

**EAST HAVEN TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, DECEMBER 2, 2014**

The East Haven Town Council held a regular meeting Tuesday, December 2, 2014, 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 7:32PM.  
He asks all to stand for the pledge of allegiance.

**Item #1**

Roll Call- 11 present - 4 absent (Gravino, Badamo, Riolino and Mansi).

Councilman Joseph Santino makes a motion to add items 14A and 14B to the agenda.  
Councilman Ken Mckay seconds the motion.

Town Attorney Joseph Zullo asks Councilman Santino to withdraw his motion as he would ask the Council to vote on the two additions separately after they are read.

Councilman Santino withdraws his motion.

**Item #14A**

A Resolution Approving a Supplemental Agreement Amending Certain Provisions of an Agreement between the Town of East Haven and Stantec Consulting Services, Inc. regarding the Shoreline Greenway Trail and authorizing Mayor Joseph Maturo, Jr. to sign the same and all related and necessary documents.

Councilman Santino makes a motion to add this to the agenda.

Councilman Mckay seconds the motion.

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

**Item #14B**

A Resolution Appointing Richard Famiglietti to the Americans with Disabilities Act Commission.

Councilman Mckay makes a motion to add this to the agenda.

Councilman Santino seconds the motion.

Voice vote: 10 in favor-one opposition (Palladino)-no abstentions. Motion carries.

**Item #2**

Approval of minutes from the November 12, 2014 Public Hearing.

Councilman Henry Butler III makes a motion.

Councilman Santino seconds the motion.

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

**Item #3**

Approval of minutes from the November 12, 2014 Regular Meeting.

Councilman Santino makes a motion.

Councilman McKay seconds the motion.

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

**Item #4**

No Correspondence.

**Item #5**

Subcommittee Reports:

- Public Safety-Councilman Nicholas Palladino says it is his understanding that we have new police cars that are still sitting there, not equipped. He asks if Councilman Sand knows what the holdup is. Councilman Sand says he could look into it and report back.
  - Police Chief Brent Larrabee explains that the cars just arrived and they have to build up a bid for the lights, etc. for the cars. They have not done the actual bid yet, they will do that this week, and it will go to purchasing.
  - Councilman Palladino says isn't there already a state bid for the equipment. Before the Chief was here he says that is what they did and the cars were outfitted within two weeks. This seems like they are stretching it out.
  - Chief Larrabee says since he has been here that is not how it has been done. In his previous experience they would buy the cars and they would be turn-key when they came in. The state bid is not for these cars. They went from scepters to sedans so now they have to re-bid all of the stuff that comes with it- lights, sirens, etc. This will be done in a week-10 days.

- Councilman Palladino says he is going back the many years he was there, cars came in with nothing on them and within a week they were outfitted and on the road, usually using the state bid.
- Chief Larrabee says it is still a state bid and they still have to go through the purchase order procedure. The last three years this is the way they have done it.
- Board of Education-Vice Chairman Robert Parente states that the students were disappointed that the bonfire was cancelled due to weather conditions but on a happier side, East Haven won 30-0 to Branford.
- Parks/Rec- no report.
- Urban Renewal-no report.
- Finance-the meeting was cancelled this month.

#### **Item #6**

To consider and act upon "An Ordinance Amending Sections 11-46, 11-47, and 11-48 of the East Haven Code regarding Winter Limited Parking."

Councilman Mckay makes a motion.

Councilman Palladino seconds the motion.

No public comment.

No Council comment.

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

#### **Item #7**

To consider and act upon "An Ordinance Amending Chapter 16 of the East Haven Code regarding Peddlars, Solicitors, and Itinerant Vendors."

Councilman Palladino makes a motion.

Councilman Santino seconds the motion.

No public comment.

Council comment:

- Attorney Zullo recognizes Marsha Maldonado, Chief Larrabee's confidential secretary. She is the reason the Council got such a polished application in the packet and the reason why the PD is going to be using it. He says he was thoroughly impressed by her work on it. He wanted the Council to be aware that she did a tremendous amount of work and felt she should be recognized for it.

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

**Item #8**

To consider and act upon "An Ordinance Establishing Nonresident Owner-Landlord Registration Provisions."

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 #9**

To consider and act upon a Resolution setting the Regular Meeting Schedule of the Town Council from January 2015 to December 2015.

**A Resolution setting the Regular Meeting Schedule of the Town Council from  
January 2015 to December 2015**

**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, to be held at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut, from January, 2015 through December, 2015:

**January 6, 2015  
February 3, 2015  
March 3, 2015  
April 7, 2015  
May 5, 2015  
June 2, 2015  
July 7, 2015  
August 4, 2015  
September 1, 2015  
October 6, 2015  
November 10, 2015  
December 1, 2015**

Councilman Santino makes a motion.

Councilman Palladino 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 a Resolution setting the Regular Meeting Schedule of the Administrative Services Committee to the Town Council from January 2015 to December 2015.

### **A Resolution setting the Regular Meeting Schedule of the Administrative Services Committee to the Town Council from January 2015 to December 2015**

**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, to be held at 6:00PM at the Mayor's Office, East Haven Town Hall, 250 Main Street, East Haven, Connecticut, from January, 2015 through December, 2015:

**January 26, 2015**  
**February 23, 2015**  
**March 30, 2015**  
**April 27, 2015**  
**May 18, 2015**  
**June 29, 2015**  
**July 27, 2015**  
**August 31, 2015**  
**September 28, 2015**  
**October 26, 2015**  
**November 30, 2015**  
**December 28, 2015**

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 #11**

To consider and act upon a Resolution setting a public hearing date and time to discuss "An Ordinance Re-Naming the East Haven Industrial as the 'Arthur L. DeSorbo Industrial Park.;" The Public Hearing shall take place on January 6, 2015, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

Councilman Mckay 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.

**Item #12**

To consider and act upon a Resolution authorizing Mayor Joseph Maturo Jr., or his designee, to sign a Master Municipal Agreement for Rights of Way Projects and all necessary and related future documents.

Councilman Santino makes a motion.

Councilman Paul Thompson Jr. seconds the motion.

Attorney Zullo explains that by way of follow up, the Council had a letter from him in their packet along with the master agreement. For those who may not have seen it or for the public, the bottom line is when the Town undertakes projects that are involved with the DOT there are three phases- design, right of way and construction. A couple months ago the Council approved and authorized the Mayor to sign a master agreement with regard to the construction phase, now this is a master agreement with regards to the right if way phase. It is just an agreement that the state now issues so that they don't have to issue a giant packet for every construction project for every municipality every time there is a project. Now all we get is a project authorization letter, which we just got one for the bridge on Rt.1 by the new coffee house and it was two pages. This two-page letter now spells out the logistics of the phase that it pertains to. This all goes back to the master agreement that was approved and gets re-approved every 10 years. Most of the document is word for word from the construction phase agreement.

Council comment:

- Councilman Palladino says so this agreement has to do with state projects within our Town.
- Attorney Zullo says state or municipal or combined projects, but correct it is within the Town.
- Councilman Palladino says when he says project, what type of project does this include. Is it for road construction, bridges or could it be us putting up a new building or school? What does this entail?
- Attorney Zullo says anything that affects transportation. It wouldn't really pertain to buildings. A perfect example would be the potential project where the Town may be putting sidewalks down North High Street. There would be the design phase where we hire an engineer who would look at it and come back with drawings. You then have the rights of way phase; we would probably have to obtain property from homeowners along North High St either by consent or by eminent domain; that would be the phase that this agreement pertains to. Then there would obviously be a construction phase. It's more projects such as bridges, roads, etc. not so much buildings.
- Councilman Palladino says so this is strictly transportation to which Attorney Zullo says that is correct.

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

### Item #13

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

**Chase Auto Finance**

P.O. 901076

Ft. Worth, TX 76101-2076

Acct./List: 2013-03-53816 E/S 24798

Reason: Vehicle Sold 10/13

**TOTAL: \$896.39**

Councilman Santino makes a motion.

Councilman Spaduzzi seconds the motion.

No public comment.

Council comment:

- Councilman McKay asks how we know these plates have been returned, there is no motor vehicle slip saying they have been returned. How do we know it wasn't just moved to another town?
- Attorney Zullo says it doesn't necessarily mean the plates have been returned it could just mean that the vehicle moved out of Town.
- Councilman McKay says there is a letter from Chase saying the car was sold.
- Attorney Zullo says yes the letter from Chase says the vehicle was sold and the plates have been returned. Aside from a plate receipt, he presumes the tax collector certifies that. She does certify the accuracy of these to the Council.
- Councilman McKay says at his job when someone returns their lease he tells them to take their receipt to Town Hall.
- Attorney Zullo says if they would like, on a moving forward basis, he could tell the tax collector they would like to see some sort of disposition with regards to the place be it a receipt or some kind of proof other than a letter.
- Councilman Butler III says he remembers this coming up before and for a while she was including a letter and more information about the vehicle.
- Councilman Santino says if it was owned as of October, you are supposed to pay the taxes. Why are we giving rebates after October 1<sup>st</sup>?
- Attorney Zullo says it is only a partial rebate; they are paying the one-month pro-rated. The entire bill was \$977.54 so one month pro-rated was \$81.15, which they paid and got refunded the 11 months that they didn't own the vehicle. They only owned it for one month of the grand list year.
- Councilman Butler III asks if any other Town has something we can look into to see if they have a fee for this for when people overpay or seek reimbursement.
- Attorney Zullo says he can check on it, he hasn't heard of anything like this but it doesn't mean it doesn't exist.
- Councilman Butler III says a lot of time we are including this in our money and sitting on the \$800 thinking we have it and then 13 months later we have to repay it.
- Attorney Zullo says there are administrative fees for having to do this so if the Council would like, he will look into whether or not other towns have fees.

Roll call vote: 10 in favor-none oppose-1 abstention (Palladino-not present for vote). Motion carries.

## Item #14

To consider and act upon a Resolution setting a Public Hearing date and time to discuss "An Ordinance Approving the Sale of 620 Coe Avenue and Authorizing Mayor Joseph Maturo, Jr. to execute a Land Disposition Agreement, and all other necessary and related documents, with respect to the same." The Public Hearing shall take place on January 6, 2015, at 7:00PM, at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut.



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

No public comment.  
No Council comment.

- Attorney Zullo says just so the Council is aware, it is just not moving forward as quickly as they had anticipated, but it is still moving. There was nothing to bring back to the Council yet, so rather than have the public hearing with nothing to discuss it's easier to not have it and re-schedule it for January and hopefully by then they will be ready to come back to the Council.
- Councilman Santino says he hopes they don't receive the documents a day or so before the public hearing. Attorney Zullo says they will get them in advance.

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

#### **Item #14A**

**A Resolution Approving a Supplemental Agreement Amending Certain Provisions of an Agreement between the Town of East Haven and Stantec Consulting Services, Inc. regarding the Shoreline Greenway Trail and authorizing Mayor Joseph Maturo, Jr. to sign the same and all related and necessary documents.**

**WHEREAS**, the Town has previously entered into a consulting agreement with Stantec Consulting Services, Inc. with respect to work to be performed regarding the Shoreline Greenway Trail;

**AND WHEREAS**, the scope of the necessary work has changed, resulting in the need for a supplemental agreement to be executed between the Town and Stantec Consulting Services, Inc;

**AND WHEREAS**, it is in the best interests of the Town to execute said supplemental agreement so that work on the expansion and extension of the Shoreline Greenway Trail can continue;

**NOW, THEREFORE BE IT RESOLVED** that the Town Council hereby approves the Supplemental Agreement Amending Certain Provisions of an Agreement between the Town of East Haven and Stantec Consulting Services, Inc. regarding the Shoreline Greenway Trail;

**BE IT FURTHER RESOLVED** that Mayor Joseph Maturo, Jr. is authorized to execute said supplemental agreement and all related and necessary documents.

Councilman McKay makes a motion.

Councilman Palladino seconds the motion.

No public comment.

Council comment:

- Chairman Anania states that Barbara Brow who chairs the committee apologizes, as she could not be there tonight. Any questions can be directed to Attorney Zullo or Sal Brancati.
- Sal Brancati, Director of Administration & Management states that the supplemental agreement for Stantec is due to the fact that during the construction and engineering work being done on the trail they found some bones along the trail. They are not new; they are very old and require additional investigation, which costs \$20,000. The state has approved the funds and will pay approximately \$16,000 and \$4,000 will come from the Greenway Trail. There is no cost to the Town whatsoever.
- Councilman Sand asks what part of the trail this was found on.
- Kevin White, Town Engineer- states they were found between Meadow Street and D.C.Moore School. He says it could be artifacts from Indians or pottery; they haven't yet identified what it is. It is necessary to now do what they call a phase II study.

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

#### **Item #14B**

#### **A Resolution Appointing Richard Famiglietti to the Americans with Disabilities Act Commission.**

**WHEREAS**, a vacancy exists on the Americans with Disabilities Act Commission;

**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 Richard Famiglietti to the Americans with Disabilities Act Commission to fill said term.

Councilman Santino makes a motion.

Councilman Mckay seconds the motion.

No public comment.

Council comment:

- Councilman Palladino asks whom he is replacing.
- Mr. Brancati says there is a vacancy.
- Councilman Butler III says they took of Hoff is that who he is replacing.
- Chairman Anania says each month they are not able to meet because there is no quorum.
- Councilman Santino asks if we ever came up with a date to put on this rather than the terms being indefinite.
- Attorney Zullo says he did research the ordinance by which the ADA was created and it is in the pipeline. It will be coming before the Council soon. The Mayor is on board with that as well, he is not in favor of an indefinite term.
- Councilman Palladino says the Mayor told him Attorney Zullo gave him a legal opinion that indefinite meant until they are bumped off or the Mayor's office doesn't want them to serve any longer. He asks if he gave a legal opinion, if so what was it and what was it based on.
- Attorney Zullo says he does not give oral legal opinions, and he has not issued a written legal opinion on the matter. The matter has been discussed and as far as an opinion right now he does not want to give an oral one and shoot himself in the foot but on the same token, indefinite can mean a variety of things it doesn't necessarily mean forever. It could be a period of time. If we are going to do away with indefinite terms except for when they are indicated in the charter, it is not going to matter in another month. We probably will have the ADA issue before the Council in January. He'd be happy to give a written legal opinion as to what indefinite pertains to.
- Councilman Palladino says that would be nice to have a backup of case law so that we can say where it came from. He gets nervous when he gets a legal opinion from him or any other attorney with no backup.
- Attorney Zullo says he has not issued a legal opinion, so there was no time he gave one without backup. He would be happy to give them one with backup. He suggests that he research it a little and they can discuss it when they bring up getting rid of the indefinite terms.
- Councilman Butler III says so if we vote on Famiglietti tonight, can it still be changed if it becomes not indefinite.
- Attorney Zullo says yes, the change would create staggered terms for the present members and moving forward it would work like every other board.

- Councilman Parlato says Mr. Famiglietti is disabled and has overcome his disabilities. He is an excellent choice for the committee as he has personal experience. He feels he would be a great addition and he would do a great job.

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

Vice Chairman Parente makes a motion to add to the agenda a discussion with Finance Director Paul Rizza about iPads for the Council.

Councilman Spaduzzi seconds the motion.

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

Mr. Rizza states that he is getting verification of cost from Mr. Osborne along with someone independently researching it to be sure that the price is good. He has located some funds within the Town's budget and they will hopefully be proceeding on the iPads for the Council itself.

### **Item #15**

Adjournment of Regular Meeting.

Councilman Santino makes a motion.

Councilman Spaduzzi seconds the motion.

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

Meeting is adjourned at 8:08PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council