

**EAST HAVEN TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, AUGUST 4, 2015**

The East Haven Town Council held a regular meeting Tuesday, August 4, 2015, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512 in order to transact the following.

Chairman Richard Anania calls the meeting to order at 7:37PM.  
He asks all to stand for the pledge of allegiance.

**Item #1**

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

**Item #2**

Approval of minutes from the July 7, 2015 Regular Meeting.

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

Councilman Santino makes a motion to add Item #2a to the agenda to approve the minutes from the July 7, 2015 Public Hearing.

Councilman Nicholas Palladino seconds the motion.  
Roll call vote: all in favor-none oppose-none abstain. Motion carries.

**Item #2a**

Approval of minutes from the July 7, 2015 Public Hearing.

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

**Item #3**

Correspondence- Chairman Anania reads a letter addressed to him dated August 3, 2015 from Eduardo Torrealba, Police Commissioner/Co-Chairman, Traffic and Public Safety Committee. (See attached).

**Item #4**

## Subcommittee Reports-

- Public Safety- Councilman Robert Sand says he did not make the Commissioner's meeting so he went to see the Deputy Chief today but he is on vacation. He has a concern on Main Street from Town Hall to the shopping center with Petonito's. All of the trees in there have decimated either from disease or have dried up. As a caution, he would like to have that addressed by Public Works. His question to the administration is that this was done with revitalization, so is there a long-term guarantee that these trees will survive in the environment they were planted in and if not will there be replacements from the company. He has a remedy for the future if watering them is an issue. The trees are dead and hideous looking and it needs to be taken care of. Councilman Santino says there are also numerous complaints about the stop signs, the stipe for the stop sign most of them are completely gone. Specifically he thinks Cosey Beach and Catherine/Palmetto Trail Ext.; a resident has a handicap child and people don't stop, he has called the Police Department and everybody else numerous times. Councilman Sand asks Vice Chairman Parente if there is a program when it comes to the trees to which he says yes and it will be addressed. Councilman Palladino says he spoke with the Town Engineer about a concern on Cosey Beach Avenue when you cross the street from the parking lot, the curb is not cut out. Councilman Parente says it has been looked into and will be addressed within the next two weeks.
- Board of Education-Councilman Parente says they are out of school there is not much going on until opening day which is less than a month away. Chairman Anania says it doesn't look like there is anything going on in terms of the consolidation. Councilman Sand asks if the Superintendent has mentioned any of the meetings to be held with the neighborhoods or their committees. Finance Director Paul Rizza says he was with her for a while this morning and that was one of the things that she mentioned she would be putting together over the next couple of weeks after school begins. Then she will begin to have those meetings. Councilman Parente says he has been assured by the people up there including Board members that nothing will move forward without complete

input of every neighborhood and parents will have the opportunity to give their input. Chairman Anania says again there is no savings in this budget.

- Parks/Recreation- Councilwoman Judy Esposito reports that at the ice rink they are doing summer work of painting and general repairs, the pool morning aerobics has been steady with approximately 20 people and open swim is also going well. Summer camp is going well with approximately 150 children, the Town beach has been busy, sports camps have been going good and the Sunday concerts on the Green have began with a new starting time of 6pm-8pm. As far as the questions she was told to ask following the last meeting- she was told everyone is paying the fees established, the only one not paying is the East Haven Aquatics. It was rescinded that they were going to leave the pool rates as status quo, they were not increasing the fees and they are the only one not paying.
  - Councilman Parente says here we have a Town owned building again and all we hear from the public are disenchanting comments as to what is going on over there. The people who play hockey pay \$250 for ice time, there are coaches paying hundreds of thousands of dollars that goes to the Town for rental. As a high figure there is about \$8,000 that comes into the Town for events at the pool such as pool parties, Frank Butler gave that estimate today and said it is not more than \$10,000. That leaves \$100,00 that someone is collecting on our facility that is not going into the Town's pocket.
  - Councilwoman Esposito says the fees are done by the Director and approved by the Commission.
  - Councilman Parente says that commission has tabled the fees for the pool; there is someone on the Commission that is gaining the \$100,000 income.
  - Councilman Butler III says they should draft a letter to the ethics committee because this person is financially benefiting by monies that should be coming to the Town and he is also to Vice Chairman of that Commission. That is definitely an ethical problem, if not a legal problem.
  - Chairman Anania asks the Town Attorney his legal opinion on this before they jump into anything.
  - Town Attorney Joseph Zullo says this is not the kind of legal opinion he is prepared to write from the hip but his instinct is to advise this board itself not to file an ethics complaint. If there is something to be investigated a letter could probably be sent to the proper authority whether it be HR at Town Hall or somebody else but he wouldn't want this board itself to file a complaint because it could get very gray very quickly.

- Councilman Palladino says he is going to base this on his 27 years as a Police Officer; this is a crime being committed. This is a theft of municipal services by using this pool without paying for it. He thinks this should either be turned over to our Police Department, the State's Attorney Office, State Police or the Justice Department. This is an ongoing crime that has been going on for what he is told is 20 years; an individual has been robbing this Town for 20 years. This person needs to be arrested or the Town needs to receive restitution. This isn't just a little crime, there is no question this is a theft of municipal services. It is no different than Public Works coming to his driveway and paving it and saying they'll pay for it because he is on the Council. A fee is supposed to be charged. When the Police Department/Union used the rink they paid every single week. They paid the youth hockey discount rate but they used it at 10pm when everyone else was gone but still paid \$180 as Police Officers/Firefighters of the Town using it to stay in shape. This is a crime and for us to look the other way and the Commission to look the other way, if the members of the Commission need to be brought to justice also then so be it.
- Chairman Anania says he knows he has made some sort of contribution to the Town, he asks Mr. Rizza how much was given to the Town.
- Mr. Rizza says it varies; it is not hundreds of dollars a month. It is a very little amount, one check was about \$120 and he has seen \$38 checks.
- Councilman Parente says they have to remember that they did ask Mr. Rizza to send letters to all organizations who receive a stipend. They need to look into this situation, inclusive of the pool and Biddy Basketball. Biddy Basketball acknowledges they have \$100,000 in a bond that is for a building committee that some day they may need to use to build a building. They asked for some accountability with income and expenses. A lot of the non-profit organizations keep building their funds up at the Town's/taxpayer's expense. Stipends are given to offset expenses, we need to address every one out there and fix the general problem in addition to the specifics with this pool. We need to look into where the money is going; are accounts supposed to be zeroed out as non-profits are supposed to according to the bylaws. Not all of them do, they keep surpluses and add to them every year. The East Haven Cemetery has \$9,000 in their account and we are giving another \$9,000; why didn't they use last year's why are we just adding to this.
- Police Chief Brent Larrabee addresses the Council and indicates that a formal complaint has been lodged with him, it just came to their attention

within the last several days and they will be taking it quite seriously and following up on it.

- Chairman Anania asks if he will get back to them on the solution.
- Chief Larrabee says probably not because if it is an issue of theft of funding/services it will probably take a while. They just got this detailed complaint and will be following up on it.
- Councilman Parlato says he doesn't like anyone being accused of anything without due process. We have had more mom and pop operations in this Town for years and never evolved into a professional concept on everything whether it be hockey, the rink, etc. everyone had their thing that they did. There have been problems with supervising the pool for years, he is not that wild about how it is done but he doesn't have the authorization to do anything about it. He takes offense to anyone who comes out in public and says it is a crime. It may be but he would not, as a member of a Council, have his name on any literature that goes out and states that, whether it is the minutes of a meeting or not. You can accuse someone of something and people remember it, but when that person is cleared they never forget, it is never on the front page of the paper again. This is a relative of his but he will not accuse anyone of anything unless he has hard facts to back it up. This is a small Town the only things we have and want to protect is our reputation, not only as an individual, but also as a legislative body. He recommends to the Town Attorney that he handle it through Town Hall. Lets get the legislative process to work and let everyone have the opportunity to bring his or her case for or against what is happening. Let them come up with guidelines that come to the Legislative body as a group, to change whatever doesn't work for the benefit of everyone in the Town. Some of these groups are very active and do a lot, who are we to criticize what they do, how many of us spend time with these organizations and he thinks they have to be compassionate to some extent. One thing he doesn't like doing is apologizing for a mistake so if they think about it ahead of time maybe they wont have to do that; so let the legal process go through.
- Chairman Anania says he believes it is now out of the Council's hands because the Chief has received a formal complaint so it is in their hands now.
- Councilman Palladino says so that there is no misunderstanding, he is a former Police Officer so he has a little more knowledge of the law than Councilman Parlato which is why he wants this investigated by the Police Department. The swimming program is an LLC, East Haven Youth Hockey and all of the other ones are registered non-profits. You are

talking about a business running in a Town facility as opposed to a non-profit sports group. Let the Police do their jobs.

- Councilman Parlato says they are a public body accusing someone of a crime, he thinks that is a little far reaching.
- Councilwoman Esposito continues on that summer camp has 150 children with 55 employees and the charge is \$379 per child including field trips. Director Pane stated that it was true that the summer camp did not have access to the Biddy Basketball concession stand. The whistles that the lifeguards use are better than the blow horns because it is easier to hear the whistle. There are 3 lifeguards on duty on the weekends along with two parking lot attendants and a supervisor Monday-Wednesday from 11-2pm and Thursday-Sunday from 10-3pm. The supervisors check on the lifeguards, parking lot and splash pad. The splash pad runs from 9-7pm daily and the water does not run unless there is someone on the pad so it is not running constantly. The Police Department has handed out over 150 parking tickets so far at \$125 per ticket and the attendants at the lot are checking driver's licenses. The next topic concerns the benches on the beach and who is responsible for giving people permission for that. The Commission says it is park/rec responsibility and should go through their Department. The Director asked her to bring this to the Council because they get \$500 and wants to know where the money is going.
- Councilman Palladino says he purchased one of those benches' for his son; that money goes towards buying the bench and then public works installs it.
- Councilwoman Esposito says one of the Commissioners said they feel like they are at a cemetery with all of the benches being in memory of someone. They reported there are 20 benches and 6/7 on the splash pad and they asked where the money is going.
- Mr. Rizza explains that the money that comes in from the family who is requesting the bench goes in a special account. When the bench is delivered and the bill comes, it is paid out of that same fund. There is really no profit involved. The installation which is done by public works, there is no charge for that. He says basically the Park/Rec Department is saying they want to keep the money. Councilwoman Esposito says no they feel they should be the one that has the authority to tell people if they can put the bench in. Mr. Rizza says he isn't arguing that but because that is a special project and nothing else goes into this account other than paying for the bench from the family to the company. It is a wash. Everyone wants to run a business inside of our business and when the revenue portion of the budget is done next year and they are all still here,

remind him to explain why they break revenue down by Department. The reason is to identify revenue, when Police makes revenue they don't keep it; it goes into the general fund. Other Departments charge fees such as building/town clerk fees; it doesn't stay within that Department it goes in the big pot that makes up the \$89 million dollar budget we have. If they all got to keep the revenue they brought in the two largest would be tax and finance, there would be hundreds of workers in there. We are all in the same big general fund together. Councilwoman Esposito says she will tell them on Monday and Mr. Rizza says he would go to a meeting and explain it to them as well.

- Urban Renewal- no report.
- Finance- no report.

**Item #5**

To consider and act upon "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: _____

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

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

**Item #6**

Chairman Anania withdraws this item from the agenda pursuant to his powers under the standing rules. The Town Attorney and Assessor will look into this further.

To consider and act upon “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: _____

**Item #7**

To consider and act "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
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**TOTAL ALL PROJECTS**

	<u>\$1,575,700</u>
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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)

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

No public comment.  
Council comment:

- Councilman Sand says when this first came up about a month ago he had stated that the numbers didn't add up and he stands corrected, the Finance Director has always been right.

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

**Item #8**

A Resolution Appointing Pamela Popolizio to the Ethics Commission.

**A Resolution Appointing Pamela Popolizio to the Ethics Commission**

**WHEREAS**, a vacancy exists on the Ethics Commission for a term beginning February 1, 2013 and ending January 31, 2016;

**AND, WHEREAS**, pursuant to the East Haven Town Charter, the Town Council is designated as the appointing authority to re-appoint individuals to said position;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council hereby appoints Pamela Popolizio to the Ethics Commission to fill said term.

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

Council comment:

- Councilwoman Esposito asks about Marlene who submitted a resume.
- Chairman Anania explains that Pamela Popolizio currently resides in East Haven and he met her the other day after she had sent in a request to go onto this

Board. He reads a letter from her indicating that she has been a resident for approximately 8-9 years, she has been a paralegal for about 29 years or so. She worked for a private practice doing real estate work for 10 years; she currently is employed by the City of New Haven and has been for 19 years as a paralegal and public liability investigator. She feels that she could be an asset to the committee and hopes that she is given the opportunity to serve on this board. Chairman Anania says she has no political ties to anyone in the Town, she is an average citizen.

- Councilman Santino asks how he got this name, how did she know there was an opening on the ethics board.
- Chairman Anania says he put word out that there was an opening and she came to him. That is the procedure that has been done with the Council appointments, he knows Councilman Palladino doesn't like it but until it is changed, that is the way the Town has done business.
- Councilman Butler III says at least now we have information on them; they used to just be given the name.
- Chairman Anania says this is his recommendation at this point.
- Councilman Palladino asks how they can get to the point where they do accept resumes. It keeps being talked about and he works during the day so he can't come to the meetings at Town Hall to put it on the agenda to come up with it and discuss a plan.
- Chairman Anania says he believes it would be a charter change as to how the process is done.
- Councilman Palladino says no it is not a charter change, the charter says they are the appointing authority. It shouldn't be that the Chairman or Vice Chairman or the Mayor's Office picks it. The charter just says that they are the appointing body. Now the appointing body should come up with a way of doing it instead of every meeting the same thing. It doesn't make sense to put someone on a board or commission and not know anything about them. This is a good thing, talking to the person getting some background as well as getting a resume for the other person. He thinks all of the commissions will benefit from this.

Roll call vote: 3 in favor- 9 oppose- none abstain. Motion fails.

Councilman Joseph Santino makes a motion to add item #8a to the agenda as: A Resolution Appointing Marlene Asid to the Ethics Commission.

Councilman McKay seconds the motion.

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

**Item #8a****A Resolution Appointing Marlene Asid to the Ethics Commission**

**WHEREAS**, a vacancy exists on the Ethics Commission for a term beginning February 1, 2013 and ending January 31, 2016;

**AND, WHEREAS**, pursuant to the East Haven Town Charter, the Town Council is designated as the appointing authority to re-appoint individuals to said position;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council hereby appoints Marlene Asid to the Ethics Commission to fill said term.

Councilman Santino makes a motion.

Councilwoman Beverly Gravino seconds the motion.

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

**Item #9**

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

**CAB East LLC**

Ford Credit Personal Property Tax  
PO Box 67000 - Dept 231601  
Detroit MI 48267-2316

**Acct./List:** 2013-03-52743 E/S 26061

**Reason:** Returned Plates 10/30/13

**TOTAL: \$517.54**

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 #10**

To consider and act upon "An Ordinance Reallocating \$800,000.00 dollars of Capital Funds from Fiscal Years 2011-2012, 2012-2013, and 2013-2014" as follows:

### Reallocation of Authorized Funds of Capital Projects

<b>To:</b>	<b>For:</b>	
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
<b>TOTAL</b>		<b>\$800,000.00</b>
<b>From:</b>		
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
92-3-103-11 (11-12)	Police - Plant Upgrade	\$13,000.00
<b>TOTAL</b>		<b>\$800,000.00</b>

**Reason:** Funds being reallocated for new capital improvements.

Councilman Mckay makes a motion.

Councilman Butler III seconds the 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 setting a public hearing date and time to discuss an "Ordinance approving a transfer of \$79,100.00 for the Public Service" as follows:

<b>Public Service</b>		
<b>To:</b>		
01-224-0120	Snow & Ice	
	Wages	\$61,000.00
01-224-0190	Overtime Wages	\$12,000.00
01-224-0133	Classification Diff.	\$6,000.00
01-224-0662	Vehicle Repairs & Maint.	\$100.00
<b>TOTAL</b>		<b>\$79,100.00</b>
<b>From:</b>		
01-224-0110	Regular Salaries	\$79,100.00
<b>TOTAL</b>		<b>\$79,100.00</b>

**Reason:** To close out FY 2014/2015.

The public hearing shall take place on September 1, 2015, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

Councilman Santino 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.

Councilman Spaduzzi makes a motion to add the following as item #11a to the agenda:

**A Resolution setting a public hearing date and time to discuss an "Ordinance Authorizing the Conveyance of 77 Borrmann Road to Brian F. Banning or His Assigns for \$55,000.00 Dollars"**

**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 August 13, 2015, at 7:00PM, at the Mario Giaimo Conference Room - East Haven Town Hall, 250 Main Street, East Haven, Connecticut to discuss an "Ordinance

Authorizing the Conveyance of 77 Borrmann Road to Brian F. Banning or His Assigns for \$55,000.00 Dollars."

**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 Mckay seconds the motion.

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

### **Item #11a**

**A Resolution setting a public hearing date and time to discuss an "Ordinance Authorizing the Conveyance of 77 Borrmann Road to Brian F. Banning or His Assigns for \$55,000.00 Dollars"**

**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 August 13, 2015, at 7:00PM, at the Mario Giaimo Conference Room - East Haven Town Hall, 250 Main Street, East Haven, Connecticut to discuss an "Ordinance Authorizing the Conveyance of 77 Borrmann Road to Brian F. Banning or His Assigns for \$55,000.00 Dollars."

**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 says he knows they usually just schedule these things but the reason that he asked Mike Milici to be here tonight is because they are trying to fast track this public hearing and an action on it next Thursday August 13<sup>th</sup>; he will be on vacation as well as Attorney Al Zullo after so they can move it along. He also promised Councilman Parlato that when this came back before the board for any consideration that they would bring Mike Milici back to discuss the fairness of whatever offer the Town decided to accept. He is here tonight to give his opinion as to whether or not the \$55,000 is a fair offer. He included a copy of the sales contract signed by the Mayor as authorized by the Council.
- Mr. Milici says that he had the pleasure of inspecting the property and he would say other than storm damaged ones; it is in the top 10 for worst ones. In his opinion it probably needs to be knocked down, it is so putrid inside. It also

probably needs a lot of work on the foundation itself; the yard is not in that great of a condition. He knows that the Town did put it out for auction and there was no interest. His honest opinion is that the \$55,000 is probably a reasonable offer; he can't see how the Town would be harmed by this offer.

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

- Councilman Santino asks if they can discuss something before they adjourn regarding the Coe Avenue piece. He wants to discuss putting it in the hands of a realtor.
- Chairman Anania says he believes Sal Brancati was taking care of that, there were some other options on the table and then he got sick so he isn't sure where that stands now.

Councilman Santino makes a motion to add it to the agenda for discussion.

Councilman Mckay seconds the motion.

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

- Councilwoman Esposito says she thought there was someone who was going to buy it.
- Attorney Zullo says without getting to far into detail with it, as it turns out after going in and doing some testing as to the weight of the floor, it is not suitable for every type of business. As a result, he believes the Council will see a new resolution from Sal requesting authorization to sell it to a different person or re-market it. He knows that Sal has been aggressively marketing it and he doesn't want to say exactly to whom at this time.
- Councilman Santino says he was thinking they should put it on the market so that they get a reasonable price for it and not just give it away.
- Attorney Zullo says the current person expressing an interest would be an ideal tenant and would provide a good service to the Town, aside from that he doesn't want to put anything else on the record. He will wait for Sal to discuss it further.
- Councilman Butler III says so that iron fabrication place can't use it?
- Chairman Anania says they can't use/build in that building.
- Councilman Santino says that company needed heavy machinery so it won't work for them.
- Councilman Parlato says the old factory on Coe Avenue is built on pilings and that was a swamp; that area is floating on pilings. Any heavy use on that piece of property is not going to last so he can see why they wouldn't do it.
- Chairman Anania says the back wall was coming down.
- Councilman Sand asks if he lost his deposit.

- Attorney Zullo says that has not been sorted out yet, he would have to look back at the contract and see what the provisions were. He can't recall what the contract calls for but at the same time if we can't provide a marketable property, they may be responsible for giving it back. He will look into it.
- Councilman Spaduzzi says didn't he have it inspected?
- Attorney Zullo says the inspection would come after, once there is a contract. He may have done a walk through but he will look into it.

**Item #12**

Adjournment of Regular Meeting.

Councilman Santino makes a motion.

Councilman Mckay seconds the motion.

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

Meeting is adjourned at 8:36PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council