

**EAST HAVEN TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, MAY 5, 2015**

The East Haven Town Council held a regular meeting Tuesday, May 5, 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 7:19PM.  
He asks all to stand for the pledge of allegiance and a moment of silence for the passing Officer Moore with the NYPD.

**Item #1**

Roll Call-11 present – 4 absent (Gravino, Sand, Badamo and Riolino)  
A quorum is present.

**Item #2**

Approval of minutes from the March 30, 2015 Special Meeting (State of the Town).

Councilman Ken Mckay makes a motion.  
Councilman Fred Parlato seconds the motion.  
Voice vote: all in favor- none oppose-none abstain. Motion carries.

**Item #3**

Approval of minutes from April 7, 2015 Regular Meeting.

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

**Item #4**

Approval of minutes from April 16, 2015 Public Hearing.

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

**Item #5**

Approval of minutes from April 21, 2015 Public Hearing.

Councilman Joseph Santino makes a motion.

Councilman Butler III seconds the motion.

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

**Item #6**

Approval of minutes from the April 23, 2015 Special Meeting.

Councilman Santino makes a motion.

Councilman Palladino seconds the motion.

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

**Item #7**

Correspondence-

- A thank you card from Paul, Beth & Joanna Rizza thanking the Council for their donation to St. Jude's Hospital in Paul's brother's honor.
- A Letter from Dinah Virgulto of 38 Cortina Road, East Haven, CT indicating she was unable to attend the Town Council Public Hearing on April 21<sup>st</sup> but supports the Hagan Memorial Library and the need to increase their budget to cover salary increases. She explains how many people utilize the Library and how devoted the staff is.

**Item #8**

Subcommittee Reports-

- Public Safety-Councilman Joseph Santino explains that he has requested the minutes for the meeting that came before them about the parking. There seems to be issues down there with things that were said they would be done and weren't. He knows the night of the meeting he spoke with Commissioner Illingworth who said he would go down and look at the problem. He has been told it was passed as is. There are issues down there and residents attended the meeting so the Public Safety committee of the Council is going to look into the minutes of the meeting and review what was actually voted on and said.
- Board of Education-Vice Chairman Robert Parente says he just came from the Board of Education awards ceremony and it is a shame that our Town gets all

the wrong publicity. You see many children/students of East Haven receiving prestigious awards. If we got half the press for the good things that happen in this Town instead of the garbage, it's amazing the strides made in this Town. It was amazing to see the children receive the awards from the President, Governor and so many other agencies that give them the recognition they deserve.

- Parks/Rec-no report.
- Urban Renewal-no report.
- Finance- Councilman Henry Butler III says they discussed the transfers the Council has before them tonight.

**Item #9**

To consider and act upon an "Ordinance approving a transfer of \$125,000.00 for the Public Safety Center (911)" as follows:

**Public Safety Center (911)**

**To:**

01-336-0190	Public Safety O/T	\$125,000.00
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<b>TOTAL</b>		<b>\$125,000.00</b>

**From:**

01-885-0689	Contingency	\$125,000.00
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<b>TOTAL</b>		<b>\$125,000.00</b>

**Reason:** Funds needed to cover overtime for remainder of year.

Councilman Santino makes a motion.

Councilman Vincent Spaduzzi 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 approving a transfer of \$100,000.00 for the Police Department" as follows:

**Police Department****To:**

01-332-0190	Overtime Wages	\$100,000.00
<b>TOTAL</b>		<b>\$100,000.00</b>

**From:**

01-332-0110	Unused Salaries	\$100,000.00
<b>TOTAL</b>		<b>\$100,000.00</b>

**Reason:** Funds needed for overtime.

Councilman Ken Mckay makes a motion.

Councilman Santino Spaduzzi 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 an "Ordinance approving a transfer of \$94,000.00 for Public Service" as follows:

**Public Service****To:**

01-224-0192	Seasonal Overtime	\$19,000.00
01-224-0561	Vehicle Supplies & Parts	\$20,000.00
01-224-0580	Road Maint. & Materials	\$40,000.00
01-224-0658	Equip. Maint. Services	\$15,000.00
<b>TOTAL</b>		<b>\$94,000.00</b>

**From:**

01-224-0110	Regular Salaries	\$94,000.00
<b>TOTAL</b>		<b>\$94,000.00</b>

**Reason:** Funds needed to complete fiscal year/cover snow expenses.

Councilman Santino makes a motion.

Councilman Butler III seconds the motion.

No public comment.

Council comment:

- Councilman Santino asks how many unfilled positions there are with Public Works.
- Finance Director Paul Rizza says he thinks there are 4.

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

### **Item #12**

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

**Cecilia Goldbach-Baluha**

3854 Infinity Run

The Villages FL 32163

Acct./List: 2013-01-4339

Reason: Sold property 9/30/14. Paid Jan. 2015 Installment in error.

**TOTAL: \$2,665.28**

No public comment.

Council comment:

- Councilman Santino asks if they can get something from Mike Milici since he is the one who actually removes them from the assessment.
- Town Attorney Joseph Zullo says with regard to the second one yes, for this one it is clear cut.

Councilman Santino makes a motion.

Councilman Fred Parlato seconds the motion.

Roll call vote: 10 in favor- 1 opposition (Spaduzzi)- none abstain. Motion carries.

### **Item #13**

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

**Mark Pepin**

16 Roy St

East Haven CT 06512

Acct./List: 20130484640 E/S 25144  
Reason: Bill removed. Vehicle housed In New Haven

**TOTAL: \$ 817.80**

No public comment.

Council comment:

- Councilman Santino asks if there is a tax bill from New Haven showing they pay taxes there. This should be turned over to the assessor to investigate, that is his job instead of just giving rebates. He can understand if the car was sold but this is saying it's being housed in New Haven.
- Attorney Zullo says his understanding is that this is the same packet that has been submitted for the last 16 years.
- Councilman Santino says he understands that but for the ones being housed, didn't they table the last one and ended up being right and getting back the money.
- Attorney Zullo says he has said this before and nobody has put it in writing to the Assessor or Tax Collector. With permission of the Chairman, they can send a letter asking that when they submit tax refunds for personal property they include the information.
- Councilman Santino says if it's housed in New Haven they can send the tax bill from New Haven so they know the taxes are being paid.
- Attorney Zullo says or a written explanation of how they know it is being housed in New Haven.
- Councilman Spaduzzi asks if they still live in East Haven, Councilman Santino says yes.

Councilman Santino makes a motion to table item #13 until they have the assessor look into it.

Councilman Palladino seconds the motion.

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

Councilman Parente makes a motion to add the following item to tonight's agenda as Item 13a: A Resolution Waiving the Town Charter's Competitive Bidding Requirements in Connection with the Renovation of the Roof of the Reggie Hatch Community Center.

Councilman Santino seconds the motion.

Roll call vote: 10 yes – 1 no (Mansi) –none abstain. Motion carries.

**Item #13A****A Resolution Waiving the Town Charter's Competitive Bidding Requirements in Connection with the Renovation of the Roof of the Reggie Hatch Community Center**

**WHEREAS**, the Town of East Haven is the present owner of real property and improvements thereon located at 1408 North High Street, East Haven, Connecticut and identified by the following map, block, and lot number: "470/5933/001" which is known as the Reggie Hatch Community Center (AKA, the "Foxon Recreation Community Center");

**AND WHEREAS**, despite having been repaired with two (2) separate overlays over the years, the roof continues to leak and is in need of replacement;

**AND WHEREAS**, Chapter 6, Section 4(C) of the East Haven Town Charter provides that certain purchases of goods and services by the Town shall be by competitive bidding;

**AND WHEREAS**, since the Town has exercised due diligence in ascertaining appropriate vendors to replace the roof at the Reggie Hatch Community Center, re-advertising for vendors via the competitive bidding process would be financially wasteful and duplicative of the Town's efforts to-date;

**AND WHEREAS**, the Finance Director recommends that the Council waive the competitive bidding requirement to allow the Town to move forward with whichever bidder the Town deems the most responsible and financially appropriate;

**AND WHEREAS**, the Town Engineer has reviewed the informal bids submitted in response to solicitations from the Town and is requesting a bid waiver in connection with the same;

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

**NOW THEREFORE**, be it **RESOLVED** by the Town Council of the Town of East Haven that any competitive bidding requirements associated with the Town's proposed replacement of the roof of the Reggie Hatch Community Center are hereby waived;

**BE IT FURTHER RESOLVED** that Mayor Joseph Maturo, Jr., or his designee, is authorized to retain and contract with whichever of the four companies who submitted proposals to the Town that is deemed by the Town to be the most responsible and financially appropriate;

**BE IT FURTHER RESOLVED** that this bid waiver shall expire on November 1, 2015.

Councilman Santino makes a motion.

Councilman Ken Mckay seconds the motion.

No public comment.

Council comment:

- Chairman Anania says he personally does not like bid waivers unless it is an emergency.
- Councilman Spaduzzi says Kevin White isn't here, who else did the paperwork on this?
- Councilman Parente says he was involved in it.
- Councilman Spaduzzi asks if he knows how much Xtreme Restoration & Waterproofing, LLC has cost the Town in legal fees.
- Attorney Zullo says he is aware of who Mr. Trnka is and his history with the Town, in particular the Ventura lawsuit that is currently pending. That among many factors is the reason why the bid waiver is worded to allot the most responsible and financially appropriate bidder.
- Councilman Santino asks if all of the people who bid got some kind of a packet to show what they want done.
- Councilman Parente says every one of them got onto the roof physically, took samples and bid apples to apples. They measured the square footage and Kevin White was on the roof with them.
- Councilman Santino says there is a problem because there are two bidders with two different prices but both want the same price per square foot. If they both get \$3.50 per square foot they should be the same price but one is for \$42,000 and one is for \$45,000.
- Councilman Parente says that is for the deck replacement not the roof, that is totally different. The roof is required the deck is not.
- Councilman Palladino asks how these people who went on the roof knew that this was needed, how did we let them know? We didn't put a bid out in the paper; there could be 200 roofing companies that would come in with prices. How did these particular 5 or 6 get contacted? Were they called or did they just drive by and see it needed work.
- Mr. Rizza says his guess is that the Town Engineer knows people who have done this type of work and he then called them in to get estimates/pricing.
- Councilman Parente says these are people who have done work for the Town before, one has done some restoration work for the Town, one worked on the Fire House in Momauguin. There was no criteria given, they called roofers who have done business with the Town before.
- Councilman Palladino says so then they don't know who else is interested because it was not put out to bid. Shouldn't we advertise something like this so

anyone that is qualified and can do the job gets the chance to give the Town their best price? How do we pick and choose, isn't that what the charter says as far as competitive bidding.

- Councilman Parente says they are in discussion with the Rotary Club who is basically the civic organization involved with the entire restoration of this building including furnaces and a lot of other things. There was no specification put out, they called people who they have had experiences with in the past to get a price. The square footage is the square footage, they all bid apples to apples as far as materials being used.
- Councilman Palladino says he doesn't understand why if we have a bidding process we are not using it. There could be hundreds of other people who can do the job.
- Councilman Parente says he believes there is a time frame involved.
- Councilman Palladino says it has been leaking for years its not like it has to be done tomorrow.
- Councilman Parente says it has been leaking but it is getting a lot worse, there are buckets and pails everywhere.
- Councilman Palladino says why not just put it out to bid like we do and then nothing has to be waived, then we know we get the best price by the best contractor and no one can say the Town Council did this or that, we follow the Charter and put it out to bid. He can understand in an emergency but this is not an emergency, it didn't collapse there are no insurance claims. This is an ongoing problem that should go out to bid like everything else does. The Engineer picked 5 people and talked to them, he doesn't agree with that and doesn't think that's what the Charter says.
- Councilman Fred Parlato says he agrees with Councilman Palladino, this bid is not complete. There is no mention of hazardous material and removal. He bets that roof has asbestos in some form; there is no item in here as to who is responsible for the disposal of the material. If it is asbestos related that means an asbestos removal program has to be done. He is concerned about the decking replacement; he would say at least 25-30% of it would have to be replaced because it has been leaking for a long period of time. Mold remediation once that roof is exposed there is nothing in the bid about that. These are things that have to be looked at because they take responsibility for the people doing the work. We present them a package, their employee comes into a situation that is unsafe and we wind up being part of a suit. He asks the Council not approve this, table it and go back to the Town Engineer for a more complete estimate and a system that encompasses all of the concerns they have and it should go out to bid. It's not on fire; he doesn't think it's in the category of a bid waiver which he has supported at times.

- Chairman Anania says it is not an emergency; they have waived bids in the past for emergencies.
- Councilman Santino says he also thinks this should be voted no on and it should go to competitive bidding. They can do their due diligence, go up there and see what else is needed to be done and then come back to the Council.
- Councilman Parente asks Rotary representative Joan Adamczyk who sat in on all the meetings, was there any time frame that they need to be advised of as to why this is being asked to be waived.
- Ms. Adamczyk says they did the preliminary part of the grant process and couldn't go forward unless the roof is done. But the grant is ongoing; it is a rolling type so she was told there is no date.
- Councilman Parente clarifies to the Council members that the East Haven Rotary Club has been in the process of securing grant monies to refurbish the entire building as far as replacement of furnaces, windows, flooring, walls, etc. That is why they were involved in the meetings because it is being done in conjunction with them.
- Ms. Adamczyk says there was a date for when they had to get the first part in which was prior to the grant process. She thought there was a definitive date but they explained that they could continue applying because the grant is always there. This doesn't disqualify the Rotary from getting additional funds. She says it does have to be fixed before they can move forward.
- Councilman Parente says he just wanted to clarify that and although it is not an emergency situation where it is falling down, it does require the Rotary agency to do things sequentially in order for anything else to fall into place.

Roll call vote: 0 in favor- 11 oppose – none abstain. Motion carries.

- Chairman Anania asks Mr. Rizza if this will go out with the regular bidding process now.
- Mr. Rizza says if the specs are developed, these weren't really bids they were price quotes, he could open in about 2 weeks going through the whole process of advertising. They get it in the paper and online then roughly 11 days later they open up the bid.

**Item #14**

Adjournment of Regular Meeting.

Councilman Santino makes a motion.

Councilman Butler III seconds the motion.

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

Meeting is adjourned at 7:51PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council