. He adds that HUD is usually not an issue; the Bank owned properties are the problem.

## **Item #5**

Adjournment of Public Hearing #2

Councilman Purificato makes a motion.

Councilman Carbo seconds the motion.

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

## **Item #6**

To conduct Public Hearing #3 to discuss an Ordinance making various revisions to the Town's Floodplain Management Ordinance.

Councilman Richardson makes a motion.

Councilman Anthony Mansi seconds the motion.

Town Engineer Kevin White addresses the Council. Mr. White explains that he received a letter from FEMA requiring the Town to make modifications to their Floodplain Management Ordinance. One of them is mandatory action, which is updating all of the maps based on the new flood provisions of the past couple of years. The other two are optional. The second option gives them the ability to adopt the DEEP Cultural Jurisdiction Line (CJL) as a means of the least restrictive and most defined mean high tide. He feels it is a good thing for us to do because it puts us on the same page with the State DEEP rather than having different line interpretations, we can conform to

them. The first option was the ability to change the language as far as the definition of substantial damage. Substantial damage is defined as 50% or more of the value of your house based on a number of factors; it could be the assessor's value of your house, it could be an appraised value of someone you hire to give you a number on. But the provisions give us the ability to take the last two storms or two separate occasions in the last 10 years, add them together and come up with the 50% of the value of the house. This triggers an automatic rising of the structure above the 100 year flood elevation; that would not be an option, it has to be that. When you consider the damage some people incurred over the last couple of years, some of them don't have the ability to do that. Right now we are getting prices to raise houses for \$60,000-\$100,000. Adopting this would be forcing people to do that. He states that he recommends the first option to be adopted.

Attorney Joseph Zullo explains that residents of the Town of East Haven are allowed to participate in the National Flood Insurance Program because up to now we have adopted it and abided by the requirements. In order to continue to allow residents to participate in this program, we must adopt the provision for the new maps. It essentially determines whether you are in a flood zone or not. In reference to the mean high tide, that change is a recommendation of Kevin White as the Town Engineer. These all tie into our participation in the National Flood Insurance Program which is beneficial to our residents.

Councilman Carbo asks if this is just for new or rebuilding not existing to which Mr. White says yes or if you have an existing structure and then decide that you want to go towards the water.

Public comment:

- Donna Richo- 67 Charnes Drive, East Haven, CT- Ms. Richo states that she is unsure of which part of the document he is talking about.
- Attorney Zullo explains that Kevin is referencing the memorandum as far as pages 1 and 2. There were three recommendations made by FEMA. Kevin has recommended one be made because it is mandatory which is the maps, and he recommends we change our reference to the mean high tide line to the CJL.
- Ms. Richo asks who the Connecticut Jurisdiction is.
- Mr. White states it is DEEP and they set a number, which is 4.55 feet above sea level, it is the elevation that the water reaches on an average basis throughout the year.
- Ms. Richo says that Councilman Carbo mentioned it only being new structure, but it is not because it is any structure that received 50% damage, correct?
- Mr. White explains that she is combining the two. The first is if you were to consider reconstruction for remodeling your house or adding on a deck; that

would trigger the 50%. FEMA is allowing you under this provision to combine it among two storms, when as it stands it is just for one storm. The second one is pertaining to the 4.55 line on your lot. The line is set by DEEP. He explains that he does agree with the second one, and not the first.

- Attorney Joseph Zullo explains that one of them was not recommended by the Town Engineer. So the ordinance being passed tonight is only acting upon the two recommendations of the Town Engineer.

#### **Item #7**

Adjournment of Public Hearing #3:

Councilman Carbo makes a motion.

Councilman Purificato seconds the motion.

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

#### **Item #8**

Roll Call for Hearing Committee: 10 present – 5 absent (Parente, Santino, Badamo, Cubellotti and Riolino).

#### **Item #9**

Hearing Committee report to the full Town Council to recommend action on Public Hearings 1, 2, and 3.

Councilman Richardson makes a motion.

Councilman Fred Parlato seconds the motion.

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

#### **Item #10**

Councilman Parlato makes a motion to adjourn.

Councilman Carbo seconds the motion.

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

Meeting is adjourned at 7:22PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council