

**EAST HAVEN TOWN COUNCIL
PUBLIC HEARING MINUTES
TUESDAY, AUGUST 4, 2015**

In accordance with Chapter III, Section 6 of the East Haven Town Charter, the East Haven Town Council Hearing Committee held a public hearing meeting Tuesday, August 4, 2015, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Chairman Anania calls the meeting to order at 7:00PM.

Item #1

Roll Call for Hearing Committee - 12 present - 3 absent (Badamo, Riolino and Mansi).
A quorum is present.

Item #2

To conduct Public Hearing #1 regarding "An Ordinance Abandoning the Town's Interest in Hurley Road."

An Ordinance Abandoning the Town's Interest in Hurley Road

WHEREAS, the Town is desirous of abandoning any and all interest enjoyed by the Town in and to Hurley Road as depicted on Assessor's Map 130 on file in the Assessor's Office;

AND WHEREAS, the proposed abandonment of said road has been investigated by the Planning and Zoning Commission, which has issued a favorable report regarding the same pursuant to C.G.S. §8-24;

NOW, THEREFORE BE IT ORDAINED that Hurley Road as depicted on Assessor's Map 130 on file in the Assessor's Office is hereby abandoned as a public roadway;

BE IT FURTHER ORDAINED that the abandonment of the foregoing road is hereby made subject to the retention by the Town of East Haven of any sewer, water, or other utility easements in favor of the Town as may exist in or over said property;

BE IT FURTHER ORDAINED that said ordinance shall not affect any private rights or interests which may exist in the property abandoned pursuant to this ordinance.

This ordinance shall become 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: _____

No public comment.

Council comment:

- Councilman Nicholas Palladino asks if this piece of property is abandoned, who does it belong to, the people who live next to it?
- Town Attorney Joseph Zullo says that any abutter of that would get 50%, up to the centerline.
- Councilman Palladino says then it will go on the tax rolls? It can't be that much, what is it about 20ft?
- Attorney Zullo says it is essentially 20ft. to each owner, he believes there are three.
- Councilman Palladino says so it will be added to their property and taxed. Attorney Zullo says that is correct.
- Councilman Robert Sand references the 8-24 and says he appreciates Attorney Zullo getting the document added and being a little bit more specific in terms of the trail and how the procedure is followed and what Departments take part in it. When Chairman Pete Cianelli signed it, he has an obligation to consider the request by the Commission as in whether or not it is approved or declined; he did not check either box is there a reason for that.
- Attorney Zullo says it was probably just an oversight, the minutes of the meeting reflect that it was a favorable vote; it is almost certainly just an oversight.
- Councilman Sand says there is a document, which helps follow the trail of the procedure; this is minor but major at the same time.
- Attorney Zullo thinks it may have to do with it being new paperwork but he will remind them to check it off and he will also double check it as well.
- Councilman Santino says when they abandon properties like this does the Town pay the Attorney fee?
- Attorney Zullo says there is no Attorney fee, he doesn't bill outside of his retainer. In this case, they are not doing it for the benefit of any property owner. If they were doing it at the request of a property owner they would probably contract for them to pay some kind of fee. In this case we are doing it to protect our own interest so it is done under the retainer.
- Councilman Santino says he remembers the last time when they abandoned the property they had to pay. Attorney Zullo clarifies that was a sale, the closing is being held off just a little bit longer to make sure this goes through so that it will ensure nothing could be built on that piece. In connection with that, he is responsible for all closing/title costs etc.

Item #3

Adjournment of Public Hearing #1.

Councilman Santino makes a motion.

Councilman Sand seconds the motion.

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

Item #4

To conduct Public Hearing #2 regarding "An Ordinance Abandoning the Town's Interest in Diana Road."

An Ordinance Abandoning the Town's Interest in Diana Road

WHEREAS, the Town is desirous of abandoning any and all interest enjoyed by the Town in and to Diana Road as depicted on Assessor's Map 130 on file in the Assessor's Office;

AND WHEREAS, the proposed abandonment of said road has been investigated by the Planning and Zoning Commission, which has issued a favorable report regarding the same pursuant to C.G.S. §8-24;

NOW, THEREFORE BE IT ORDAINED that Diana Road as depicted on Assessor's Map 130 on file in the Assessor's Office is hereby abandoned as a public roadway;

BE IT FURTHER ORDAINED that the abandonment of the foregoing road is hereby made subject to the retention by the Town of East Haven of any sewer, water, or other utility easements in favor of the Town as may exist in or over said property;

BE IT FURTHER ORDAINED that said ordinance shall not affect any private rights or interests which may exist in the property abandoned pursuant to this ordinance.

This ordinance shall become 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: _____

Public comment:

- Niki Whitehead- 9 Hilton Ave, East Haven, CT- Ms. Whitehead states that she has an interest in marshes along the farm river. Some of the interests concern conserving these marshes and making sure there are no encroachments. The Town has an interest too because the wetlands are useful for storing floodwaters.

Diana Road goes into the marshes in the back and the front of Coe Avenue. It is a considerable area of marsh; it has been called that following a study that was done. Her first concern is the school busses that park at the end of the road. She doesn't know the circumstances of what is owned and not owned by the abutting property owners there. Her first question is whether or not it has been clarified as to what effect this abandonment might have in terms of the school bus usage of that property. She believes the school buses are on property legitimately that runs on the other side of Diana Road from the encroaching building, further away from the intersection. That piece of property runs all the way along Diana Road on the other side and then it goes across the back and behind the Apartments on Coe Avenue and then comes back down again to Short Beach Road; it is like a horseshoe. The two others sides of it are marsh so she is concerned that they will lose access to their piece on the left of Diana Road if dispensed between the two pieces. Her second concern is at the end of Diana Road along Coe Avenue there are two large pieces of property that are maybe 6 total acres. The area closest to Coe Avenue is owned by the Town currently and behind that is the back of New Haven Auto Body. Those areas are very prone to brush fires. Diana Road would provide access to the Town vehicles if fire suppression were necessary through the backside of that area. She is hopeful that the Town Council and Town Attorney will think this through as to whether or not there is any reason for the Town to consider the school busses and losing the opportunity for fire suppression in the marsh that can't necessarily be reached from Coe Avenue.

Council comment:

- Councilman Santino asks if we could have easement access through there.
- Attorney Zullo says that is what we have right now, we don't truly own the land; we have right of way over the land.
- Councilman Santino says the property owners have maintained this area for so many years, there is a portion he thinks they even had paved.
- Attorney Zullo says they paved a significant portion of it; it almost looks like a completed road because it is a driveway.
- Councilman Santino asks if one of the property owners owns the house there also, Attorney Zullo says no.
- Attorney Zullo says they will get ½ of the piece for the length of the lot, the older side will get ½ the piece for the entire length of Diana Road because they own that entire area.
- Councilman Santino says if they split that is it too small for a vehicle to get in and out of there. What if one of them puts up a fence then there is a big problem with the buses going in and out over there.

- Attorney Zullo says it is more of a private issue; 20ft. is probably more than enough to get in and out. There is a possibility they may all already own it by adverse possession. He adds that Assessor Mike Milici has requested this for a number of years and he can give his reasons as to why he is requesting this. In so far as fire suppression considerations and access to the marshlands, there is access off of Coe Avenue, but he is not an expert in those areas.
- Councilman Santino says all the backs of those buildings such as Diamond Auto, Suppa's property, etc. go back to the marshlands and there have been fires there before and they go to the back of the buildings and fight the fires.
- Attorney Zullo says as far as the division of the property goes, if one owner put up a fence claiming adverse possession it would be a private land dispute anyway.
- Councilman Sand asks whose fence/gate it is.
- Councilman Santino says the bus company put it up to secure the busses at night; it has been up there for years.
- Attorney Zullo says they would have to file a separate action to determine whether or not they have acquired title to the property by adverse possession.
- Councilman Santino asks Mr. Milici if the property owners get half and one closes it off, is there enough room to get a vehicle through.
- Mr. Milici says it is technically 25ft/25ft split.
- Councilman Santino says if one of them puts a fence up or something will there still be access in and out.
- Councilman Palladino asks Mr. Milici why he is recommending the abandonment.
- Mr. Milici says there is a gate going across Diana Road that has been there for decades and technically while it doesn't look like a Town owned road, it is. It also appears that there is an encroachment from a building. It serves no purpose for the Town to keep it; they are using it anyway so we might as well put it on the tax rolls and charge them.
- Attorney Zullo says his thought process is simply that if it is split 25ft. and 25ft. he has to assume that is enough room to get busses through. But on the same token if the person were to put a fence up it would be a private matter anyway and they would file a lawsuit indicating they are encroaching on their necessary space to get in and out.
- Councilman Sand says besides the gate, with the encroaching building do we know how far into that paper street the building is?
- Mr. Milici says he doesn't know off the top of his head but it can be seen on all of the maps, even the old maps.
- Councilman Sand says because that would cut down on the footage that is being discussed as to whether or not something can get past it since there is a building encroaching; they may only end up with 10ft. He asks if he is correct there is swamp behind where this is located.

- Mr. Milici says yes it is the swamp area that runs along the apartments on Coe Ave.
- Councilman Fred Parlato says the two adjoining property owners have the option of taking half of the road, what is to stop them taking it and then one selling their half to another owner and making a monetary gain and the Town gets nothing from it. There must be some type of agreement between the two property owners because it looks like a combined operation with a masonry building on one side and school busses on the other. He can see the Town's intentions of putting it back on the tax rolls but he can't see giving it away to someone who is going to receive a monetary gain. We have done other streets in that area and said that they couldn't build; we put stipulations on it. If the Council agrees on abandoning the road, there has to be some sort of restrictions on it so that if the Town doesn't get a monetary gain, it puts limited use on it. It looks like whoever put the gate up years ago was told not to shut the gate because it was a road. If anybody is going to benefit from this it has to be the taxpayers. Mr. Milici can give a reasonable amount as to what he feels it is worth and then the Council can approve or disapprove it.
- Councilman Ken Mckay asks Councilman Parlato what he is proposing, that they put a stipulation in that as long as the adjoining property owners agree to take the property and pay taxes, they are not to sell it.
- Councilman Parlato says if they want to buy the property, the Town should get some reimbursement for it.
- Mr. Milici says what if the other property owner doesn't want it.
- Councilman Parlato says if they don't want it then we normally give the entire thing to the property owner that wants it.
- Mr. Milici says they may not want it because it is paved, there is a house on one side and a masonry building a little further from there. They would have to ask.
- Attorney Zullo says they either give away the whole thing or nothing. They attempted to sell it and nobody wanted to buy it because essentially, why would they buy something they are already using. As a result, the next best option if nobody is willing to give anything for it is to at least tax on it. That was the goal of abandoning it. If it is this Council's wish, they can go to the two property owners and find out if one wants it and one doesn't so when they come back to the Council they know who wants what.
- Councilman Parlato says by abandoning it, it doesn't mean they are going to start paying taxes on it. That doesn't put a stipulation on them to start paying taxes on an abandoned road.
- Attorney Zullo says it absolutely does, that becomes part of their property and we then tax the extra footage right away.
- Councilman Palladino asks approximately how much in income the Town would receive if this was abandoned.

- Mr. Milici says probably about \$1,000 because it is commercial.
- Councilman Henry Butler III says they should table it and determine if the owners on either side are willing to accept the property and begin paying taxes on it.
- Attorney Zullo says the simpler solution is at the Chairman's discretion he can withdraw it, the public hearing has already been held so the next time it can be brought forward as an Ordinance again on the next agenda.

Chairman Anania withdraws the item from the agenda.

Item #5

Adjournment of Public Hearing #2.

Councilman Santino makes a motion.

Councilman Vincent Spaduzzi seconds the motion.

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

Item #6

Councilman Palladino makes the motion to waive the reading of the Ordinance with the exception of the 1st page including all of the totals.

- Councilman Santino asks if the Board of Finance read the full Ordinance and if the Council has to if they didn't.
- Attorney Zullo explains that the Board of Finance did not and as long as the Council reads the majority of it including the totals that is sufficient and there are plenty of copies available for public review.

Councilman Santino seconds the motion.

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

To conduct Public Hearing #3 regarding "AN ORDINANCE MAKING APPROPRIATIONS FOR VARIOUS PUBLIC IMPROVEMENTS AGGREGATING \$1,575,700 FOR THE 2015-2016 CAPITAL BUDGET AND AUTHORIZING THE ISSUANCE OF \$1,575,700 BONDS OF THE TOWN TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE."

AN ORDINANCE MAKING APPROPRIATIONS FOR VARIOUS PUBLIC IMPROVEMENTS AGGREGATING \$1,575,700 FOR THE 2015-2016 CAPITAL BUDGET AND AUTHORIZING THE ISSUANCE OF \$1,575,700 BONDS OF THE TOWN TO MEET SAID APPROPRIATIONS AND

PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY
BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAST HAVEN:

The sums set opposite the public improvements hereinafter listed are hereby appropriated to meet the costs thereof respectively, and for administrative, legal and financing costs related thereto, said appropriations to be inclusive of any and all State and Federal grants in aid thereof:

Board of Education

Security Equipment	\$30,000
Paving	\$65,000
Concrete Repairs	\$30,000
Cooling Towers	\$155,000

Public Services Department

Farm River Maintenance Program	\$25,000
2 Dump Trucks	\$200,000
Town wide Drainage Improvements	\$50,000
Town wide Sidewalks	\$50,000
Town wide Paving	\$350,000
All Wheel SUV	\$30,000

Fire Department

Paramedic Monitor / Defibrillators	\$80,000
Foam Capability Truck 3	\$11,200
Volunteer Fire Equipment	\$27,000

Police Department

Training Room Improvements	\$10,000
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Administration/Management

Marketing	\$20,000
Proto Drive, Coe Ave., Hemingway Ave.	\$100,000
West Main Street	\$100,000
Industrial Testing @ Landfill-Wetlands	\$100,000

Town Clerk

Scan Land Records	\$42,500
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ADA Compliance

Various Locations	\$20,000
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Financing Costs

\$80,000

TOTAL ALL PROJECTS

\$1,575,700

To meet said appropriations, \$1,575,700 bonds of the Town or so much thereof as shall be necessary for such purposes, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series in the amount necessary to meet the Town's share of the cost of the project determined after considering the estimated amounts of the State or Federal grants in aid of any of the public improvements listed in Section 1, or the actual amounts thereof, if this be ascertainable and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company and be approved as to their legality by Pullman & Comley LLC, of Hartford, CT. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including approval of the rate or rates of interest shall be determined by the Mayor and the Director of Finance in accordance with the General Statutes of the State of Connecticut, as amended.

Said bonds shall be sold by the Director of Finance in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest true interest cost to the Town. If the bonds are sold by negotiation, the terms and conditions of the purchase agreement shall be approved by the Mayor and the Director of Finance.

The Director of Finance is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Director of Finance, be approved as to their legality by Pullman & Comley LLC, of Hartford, CT and be certified by a bank or trust company designated by the Director of Finance. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

The balance of any appropriation not needed to meet the cost of any improvement included in Section 1, or the proceeds of any bonds not needed to meet the cost of any such improvement, may, on the recommendation of the Board of Finance, be transferred by resolution of the Town Council, to meet the additional cost of any other improvement included in Section 1 or the cost of any additional capital improvement.

The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the “Regulations”), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the projects defined in Section 1 with the proceeds of bonds, notes, or other obligations (“Bonds”) authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds.

The Mayor, Director of Finance and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town of East Haven, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the “MSRB”) and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved,

Enacted by the Town Council: _____ (Date)

Approved by the Mayor:

(Signature)

(Date)

No public comment.

Council comment:

- Chairman Anania asks about the \$25,000 for Farm River Maintenance Program doesn't the Town do the cleanup of the Farm River?
- Finance Director Paul Rizza says this is for the work that the Town can't do because of the size of the logs. They have used private vendor for this twice since 2011.

Item #7

Adjournment of Public Hearing #3.

Councilman Santino makes a motion.

Councilman Butler III seconds the motion.

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

Item #8

To conduct Public Hearing #4 regarding "An Ordinance Reallocating \$800,000.00 dollars of Capital Funds from Fiscal Years 2011-2012, 2012-2013, and 2013-2014."

Reallocation of Authorized Funds of Capital Projects

To:	For:	
Assessor	Revaluation	\$200,000.00
Police Dept.	Four (4) Motor Vehicles	\$200,000.00
BOE	Financial Mgmt. System (State Mandated)	\$150,000.00
Finance	Financial Mgmt. System (State Mandated)	\$100,000.00
Legal	Ventura Litigation Costs	\$150,000.00
TOTAL		\$800,000.00
From:		
74-1-020 (13-14)	Land-Frontage Rd.	\$352,500.00
74-1-060 (13-14)	Sand - Town Beach Repairs	\$243,500.00
74-1-050 (13-14)	Senior Center - Bus	\$55,000.00
74-1-030 (13-14)	Police - CCTV	\$35,000.00
93-3-113-01 (12-13)	High School - HVAC Chiller	\$15,000.00
92-3-103-13 (11-12)	Town - Telephone System	\$49,000.00
92-3-103-02 (11-12)	Temp. Classrooms	\$37,000.00
	Police - Plant	
92-3-103-11 (11-12)	Upgrade	\$13,000.00
TOTAL		\$800,000.00

Reason: Funds being reallocated for new capital improvements.

No public comment.

No Council comment.

Item #9

Adjournment of Public Hearing #4.

Councilman Mckay makes a motion.

Councilman Sand seconds the motion.

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

Item #10

Hearing Committee report to the full Town Council and recommendation of action on Public Hearings #1, #2, #3, and #4.

Councilman Santino makes a motion.

Councilman Sand seconds the motion.

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

Item #11

Adjournment of Hearing Committee.

Councilman Santino makes a motion.

Councilman Sand seconds the motion.

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

Meeting is adjourned at 7:37PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council