

**EAST HAVEN TOWN COUNCIL
SPECIAL MEETING MINUTES
TUESDAY, DECEMBER 5, 2017**

The East Haven Town Council held a special meeting Tuesday, December 5, 2017, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Mayor Joseph Maturo Jr. calls the meeting to order at 7:13PM.

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EAST HAVEN, CONN.**

Item #1

Roll Call-13 present- 2 absent (Parlato and Butler III).
A quorum is present.

Stacy Gravano, CTC
TOWN CLERK

Mayor Maturo asks all to stand for the pledge of allegiance and a moment of silence for the passing of Councilman Anania's mother-in-law and Councilman Parente's cousin and anyone else who has passed since the last meeting.

Item #2

Appointment of a temporary Clerk of the Legislative Town Council.

Councilman Richard Anania makes a motion to nominate Danelle Feeley.
Councilman Nicholas Palladino seconds the motion.
Voice vote: all in favor-none oppose-none abstain. Motion carries.

Councilman Robert Parente calls for a Republican caucus.
Councilman Joseph Santino calls for a Democratic caucus.
Republican and Democratic caucuses begin at 7:14PM.

Mayor Maturo calls the meeting back to order at 7:20PM.

Item #3

Election of a permanent Chairperson of the Legislative Town Council.

Councilman Parente nominates Ken Mckay.
Councilwoman Judy Esposito seconds the nomination.

Councilman Joseph Badamo nominates Nicholas Palladino
Councilman Louis Pacelli seconds the nomination.

Councilman Santino nominates Steve Tracey.
Councilman Tracey declines the nomination.

Councilman Paul Carbo made a motion to close nominations.
Councilman Anania seconds the motion.
Voice vote: all in favor-none oppose-none abstain. Motion carries.

Roll call vote:

7 in favor of Ken Mckay (Parente, Mckay, Esposito, Hennessey, Tracey, Carbo and Anania).

6 in favor of Nicholas Palladino (Santino, Deko, Palladino, Pacelli, Carfora and Badamo).

Motion carries with Ken Mckay as Chairman.

Mayor Maturo thanks everyone for their service on the Council; he indicates no matter what party affiliation they have his door is always open. He introduces Joseph Coppola to the Council who has taken over the position in his office for Frank Gentilesco who has retired. He thanks Frank Gentilesco for all of his work over the past 16 years.

Item #4

Election of a permanent Vice-Chairperson of the Legislative Town Council.

Councilman Tracey nominates Linda Hennessey.
Councilman Parente seconds the nomination.

Councilman Carfora nominates Louis Pacelli.
Councilman Palladino seconds the nomination.

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

Roll call vote:

7 in favor of Linda Hennessey (Parente, Mckay, Esposito, Hennessey, Tracey, Carbo and Anania).

6 in favor of Louis Pacelli (Santino, Deko, Palladino, Pacelli, Carfora and Badamo).
Motion carries with Linda Hennessey as Vice Chairwoman.

Item #5

Appointment of a permanent Clerk of the Legislative Town Council.

Councilman Anania nominates Danelle Feeley.

Councilman Santino seconds the nomination.

There were no other nominations.

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

Item #6

General review of Council Standing Rules, procedure, and relevant Freedom of Information provisions.

- Town Attorney Joseph Zullo addresses the Council and indicates he will be giving the Council an updated conflict of interest letter to disclose that the Council Clerk is his fiancé. He explains that the Council member's powers come from the Town Charter. If there is any question as to what they are authorized/capable to do or what is allowable, their rights, responsibilities and duties are in the Town Charter. The second place to look to how the Council operates is the Standing Rules. They have pushed that every board/commission have standing rules and most do and the Council's are lengthy and clear in delineating how the Council meets and how public comment is regulated. He explains that all comment is to go through the Chairman; the Chairman can relax this especially during budget time when it is a casual process and he can enforce it at any time. Council members generally raise their hand to speak and are recognized by the Chair, if they are not recognized they should probably not be speaking. Second, there are standing committees which the Chair will appoint members to, he has the option to do it tonight but he may forego it and wait a month as it was undetermined who would be there and how the results would end up. Third, the biggest thing is the State's Freedom of Information Act; they are all a public body and everything they do that would involve the public's interest the public has the right to know about and can hold them accountable for. He encourages them to use their official Council emails, which have been set up for the new members as well; three members are without tablets but they will have them once they are transitioned from the past members. If they conduct official business on their personal email, it is official business and subject to FOI; if they issue text messages during the meeting to another Council member or member of the

public, there is a ruling out there from FOI and arguably it is public business so he cautions them all to be careful about what they say, civil in what they say and to conduct business in public. Finally, they can only conduct business when they are assembled as this body, they can all do their own investigation as a lot of members spend time in Town Hall finding out the facts and issues before they come to the meeting but they cannot assemble a quorum of people outside of this room to conduct business, strategize or discuss items on the agenda. Chance meetings and social gatherings are okay but he cautions them about the blurry areas.

- Councilman Palladino says there is a clear misunderstanding of the standing rules with regard to cancellation of meetings. It is not strictly at the discretion of the Chairman to cancel for any old reason; there are specific reasons and it can't just be because he wants to. There are only certain reasons to cancel meetings, not because he [Attorney Zullo] is on vacation, the public knows when these meetings are being held and they have a right to be there unless there is a snowstorm, flood or other serious emergency. The previous Chairman thought it was at his discretion and it is not.
- Attorney Zullo says the standing rules provide the reasons for cancellation of a meeting and one of them is "other reasonable cause" and the prior Chairman had his understanding of what reasonable cause constitutes and Chairman McKay may have another understanding. They drafted the schedule of meetings and tried to be cognoscente of every possible thing that could come up. He is sure the Chairman will do the best he can to honor the schedule.
- Councilman Palladino says it's other reasonable causes, not because he felt like it. That's why there is a Vice Chair and there are other Attorneys besides him if he is on vacation.
- Attorney Zullo says there is an entire profession of people that debate what reasonable cause constitutes but he understands his concern. He adds he wanted to mention something in regards to public comment, especially to Councilman Pacelli who came from the Board of Education where public comment was as of right and could be on any topic at the beginning of the meeting. Public comment is by item on the Town Council, it does not apply to procedural matters or scheduling matters it only pertains to matters of substantive items. Someone from the public can't just come up and comment on any item, it has to be something on the Agenda and when the person is commenting it must be pertinent to the item on the Agenda and if it is not, the Chairman has the right to gavel the person off.
- Councilman Carbo asks if the item has passed already, can someone bring it back up for public comment.
- Attorney Zullo says no.

- Councilman Badamo says they could make a motion to bring it back.
- Attorney Zullo says the Council can always make a motion to add something to the Agenda at a Regular Meeting by a 2/3 vote so if someone has perhaps missed their public comment opportunity it is in the Chairman's discretion to add it. If it passed already, it is a moot point.
- Councilman Badamo says if someone comes in late for the public session, would they be able to speak.
- Attorney Zullo says generally speaking no but it will be at the Chairman's discretion. That is also why there are often multiple opportunities to speak on items either during the Public Hearing and then again when the item comes up as an Ordinance.
- Councilman Badamo says there were times when he was on the Council in the past where someone came up and wanted to speak and they were told they missed it and it is too late. They are there representing the people of the Town so they should let them speak their piece.
- Chairman McKay says if someone comes in and wants to speak on an Ordinance they already passed, it really is a moot point at that point but they will play it by ear.

Item #7

Appointment of Standing Committee members and chairpersons by Town Council Chairperson.

- a. Subcommittee on Education, Library, and School Building;
- b. Subcommittee on Public Safety, Health, & Welfare;
- c. Subcommittee on Finance;
- d. Subcommittee on Public Services, Parks, & Recreation;
- e. Subcommittee on Urban Renewal/Housing;
- f. Temporary Subcommittee on Community Group Stipends.

Chairman McKay says he will give everyone one of his cards and asks them to give him a call or email him to let him know what subcommittee they would like to be on. He will take everyone into consideration and then come up with the subcommittees for the next meeting. He asks that they table the item until the next meeting.

Councilman Palladino makes a motion to table Item #7.

Councilman Pacelli seconds the motion.

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

Item #8

Approval of minutes from the October 3, 2017 Public Hearing.

Councilman Santino makes a motion.

Councilman Palladino seconds the motion.

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

Item #9

Approval of minutes from the October 3, 2017 Regular Meeting.

Councilman Anania makes a motion.

Councilman Palladino seconds the motion.

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

Councilman Palladino makes a motion to move Item #10 the end after Item #18 since they have to go into executive session and clear the room anyway.

Councilman Santino seconds the motion.

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 Abandoning the Town's Interest in a Portion of Rose Street (AKA Rose Street Extension)." The public hearing shall take place on January 2, 2018, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut..

AUTHORIZING ORDINANCE OF THE East Haven Town Council

An Ordinance Abandoning the Town's Interest in a Portion of Rose Street (AKA Rose Street Extension)

WHEREAS, the owner of 4 Center Street has requested that the Town of East Haven abandon its interest in the following:

1. The unimproved portion of Rose Street (AKA Rose Street Ext.) from its intersection on the south with the northern boundary of West Street to its intersection on the north with the southern boundary of Center Street.

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

NOW, THEREFORE BE IT ORDAINED that the unimproved portion of Rose Street (AKA Rose Street Ext.) from its intersection on the south with the northern boundary of West Street to its intersection on the north with the southern boundary of Center Street is hereby abandoned as a public roadway;

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

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: _____

Chairman McKay says this is just to set the public hearing; the information will be in their packet that month.

Councilman Palladino makes a motion.

Councilman Carbo seconds the motion.

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

Item #12

To consider and act upon a Resolution authorizing a Transfer of \$33,559.00 for the Counseling and Community Services Department as follows:

Counseling and Community Services Department

To:

01-444-0694	Other Contr. Services	\$33,559.00
TOTAL		\$33,559.00

From:

01-444-0110	Reg. Salaries	\$18,835.00
01-444-0115	P/T Wages	\$900.00
01-444-0659	Data Process	\$826.00
01-444-0667	P/T Help	\$8,649.00

01-771-0711	Interest Payment	\$4,349.00
TOTAL		\$33,559.00

Reason: Funds needed to close out FY 2016-2017.

Councilman Santino makes a motion.

Councilman Palladino seconds the motion.

Council comment:

- Councilman Badamo asks if the money being transferred to and from is from positions that are unfilled/vacant or is it from other line items that have money left over?
- Finance Director Paul Rizza says basically the "To" account is from the Counseling Department. He explains that 4 or 5 years ago they started to outsource the employees; rather than being Town employees they were from BH Care and there was an increase due to one of the BH Care employees replacing a Town retiree. The "from" account has \$18,000 coming from regular salaries because that is what was left after the Town employee retired so they are moving it to the contractual account. The other areas are accounts with surplus monies after the year-end closed. They are evening out the plus's and minus's.

No public comment.

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

Item #13

To consider and act upon a Resolution authorizing a Transfer of \$41,555.00 for Various Departments as follows:

Various Departments (Counseling, Health, Urban Renewal, Recreation, Employee Benefits, Public Services)

To:

01-444-0694	Other Contractual	\$6,596.00
01-444-0667	Temp P/T Wages	\$3,675.00
01-440-0694	Other Contr.	\$698.00
01-446-0694	Other Contr.	\$11,242.00
01-661-0694	Other Contr.	\$2,549.00
01-167-0969	Labor Arbitration	\$317.00
01-224-0190	Overtime	\$16,478.00
TOTAL		\$41,555.00

From:

01-881-0970	Fire Prop. Insur.	\$24,760.00
01-167-0920	Social Sec./Med.	\$317.00
01-224-0192	Seasonal O/T	\$16,478.00
TOTAL		\$41,555.00

Reason: Funds needed to close out FY 2016-2017.

Councilman Palladino makes a motion.

Councilman Carbo seconds the motion.

Public comment:

- Bob Fox-180 Coe Ave, East Haven, CT- Mr. Fox says he would like to know where these funds are now that are being used to close out 2016/2017, are they from this year's budget?
- Mr. Rizza says no. This is old-year-funds needed to close the 2016/2017-year both from the "to" and "from" account. The area on the top is where they have shortages and the area on the bottom is where they have surpluses but they are both the same year and not this year.

No public comment.

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

Item #14

To consider and act upon a Resolution setting a public hearing date and time to discuss an "Ordinance approving a transfer of \$733,289.00 for the Police Department, Employee Benefits, and Sanitation" as follows:

Police Department, Employee Benefits, Sanitation

To:

01-332-0110	Wages	\$623,272.00
01-167-0910	Retirement Contrib.	\$104,542.00
01-226-0676	Waste Collection	\$5,475.00
TOTAL		\$733,289.00

From:

01-885-0195	Special Assignment	\$192,119.00
01-885-0689	Contingency	\$413,500.00

01-885-0255	Traffic Lights	\$79,410.00
01-881-0115	P/T Wages	\$4,700.00
01-881-0945	Excess Insurance	\$38,085.00
01-226-0644	Rental Equipment	\$4,000.00
01-226-0694	Other Contractual	\$1,475.00
TOTAL		\$733,289.00

Reason: To close out FY 2016-2017 - to pay for police retro payments and corresponding retirement contributions; to cover additional waste collection costs.

The public hearing shall take place on December 19, 2017, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

Councilman Santino makes a motion.

Councilman Deko seconds the motion.

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

- Councilman Santino says for Administrative Services they are setting a schedule but there isn't a committee yet.
- Attorney Zullo says until the Administrative Services Committee is set by the Chairman, under the standing rules the Chairman has the right to set the Agenda as if the Committee met. For the next meeting he will set the Agenda himself and then appoint the Administrative Services Committee, which will serve for the remainder of the two years.
- Attorney Zullo adds that before this Resolution is read, he came across a very old and very obscure Ordinance that says the Town Council cannot meet on July 3rd of any year, they can amend the Resolution to say July 10th.

Councilman Anania makes a motion to amend the Resolution to read as July 10th instead of July 3rd.

Councilman Carbo seconds the motion.

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

Item #15

To consider and act upon a Resolution setting the Regular Meeting Schedule of the Town Council from January 2018 to December 2018.

A Resolution setting the Regular Meeting Schedule of the Town Council from January 2018 to December 2018

WHEREAS, C.G.S. Section 1-225 requires that the Town Council file with the Town Clerk, not later than January thirty-first of each year, its schedule of regular meetings for the ensuing year;

AND WHEREAS, pursuant to statute, no regular meeting of any such public agency shall be held sooner than thirty days after such schedule has been filed;

NOW, THEREFORE BE IT RESOLVED that the following shall be the dates for regular Town Council meetings, generally to be held on the first Tuesday of each month (except as denoted below) at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut, from January, 2018 through December, 2018:

January 9, 2018*
 February 6, 2018
 March 6, 2018
 April 3, 2018
 May 1, 2018
 June 5, 2018
 July 10, 2018
 August 7, 2018
 September 4, 2018
 October 2, 2018
 November 13, 2018*
 December 4, 2018

**Denotes date not falling on the first Tuesday of a given month.*

Councilman Parente makes a motion.

Councilman Palladino seconds the motion.

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

Item #16

To consider and act upon a Resolution setting the Regular Meeting Schedule of the Administrative Services Committee to the Town Council from January 2018 to December 2018.

A Resolution setting the Regular Meeting Schedule of the Administrative Services Committee to the Town Council from January 2018 to December 2018

WHEREAS, C.G.S. Section 1-225 requires that the Administrative Services Committee to the Town Council file with the Town Clerk, not later than January thirty-first of each year, its schedule of regular meetings for the ensuing year;

AND WHEREAS, pursuant to statute, no regular meeting of any such public agency shall be held sooner than thirty days after such schedule has been filed;

NOW, THEREFORE BE IT RESOLVED that the following shall be the dates for regular Administrative Services meetings, generally to be held on the last Monday of each

month (except as denoted below) at 6:00PM at the Mayor's Office, East Haven Town Hall, 250 Main Street, East Haven, Connecticut, from January, 2018 through December, 2018:

January 29, 2018
 February 26, 2018
 March 26, 2018
 April 23, 2018
 May 23, 2018*
 June 25, 2018
 July 23, 2018
 August 27, 2018
 September 24, 2018
 October 22, 2018
 November 26, 2018
 December 19, 2018*

**Denotes date not falling on the last Monday of a given month.*

Councilman Palladino makes a motion.

Councilman Deko seconds the motion.

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

Item #17

To consider and act upon a Resolution to provide a tax refund of \$509.45 to Michael Speer/Jan Lougal as follows:

Michael Speer/Jan Lougal
 33 Elm Street
 East Haven, CT 06512-2341

Acct./List: 2015-03-0069449

Reason:

Amount: \$509.45

TOTAL: \$509.45

A Resolution to provide a tax refund of \$509.45 to Michael Speer/Jan Lougal

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:

Michael Speer/Jan Lougal
33 Elm Street
East Haven, CT 06512-2341

Acct./List: 2015-03-0069449

Reason:

Amount: \$509.45

TOTAL: \$509.45

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 Badamo makes a motion.

No public comment.

No Council comment.

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

Item #18

Notification of Council Chairperson to Town Council of intent to publish requests for resumes with respect to upcoming Town Council board and commission appointments.

- Attorney Zullo explains that under the Standing Rules the Chairman has to notify the Council in December of his intent to publish request for resumes for all of the vacant positions to which the Council appoints. The packet included a draft legal notice from the Town Clerk's records and if there are no objections the ad will be

placed and the resumes will be taken up prior to their appointment to the positions.

Item #10

To consider and act upon a Resolution ratifying and authorizing Mayor Joseph Maturo, Jr. and/or his Designee to sign a collective bargaining agreement between the Town of East Haven and The International Association of Firefighters, Local 1205 (Fire Department Union).

NOTE: To be considered in executive session pursuant to C.G.S. 1-210(b)(9) – "Records, reports and statements of strategy or negotiations with respect to collective bargaining."

A Resolution ratifying and authorizing Mayor Joseph Maturo, Jr. and/or his Designee to sign a collective bargaining agreement between the Town of East Haven and The International Association of Firefighters, Local 1205 (Fire Department Union)

BE IT RESOLVED that the Town Council hereby ratifies a collective bargaining agreement between the Town of East Haven and The International Association of Firefighters, Local 1205 (Fire Department Union) for the time period spanning July 1, 2015 to June 30, 2021;

BE IT FURTHER RESOLVED that Mayor Joseph Maturo, Jr. and/or his Designee is authorized to execute the same.

A Resolution setting a public hearing date and time to discuss "An Ordinance Abandoning the Town's Interest in a Portion of Rose Street (AKA Rose Street Extension)

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 January 2, 2018, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut to discuss "An Ordinance Abandoning the Town's Interest in a Portion of Rose Street (AKA Rose Street Extension)."

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 Palladino makes a motion to enter into executive session and include the Town Attorney, Fire Chief, Frank Gentilesco, Joseph Coppola, Sal Brancati and Paul Rizza.

Councilman Anania seconds the motion.

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

Executive session begins at 8:05PM.

Councilman Palladino makes a motion to end executive session at 8:37PM.

Councilman Carbo seconds the motion.

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

Councilman Santino asks the President of the Union to come up, Chairman McKay welcomes Joseph Ciscone to come before the Council.

Councilman Santino asks him if they are happy with the contract.

Councilman Palladino asks if any of the members have a problem with it; are they happy with it.

Mr. Ciscone yes, says it was voted on almost unanimously.

Councilman Parente makes a motion to approve the contract.

Councilman Anania seconds the motion.

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

Item #19

Adjournment of Special Meeting.

Councilman Santino makes a motion.

Councilman Anania seconds the motion.

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

Meeting is adjourned at 8:39PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Danelle Feeley", written in a cursive style.

Danelle Feeley

Clerk, Legislative Town Council