

**EAST HAVEN TOWN COUNCIL
PUBLIC HEARING MINUTES
TUESDAY, JULY 7, 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, July 7, 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 7:00PM.

Item #1

Roll Call for Hearing Committee -10 present - 5 absent (Mckay, Gravino, Thompson Jr., Spaduzzi and Riolino).
A quorum is present.

Item #2

To conduct Public Hearing #1 regarding an "An Ordinance Amending Chapter 11, Article II, Division 1 of the East Haven Code regarding Stopping, Standing, and Parking."

**An Ordinance Amending Chapter 11, Article II, Division 1 of the
East Haven Code regarding Stopping, Standing, and Parking**

WHEREAS, Chapter 11, Article II, Division 1 of the East Haven Code presently addresses the topic of "Stopping, Standing, and Parking"

AND WHEREAS, the Town wishes to update and amend said regulation and wishes to include a contestment process;

NOW THEREFORE, BE IT ORDAINED that Chapter 11, Article II, Division 1 is amended to include the following section:

"Sec. 11-18. Procedure for Contesting parking violations.

- (a) Any person wishing to contest any violation of Sec. 11-16 or any fine levied pursuant to Sec. 11-17 may request and file an application for contestment at the East Haven Police Department during the hours of 9:00 a.m. to 3:00 p.m., Monday through Friday, within ten (10) business days of the time indicated on the notice of violation.

- (b) Upon receipt of an application of contestment, the application will be assigned to a hearing officer and scheduled for a contestment hearing before a contestment hearing officer within 60 days of receipt by the East Haven Police Department.
- (c) Members of the Board of Police Commissioners shall serve as contestment hearing officers and the apportionment of hearings and frequency of service by commissioners as hearing officers shall be set and determined by resolution of the Commission. At all times, the Commission shall cause to be published, on the department website, a list of all commission members presently serving as contestment hearing officers.
- (d) Contestment hearings shall be scheduled no earlier than 6:30 p.m., Monday through Thursday and held at the East Haven Police Department. At a contestment hearing, the contesting party may present any evidence in support of his or her application. The Police Department may, in its discretion, present evidence as well. At the conclusion of a contestment hearing, the contestment hearing officer shall weigh the evidence presented and render a decision, in writing, on a form prescribed by the Commission on the application for contestment. The decision of the contestment hearing officer shall be final. A copy of the final decision shall be mailed to the contesting party and shall serve as a record of the proceedings of the same.
- (e) The filing of an application of contestment shall toll the payment and penalty timelines provided for in Section 11-17(b) until a final decision is rendered regarding an application of contestment. In the event that an application for contestment is denied, the contesting party shall have ten (10) business days from the date of denial to remit any penalties due. In the event the penalties are not paid within ten (10) business days following the date of final decision, said penalty shall double."
- (f) Any written appeal of any violation of Sec. 11-16 or of any fine levied pursuant to Sec. 11-17 submitted prior to the enactment of this Section shall retroactively be addressed pursuant to the provisions of this Section as if it had been in place at the time said written appeal was submitted."

BE IT FURTHER ORDAINED that Chapter 11, Article II, Division 1, Sec. 11-16(c)(viii) is revoked and replaced with the following:

Sec. 11-16(c)(viii)

"On the wrong side of the street or facing traffic."

BE IT FURTHER ORDAINED that all other sections of Chapter 11, Article II, Division 1 shall remain in full force and effect, unchanged by this revision.

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: _____

No public comment.

Council comment:

- Councilman Joseph Santino asks if there will be legal representation for this, if someone walks in with an Attorney.
- Town Attorney Joseph Zullo explains that just to back up for a minute, one of the packets the Council was handed out tonight is an amendment to this Ordinance. The Ordinance that was read tonight has one amendment; it amends one of the violations regarding parking on the wrong side of the road. The way it was written was that there had to be a sign on the road indicating that there was no parking on the wrong side even though it is obvious. Deputy Lennon asks that it be changed to just say “on the wrong side of the street or facing traffic” regardless of whether or not there is a sign posted. This is the Ordinance he is asking the Council to recommend action on to the full Town Council tonight, the amended Ordinance. As far as legal representation, the Department is entitled to present any evidence it is, it’s not necessarily the Departments job to present its case. It is an appellate procedure, all the evidence is already in the records. If a hearing officer needs a testimony of someone, they can contact his office or the officer involved and have them there.
- Councilman Santino asks what if they want to appeal. He asks if Attorney Zullo is OK with this and it is legal.
- Attorney Zullo says there are no appeals and yes, it is legal.

Item #3

Adjournment of Public Hearing #1.

Councilman Santino makes a motion.

Councilman Robert 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 Authorizing the East Haven Public Schools to extend an existing Lease Agreement with GE Capital to fund technology projects for FY 2015-2016.”

An Ordinance Authorizing the East Haven Public Schools to extend an existing Lease Agreement with GE Capital to fund technology projects for FY 2015-2016 and waiving any bidding requirements associated therewith.

WHEREAS, the East Haven Board of Education and the Town of East Haven are parties to an existing Lease Agreement with GE Capital Corporation for computer technology;

AND WHEREAS, the East Haven Board of Education and the Town of East Haven wish to amend the current lease to provide for the leasing of new computer technology for an additional year through FY 2017-2018 for the Board of Education at a cost of \$262,000.00, net of applicable taxes;

AND WHEREAS, Chapter 6, Section 4(C) of the East Haven Town Charter contains bidding requirements for certain expenditures;

AND WHEREAS, the Town Charter’s bidding requirements may be waived by two-thirds of the members present and voting;

NOW THEREFORE, be it **ORDAINED** by the Town Council of the Town of East Haven that the Town of East Haven and the Board of Education, acting by their duly authorized agents, are authorized to amend and extend an existing Lease Agreement with GE Capital Corporation to fund technology projects for FY 2015-2016 and to obligate the Town and Board of Education for the payment of \$262,000.00 (net of applicable taxes) in furtherance of this extension; and

BE IT FURTHER ORDAINED, that any bidding requirements associated with said transaction are hereby waived.

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: _____

No public comment.
No Council comment.

Item #5

Adjournment of Public Hearing #2.

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

Item #6

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

Councilman Santino makes a motion with the recommendation of action on public hearing #1 being on the amended Ordinance presented tonight.

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

Item #7

Adjournment of Hearing Committee.

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

Meeting is adjourned at 7:13PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council