

**EAST HAVEN TOWN COUNCIL
SPECIAL MEETING MINUTES
MONDAY, MAY 13, 2013**

The East Haven Town Council held a special meeting 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 7:23PM.

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

Item #1

Roll Call: 11 present – 4 absent (Santino, Badamo, Cubellotti and Riolino). Councilman Robert Parente arrives at 7:27PM.

A quorum is present.

Item #2

Approval of minutes from April 17, 2013 Public Hearing

Councilman Paul Carbo makes a motion.

Councilman Anthony Purificato seconds the motion.

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

Item #3

Approval of minutes from April 22, 2013 Public Hearing

Councilman Purificato makes a motion.

Councilman William Richardson seconds the motion.

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

Item #4

Approval of minutes from April 22, 2013 Special Meeting

Councilman Carbo makes a motion.

Councilman Purificato seconds the motion.

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

Item #5

No Correspondence.

Item #6

Subcommittee Reports:

- Public Safety-nothing to report
- Board of Education-nothing to report
- Parks/Rec- nothing to report
- Urban Renewal- nothing to report
- Finance- Councilman Richardson states that tonight the Council will be acting on the recommendation for the Board of Finance for a transfer from the PD overtime account to regular wages. They will also discuss money for the DOJ fund.

Item #7

To consider and act upon 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
	Total:		\$150,000.00
From:	01-332-0110	Regular Wages	\$150,000.00
	Total		\$150,000.00

Reason: Transfer needed for shortage in overtime account.

**AUTHORIZING ORDINANCE 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 an ordinance 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on _____, 2013, at which a quorum was present and acting throughout, and that the ordinance has not been modified, rescinded, or revoked and is at present in full force and effect:

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

Police Department

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

Reason: Transfer needed for shortage in overtime account.

WHEREAS, the Town Council of the Town of East Haven, upon recommendation of the Board of Finance, must approve transfers of monies in excess of \$50,000.00;

AND WHEREAS, the Board of Finance, on March 20, 2013, recommended to the Town Council a transfer of \$150,000.00 to Acct. #01-332-0190 (Overtime Wages) from Acct. #01-332-0110 (Regular Wages);

NOW THEREFORE, be it **ORDAINED** by the Town Council of the Town of East Haven that said transfer is approved.

Councilman Richardson makes a motion.

Councilman Carbo seconds the motion.

Council comment:

- Councilman Gary Depalma asks Chief Larrabee if this \$150,000 transfer will take him to the end of the year.
- Chief Larrabee states that he hopes it will. It depends on how many are looking to take vacation between June and July. There is not currently a full task force, some adjustments have been made. For four officers they pushed 1 day into the next 90 to alleviate some of that.
- Councilman Depalma asks what is in the overtime account right now.
- Chief Larrabee states that it is about \$700,000.
- Councilman Depalma states he is concerned about next year with the possibility of 6 more people going into the Academy.

- Chief explains that there are 5 in training now which will be finishing training within the next two weeks to offset overtime. Another officer will graduate in June, and will be out in September to also offset overtime.
- Councilman Depalma asks if this will cause a problem next year where there will not be salary to transfer. There will still be a shortage of manpower.
- Chief Larrabee states there are no anticipated retirements that they know of; there is only one person on long term disability who will probably return in the next two weeks. There is one officer on paid administrative leave.
- Attorney Zullo clarifies that this won't be the last transfer. This is the last one that was done, it was an old transfer that was held up on the budget transfer. There is one more coming up that the Chief was speaking of.

No public comment.

Roll call vote: 10 in favor- none oppose- 1 abstention (Depalma). Motion carries.

Item #8

To consider and act upon an Ordinance making various revisions to the Town's Blight Ordinance.

Councilman Richardson makes a motion.

Councilman Carbo seconds the motion.

Council comment:

- Councilman Robert Sand asks about the change for sidewalk repair being the homeowner responsibility when it comes to salt damage or any other damage. As it stands now, is it the responsibility of the Town?
- Attorney Al Zullo says no, it has never been the Town's responsibility.
- Attorney Joseph Zullo explains that the only time the Town has essentially repaired a sidewalk is when a Town tree has uprooted the sidewalk. Any other damage as a result of a resident's negligence has always been the homeowner's responsibility.
- Councilman Sand states that in the past the Town has repaired numerous sidewalks, not just as a result of tree damage. He states in his neighborhood it has been for other reasons.
- Attorney Al Zullo states that shouldn't be the case, in his neighborhood it has always been for tree reasons.
- Councilman Sand asks about a blight property, if a blight property is broken or hazardous, is there notification.

- Attorney Al Zullo states it is mandatory to give notice and opportunity to cure and also allow the home owner to request an additional 30 days if they need it before the Town takes any action.
- Councilman Sand says there are numerous sidewalks that need repair. So they would be notified and then the home owner would have the opportunity to say it is not their responsibility, then we show them the document to prove it is their responsibility and the home owner cannot afford it, we can then lien the property?
- Attorney Al Zullo explains that there are two procedures. One, they have 30 days to comply and they can do so, or they can request additional time. The second is they can appeal to the blight commission, which is now planning and zoning, to determine if it is their responsibility or not. The Town is required to make that repair and then has the right to put a lien on the property and if they chose to enforce it, they do it the same as a tax lien. These types of liens can be foreclosed on which is the only time the Town would lose on it.
- Councilman Purificato states there are a lot of properties without sidewalks, when they add those sidewalks will they be notified saying that they will be responsible? It is an added thing for residents who may have been there 30 years.
- Attorney Al Zullo explains this has always been the clear policy of the Town that the resident is responsible.
- Councilman Fred Parlato states there will be a grey area because for instance in his district, there was a defective load from the Town which caused half of it to deteriorate. So in that case, they have a right to appeal because the home owner did not put anything on the sidewalk to damage it.
- Attorney Al Zullo states that those are the cases that caused them to require an appeal process. The appeal process will not be hard; it will go through planning and zoning. In that situation, they can show it was not their damage.
- Councilman Carbo asks how this compares to other Towns.
- Attorney Al Zullo says that to his understanding, most Towns in the area have specific records as to it being the home owner's responsibility. Some of the language is mandatory, but the changes we made set up an appeals process that adds weight to what already exists.
- Attorney Joseph Zullo explains that the revised portion makes residents responsible when they don't act with due diligence, they allow the sidewalk to deteriorate. Anytime it deteriorates and is the Town responsibility, the Town will repair it at their cost. The only time a resident is responsible is when it is due to their own lack of care. Again, that has always been the policy. Other Towns have a more elaborate policy, this is more streamlined. One Town set up a reserve fund where residents who were asked to fix their sidewalks could apply for a short term, no interest or low interest loan where they can borrow and pay it

back over a period of time, there were issues so this Town didn't look into this just yet.

- Councilman Sand says that in the past, contractors have asked for a waiver to not put sidewalks in for various reasons, he can see this as making homeowners less likely to want sidewalks and have people walk in the street to avoid having to repair the sidewalk. There are areas disconnected, no continuity with sidewalks and the idea is to connect it. In the past, he has heard opposition of those who do not want sidewalks because they don't want to repair or maintain it. This builds a defense mechanism to not want a sidewalk and force people onto the street. It is not good for those who want to have a sidewalk to complete neighborhoods.
- Attorney Al Zullo says that as the Attorney for the planning and zoning commission, the Zoning Officer and Town Engineer are both on board with this. Any new development that comes before them, they are requiring sidewalks be put it, any applications without it are not being approved at this time.

No public comment.

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

Item #9

To consider and act upon an Ordinance making various revisions to the Town's Floodplain Management Ordinance.

Councilman Parente makes a motion.

Councilman Purificato seconds the motion.

Council comment:

- Councilman Depalma asks if it has to do with those who are putting additions on their house, or adding a garage or additional floor.
- Kevin White explains that what it does is kick into the equation of whether it is more than 50% of the value of the house; that is all it does.
- Councilman Sand asks what the old CJL is.
- Kevin White says there wasn't one; there was no definition so they would go back and forth as to what the line was. Now they can define what the line is, which is why we want to get on board.
- Councilman Sand asks if we would be notifying every home owner on the shore as to what that new property line is.
- Mr. White says when you go out and have a surveyor determine the property line, they know that line which is why we want to come on board with this.

- Councilman Sand says it mentions something about a wave as well.
- Mr. White says that the mapping and technologies over the past 10-20 years have gotten a lot better, the flood zone was based on an elevation and the height of the wave as it got to certain locations. Now with advanced technology, in some cases has gone down and in other cases has gone up. So when you build to a new elevation, it is based on computer models.
- Attorney Zullo asks Chairman Anania to entertain a motion to correct a typographical in the ordinance that it “will” become effective rather than “with”
 - Councilman Carbo makes a motion.
 - Councilman Purificato seconds the motion.

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

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

Item #10

To consider and act upon a Resolution authorizing and directing the Finance Director, on behalf of the Town of East Haven, to set up matching contributions to a deferred retirement plan for Police Chief Brent Larrabee.

Chairman Anania removes item #10 from the agenda under the standing rules.

Item #11

To consider and act upon a Resolution setting a public hearing date and time to discuss an Ordinance approving the following transfer at the recommendation of the Board of Finance:

General Services - DOJ

To:	01-885-0694	Other Contractual – DOJ	\$100,000.00
	Total:		\$100,000.00
From:	01-885-0689	Contingency	\$62,810.00
	01-332-0440	Motor Vehicles	\$27,615.00
	01-885-0699	School Transportation	\$9,575.00
	Total		\$100,000.00

Reason: Transfer needed to continue compliance with DOJ agreement.

The public hearing shall take place on June 11, 2013, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

Councilman Richardson makes a motion.

Councilman Purificato seconds the motion.

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

Councilman Richardson makes a motion to refrain from reading all the accounts.

Councilman Depalma seconds the motion.

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

Item #12

To consider and act upon a Resolution setting a public hearing date and time 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
	Total:		\$150,000.00
From:	01-332-0130	Temp. Wages	\$8,000.00
	01-332-0132	Shift Differential	\$10,000.00
	01-332-0563	Tires	\$2,000.00
	01-332-0592	Traffic Signs	\$5,000.00
	01-332-0662	Vehicle Repairs	\$3,000.00
	01-332-0658	Equipment Maint.	\$5,000.00
	01-332-0192	Vacation Days	\$2,100.00
	01-332-0350	Prof. Training Develop.	\$4,000.00
	01-332-0430	Mech./Equip.	\$1,000.00
	01-332-0110	Wages	\$107,000.00
	01-332-0561	Vehicle Supplies	\$2,900.00
	Total		\$150,000.00

Reason: Transfer needed for shortage in overtime account.

The public hearing shall take place on June 11, 2013, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

Councilman Carbo makes a motion.

Councilman Mansi seconds the motion.

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

Item #13

To consider and act upon a Resolution setting a public hearing date and time to discuss an Ordinance making an Appropriation of \$2,500,000.00 for costs associated with the Settlement Agreement for Effective and Constitutional Policing and Order of the United States District Court for the District of Connecticut and authorizing the issuance of \$2,500,000.00 bonds of the Town to meet said appropriation and pending the issuance thereof, the making of temporary borrowings for such purpose. The public hearing shall take place on June 11, 2013, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

Councilman Richardson makes a motion.

Councilman Anthony Mansi seconds the motion.

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

Item #14

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

BB&T

Attn: Deena Ladd

MC 900-01-04-20

PO Box 2387

Greenville SC 29602

List No.: 2011-01-2263

Reason: Duplicate payment made for 2nd Installment

Amount: \$1,577.99

TOTAL: \$1,577.99

Councilman Parlato makes a motion.

Councilman Carbo seconds the motion.

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

Item #15

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

GE Capital Information Tech Solutions

PO Box 5043

Chicago IL 60680-5043

List No.: 2011-02-40414 E/S 21048**Reason:** Assessor reduced assessment. Equipment returned.**Amount:** \$1,804.68**TOTAL:** \$1,804.68

Councilman Parlato makes a motion.

Councilman Purificato seconds the motion.

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

16. Adjournment of Special Meeting

Councilman Purificato makes a motion.

Councilman Carbo seconds the motion.

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

Meeting is adjourned at 7:56PM

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council

