

**EAST HAVEN TOWN COUNCIL
SPECIAL MEETING MINUTES
TUESDAY, JANUARY 13, 2015**

The East Haven Town Council held a special meeting Tuesday, January 13, 2015, 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 7:33PM.
He asks all to stand for the pledge of allegiance.

Item #1

Roll Call-all 15 members present.

Item #2

Approval of minutes from the December 2, 2014 Public Hearing.

Councilman Joseph Santino makes a motion.
Councilman Vincent Spaduzzi seconds the motion.
Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #3

Approval of minutes from the December 2, 2014 Regular Meeting.

Councilman Santino makes a motion.
Councilman Nicholas Palladino seconds the motion.
Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #4

Correspondence-

- A letter to Mayor Maturo from resident David Popolizio of Borrmann Rd thanking him for resolving the issue with a neighbor at 77 Borrmann Road. He says it has been almost a fourteen-year battle and the town/neighborhood has now won. He commends the mayor, the town, Al Zullo and his staff and all other involved in the final outcome. He says this letter can be passed on to the Town Council.
- A letter to the editor copied to the Town Council from Mayor Joseph Maturo Jr- the letter gives kudos to the Police Department on beginning the fire citizens' policy academy. He states that he had the pleasure of attending the first session

on January 12th and it was encouraging to see residents of all ages and walks of life learning about how the department functions. He read the syllabus for the 10 week program covering everything from the consent decree and court procedures to accident reconstruction, domestic violence, use of force and firearms safety. He commends the chief, deputy chief, and the entire department for their hard work in creating this program.

Item #5

Subcommittee Reports-

- Public Safety- Police Chief Brent Larrabee says citizens' policy academies have been an industry standard for the last 30 years or so. The idea is that most people have no idea how complex the police department's jobs are or how they report themselves daily. Average people come in and get a bird's eye view of exactly what they are doing, how they do it, how a report gets generated, how they prosecute crimes, investigate traffic accidents, etc. They expect to have a working scenario at the end of the class where they will place them into some kind of crime related activity; they will also get a ride along. He feels at the end of the 10-week session, they will have a great view of what they do for a living. There were about 27 people who applied, they took on 20. They hope, depending upon success of this, they can do another possibly in the fall or next spring.
 - Councilman Santino asks for a legal opinion about the procedure when the roads are icy. This just happened the other day where the Police Department notifies public services over the radio and nobody responds and there are 14 accidents within 40 minutes. Is there a liability factor on the Town? What is the procedure when the officer is saying the road is hazardous and public service doesn't respond?
 - Town Attorney Joseph Zullo says on an issue like that, he prefers not to issue a legal opinion from the hip. The Town does enjoy governmental immunity for discretionary acts. It is obviously a discretionary decision whether or not to salt and how much salt to put down.
 - Councilman Santino says he is just concerned about them going out, it's the driver's discretion as to how much sand or salt to put down.
 - Attorney Zullo says if that is discretionary, even the decision to send them out is discretionary. So the Town enjoys a great amount of immunity in suit for discretionary acts, decisions like that. He would be happy to look into it if he wants a more in depth analysis.

- Councilman Santino says it is not really a discretionary thing if the Officer in that area requests it. He doesn't think it becomes discretionary anymore, does it.
- Attorney Zullo says he wouldn't say that because we would find ourselves in precarious situations of litigation. That is why courts have upheld that it is discretionary to protect municipalities.
- Board of Education- Vice Chairman Robert Parente states that the Board of Education is meeting tonight and the biggest topic on their agenda is to allocate monies for the proposals being put forward for redistricting, closing and refurbishing of others. It is a big step for our Town; it is exciting to move into the 21st century. They will be hiring a specific company to evaluate concerns.
- Parks/Rec- Councilwoman Esposito reports from the December meeting as she was unable to attend the meeting this month. The Director's report was that the ice rink is in full swing with 8 tenants using the rink. The ice rink's expenditures are approximately \$280,000 and the revenue is approximately \$300,000 with a net profit of \$20,000. The morning aerobics has been steady with approximately 20 people in attendance and open swim is going well. The pool expenditure is approximately \$200,000 with revenue of \$20,000, which is a net loss of \$180,000. He is recommending charging an hourly rate, which will be determined at a later date. There was also someone there from Triple Crown sports that use our fields for baseball and softball for many years. He has been using it for many years and would like to keep doing so as it helps the community with the restaurants and hotels. He presented a schedule to check field availability.
 - Councilman Palladino says it has been brought to his attention, and he spoke with the Director of Recreation on this matter, the fact that a private company has been utilizing our swimming pool for many years and not paying any rental fees for the pool. Was that discussed?
 - Councilwoman Esposito says there are a lot of problems with who is and who isn't paying at the pool. It gets discussed at every meeting as to who is on the payroll, who is responsible of building/pool maintenance.
 - Councilman Palladino says he knows at the ice rink if he wanted to skate there to play hockey, he would have to pay an hourly rate. If he wanted to have a pool party, he is assuming he has to rent the pool. As part of the subcommittee, it should be looked at because an LLC is using a Town facility for a profit and not paying the Town and taxpayers for the use.
 - Councilman Joseph Badamo says you do have to pay if you rent the pool for a party.
 - Attorney Zullo says the final recommendation that he made at the recreation meeting was that the committee facilitate a facilities use schedule for all Town facilities that we want to charge to use. We should

have a facilities use fee schedule that goes before the Park/Rec commission for passing. Looking at any Town, they have this schedule and it is easy to follow. Some people charge per person, some per event, or per building. Every building is different but that was his recommendation to the Chairwoman of the commission who seemed pleased with it and they were going to start working on it. He doesn't know how long it will take to develop this, but this has been going on for many years.

- o Urban Renewal- Councilman Anthony Mansi says there was one case that was settled and dismissed after four years. Now they can apply for more grants.
- o Finance- nothing to report.

Item #6

To consider and act upon "An Ordinance Re-Naming the East Haven Industrial Park as the 'Arthur L. DeSorbo Industrial Park."

An Ordinance Re-Naming the East Haven Industrial Park as the "Arthur L. DeSorbo Industrial Park"

WHEREAS, the East Haven Industrial Park is one our community's most valuable economic assets;

AND WHEREAS, the park's very existence, and its tremendous success, is significantly due to the diligence, vision, and hard work of Arthur L. DeSorbo, who worked tirelessly to develop the park;

AND WHEREAS, with Arthur DeSorbo's untimely passing, East Haven lost a visionary and a leader;

AND WHEREAS, the Town wishes that Arthur DeSorbo's legacy of leadership be recognized and memorialized;

NOW THEREFORE, be it **ORDAINED** by the Town Council of the Town of East Haven that the East Haven Industrial Park, as organized and authorized by Ordinance #110 on September 6, 1974, is hereby re-named the "Arthur L. DeSorbo Industrial Park."

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

Submitted by: Danelle Feeley, Council Clerk

Date: _____

Approved by: Joseph Maturo, Jr., Mayor Date: _____

Received by: Stacy Gravino, Town Clerk Date: _____

Councilman Ken Mckay makes a motion.

Councilman Spaduzzi seconds the motion.

No public comment.

No Council comment.

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

Item #7

To consider and act upon "An Ordinance Approving the Sale of 620 Coe Avenue and Authorizing Mayor Joseph Maturo, Jr. to execute a Land Disposition Agreement, and all other necessary and related documents, with respect to the same."

An Ordinance Approving the Sale of 620 Coe Avenue and Authorizing Mayor Joseph Maturo, Jr. to execute a Land Disposition Agreement, and all other necessary and related documents, with respect to the same

WHEREAS, the Town of East Haven is desirous of selling the real property located at 620 Coe Avenue in East Haven, Connecticut, better known by the following Map, Block, and Lot Number: "160/1615/002."

AND WHEREAS, the Town's Planning and Zoning Commission, at its regular meeting on November 5th, 2014, issued a favorable 8-24 referral approving such a sale;

AND WHEREAS, the Legislative Town Council authorized the Mayor, or his designee, to engage potential buyers in negotiations and to execute a commercial real estate contract with respect to 620 Coe Avenue with a chosen bidder;

AND WHEREAS, the Town has exercised due diligence to market the property and ascertain prospective buyers;

AND WHEREAS, the Town has executed a commercial real estate contract with Carrano's Railings & Weldings, LLC, whom the Town has determined will develop and utilize the property in the manner most advantageous to the Town at this time;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of East Haven that Mayor Joseph Maturo, Jr. is authorized to execute a land disposition agreement with the chosen buyer, Carrano's Railings and Weldings, LLC, in furtherance of selling said property;

BE IT FURTHER ORDAINED that the Mayor, or his designee, is authorized to consummate the sale of said property as soon as it is expedient.

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

Submitted by: Danelle Feeley, Council Clerk Date: _____

Approved by: Joseph Maturo, Jr., Mayor Date: _____

Received by: Stacy Gravino, Town Clerk Date: _____

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

No public comment.
No Council comment.

Roll call vote: 11 in favor- 3 oppose (Thompson Jr., Riolino, Butler III)- 1 abstention (Badamo). Motion carries.

Item #8

To consider and act upon a Resolution approving and authorizing Mayor Joseph Maturo, Jr. to execute a lease between the Town of East Haven and 65 Messina Drive, LLC for the creation and operation of a Police Substation.

A Resolution approving and authorizing Mayor Joseph Maturo, Jr. to execute a lease between the Town of East Haven and 65 Messina Drive, LLC for the creation and operation of a Police Substation

WHEREAS, the Town of East Haven has determined that it is the best interests of the entire community to create and operate a Police Substation in or near East Farm Village;

AND WHEREAS, the owner of East Farm Village, 65 Messina Drive, LLC, has agreed to undertake improvements to the facilities located at 65 Messina Drive to accommodate the creation and operation of a Police Substation as said location, at no cost to the Town;

AND WHEREAS, the Chief of Police has reviewed and approves the location and the proposed lease for the same;

NOW THEREFORE, BE IT RESOLVED that Mayor Joseph Maturo, Jr. is authorized to enter into a lease with 65 Messina Drive, LLC for facilities at 65 Messina Drive to facilitate the creation and operation of a Police Substation at said location.

Councilman Mckay makes a motion.

Councilman Palladino seconds the motion.

Council comment:

- Councilman Santino says it says no charge to the Town, who is going to pay the hourly rate for the officer who sits in the substation.
- Chairman Anania says it will not be manned 24/7. They will be there for presence, to write reports, etc.
- Councilman Santino says it is a private facility and it is private property. If they want to hire a cop on a Saturday night, are they going to pay for it?
- Chief Larrabee explains that it is not the hiring of anybody. Messina Drive is one of the highest call volumes for both Police and Fire services in the Town. It makes perfect sense since we will be there quite a bit, we will be there as a deterrent. It is an obvious police response to an area that needs police response. The officer is going to be available for other calls in the area; he/she is not going to be sitting there for their 8 hour tour. They will be available for other calls. It will also serve as an area where we can bring in people to talk to the residents, victims of crime. There are added enhancements for the Internet for both fire and police because of where we are locating it. There is a cost to the Town because it matches the consent decree for community outreach they had to buy \$4,863 worth of computers, which is a necessary evil. Their hope is that they can utilize it as a place to write reports and monitor the activity. From their point of view, this is a very good relationship. It has been in the works and in communications for about 2.5 years. He appreciates the understanding of the taxpayers because it is a private partnership. They don't want to pay anymore from the taxpayers on private policing. The benefit for police is they are going to be in a position to service a lot of their calls and it may help with fire, medical and nuisance calls. If we drive down the call volume at that location, it means they have more time to address other areas of the Town. From a policing point of view, it matches up with community outreach under the consent decree. It could be the center car or the short car, so they now may not have to go all the way back to headquarters, management said they would make accommodations for an area for them to use.

- Councilman Palladino says if for example, an officer who lives out of Town is working the 4-12 shift and decided to take a shift the next day, would there be a place for him to sleep in that substation.
- Chief Larrabee says absolutely not. That scenario has passed because the number of officers has increased with a number of officers off training; we are in full service. That scenario has gone by.
- Councilman Henry Butler III asks about the South Shore substation, is that still in operation?
- Chief Larrabee says he would not call it a substation. It is so infrequently used; it is more of a community meeting place. In the time he has been here, they have never had staff there full time. They have assigned officers there, last summer they were very successful there weren't many calls other than parking calls which they wrote a large number of tickets for.

No public comment.

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

Item #9

To consider and act upon a Resolution setting a Public Hearing date and time to discuss "An Ordinance Amending Chapter 11, Article II, Division 1 of the East Haven Code regarding Stopping, Standing, and Parking." The Public Hearing shall take place on February 3, 2015, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

A Resolution Setting a Public Hearing for February 3, 2015

BE IT RESOLVED that, pursuant to Chapter 3, Section 6 of the Town Charter and Section A, Item 3 of the Town Council Standing Rules, a public hearing shall take place on February 3, 2015, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut to discuss "An Ordinance Amending Chapter 11, Article II, Division 1 of the East Haven Code regarding Stopping, Standing, and Parking."

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 Santino makes a motion.

Councilman Palladino seconds the motion.

Attorney Zullo notes that this is what can be called Step 2 as far as the alleviation of the beach-parking problem. Step 1 was the Board of Police Commissioner's review of the no parking signs and relocation of them. Step 2 increases all the fines, which was a hot issue last time. The entire Board of Police Commissioner's indicated they will be there to present this ordinance.

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 setting a Public Hearing date and time to discuss "An Ordinance Amending Chapter 12, Article III, of the East Haven Code regarding Alarm Systems." The Public Hearing shall take place on February 3, 2015, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

A Resolution Setting a Public Hearing for February 3, 2015

BE IT RESOLVED that, pursuant to Chapter 3, Section 6 of the Town Charter and Section A, Item 3 of the Town Council Standing Rules, a public hearing shall take place on February 3, 2015, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut to discuss "An Ordinance Amending Chapter 12, Article III, of the East Haven Code regarding Alarm Systems."

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 Santino makes a motion.

Councilman Palladino makes a motion.

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 a Resolution Authorizing Mayor Joseph Maturo, Jr. to execute a Contingent Real Estate Contract for the sale of real property located at 77 Borrmann Road, East Haven, Connecticut.

A Resolution Authorizing Mayor Joseph Maturo, Jr. to execute a Contingent Real Estate Contract for the sale of real property located at 77 Borrmann Road, East Haven, Connecticut.

WHEREAS, the Town of East Haven is desirous of selling the real property located at 77 Borrmann Road in East Haven, Connecticut, better known by the following Map, Block, and Lot Number: "340/4326/016;"

AND WHEREAS, the Town's Planning and Zoning Commission, at its regular meeting on January 7, 2015, issued a favorable 8-24 referral approving such a sale;

AND WHEREAS, it has been represented to the Town Council that any such sale of the property shall be undertaken through the competitive bidding process;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of East Haven that, following the selection of a successful winner of the competitive bidding process, Mayor Joseph Maturo, Jr. is authorized to commence negotiations and execute a written real estate contract in furtherance of selling said property;

BE IT FURTHER RESOLVED that the sale of said property, and any real estate contract memorializing the same, shall be contingent upon the passage, by the Town Council, of an ordinance authorizing the Mayor to execute a "Land Disposition Agreement" with the eventual and proposed buyer of said property.

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

Councilman Santino makes a motion.

Councilman Spaduzzi seconds the motion.

Council comment:

- Councilman Palladino asks if this goes out to bid. How does it work?
- Attorney Zullo explains that they are looking to do a live bid process at the property, an auction. It is the fairest way as there has been a lot of inquiry about the property. We felt the competitive bidding process is the best way to go.
- Councilman Palladino asks if it will be in the paper and people will be notified.
- Attorney Zullo says it will be published and follow all of the provisions of the Finance Department as far as competitive bidding.
- Vice Chairman Parente asks if a minimum bid will be set to cover the expenditures of the Town.
- Attorney Zullo says that that the attorney handling it will likely set a reserve bid. He doesn't want to mention the cost now as it may alter the bidding process.
- Councilman Butler III mentions there were some issues with the property, were those all cleared up?
- Assistant Town Attorney Alfred Zullo says yes, they were all cleared up. They took the property using a combination of the blight statute and zoning violations

and liened it. After they took the property, they got an ejectment, which took almost two weeks to empty the property. There are four containers now being stored by the Town. All issues have been resolved. The drums of oil have been removed which was the final bill; it cost \$750.00 for them to empty the drum, dispose of the fluid and the drum.

- Chairman Anania asks if the Town gets any money from the personal property.
- Attorney Al Zullo says the owner of the property was given, under the statute, the cost that the Town incurred to eject him from the property and he had up until a certain date to tender that fee to the Town and obtain his property. That date has since passed and we can now proceed to a public auction.
- Councilman Santino asks if it is similar to our regular evictions.
- Attorney Zullo says it is very similar, but it is in the foreclosure statute rather than the eviction statute.
- Councilman Santino asks how it is being sold. Attorney Al Zullo says he is going to have the auctioneer look at it and make their best recommendation to him. This is a large auction. Bankruptcy trustees do these all the time.
- Councilman Parlato asks if there was an inventory taken of all of the stuff that was there.
- Attorney Al Zullo says there was an inventory taken in written and picture form.
- Councilman Palladino asks if we own other houses that we need to sell and get rid of.
- Attorney Joseph Zullo says to the best of his knowledge, no. It is very rare for a Town to acquire property. It rarely gets to that point. We saw this as advantageous because it had no mortgage. The Town stands to recoup the majority if not all of its fees and the benefit of being reimbursed on the sale of the property for the substantial blight and tax liens.
- Councilman Paul Thompson Jr., asks if we waive the bid at the auction. Can we choose to not accept the highest bid?
- Attorney Al Zullo says we are going to set a reserve, to reserve the right to reject any bid that falls below that. We will require a deposit from everyone who bids.
- Councilman Badamo asks if we can have a starting bid.
- Attorney Al Zullo says we could have a starting bid. If there is a reserve, you are pretty much setting it. If we reserve the right to reject any bid below \$80,000, you are setting it.
- Attorney Joseph Zullo makes Councilman Thompson Jr. aware that the resolution calls for us to come back with a land disposition agreement so you would be able to review it and see what the price is. Accepting the bid is binding, but the Council would have the chance to weigh in on the conditions. Should we have a rare situation where it is \$1,000 below the reserve, you can say to go ahead and move forward. So there is still some discretion of this Council.
- Vice Chairman Parente asks if 77 Bormann is going to be treated as a separate entity from the 4 containers.
- Attorney Al Zullo says it will be two separate auctions.
- Councilman Robert Sand comments that he took note of the 8-24 and the detail of it that gave the Council detail of the proceedings and how it went about. He

has asked Attorney Zullo in the past to have future 8-24 referrals in greater detail. He thought this was exceptional in terms of reading it, understanding it and seeing who took part in it. He thanks Attorney Zullo for that.

No public comment.

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

Chairman Anania thanks everyone for their time and effort into this for the Town.

Item #12

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

U.S. Bank National Association

1310 Madrid Street, Ste. 100

Marshall, MN 56258

Acct./List: 2013-0302-40951 E/S 25009

Reason: Amended declaration sent 10/14

TOTAL: \$1,076.88

A Resolution to provide a tax refund of \$1,076.88 to U.S. Bank National Association

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:

U.S. Bank National Association

1310 Madrid Street, Ste. 100

Marshall, MN 56258

Acct./List: 2013-0302-40951 E/S 25009

Reason: Amended declaration sent 10/14

TOTAL: \$1,076.88

AND, WHEREAS, the Tax Collector, via backup paperwork submitted to this Council, has recommended and certified the accuracy of this refund;

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

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

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

No public comment.
No Council comment.
Roll call vote: all in favor-none oppose-none abstain. Motion carries.

Item #13

Adjournment of Special Meeting.

Councilman Santino makes a motion.
Councilman Palladino seconds the motion.
Voice vote: all in favor-none oppose-none abstain. Motion carries.

Meeting is adjourned at 8:12PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council