

**EAST HAVEN TOWN COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, MARCH 23, 2015**

The East Haven Town Council held a special meeting Monday, March 23, 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 7:11PM.  
He asks all to stand for the pledge of allegiance.

**Item #1**

Roll Call -12 present – 3 absent (Thompson Jr., Badamo and Riolino).  
Councilman Mansi arrives at 7:16PM.  
A quorum is present.

**Item #2**

Approval of minutes from the March 3, 2015 Public Hearing.

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

**Item #3**

Approval of minutes from the March 3, 2015 Regular Meeting.

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

**Item #4**

To consider and act upon a "Resolution allowing the Town of East Haven to apply for a 2015 Small Cities Grant and Authorizing Mayor Joseph Maturo, Jr. to act as the municipality's Authorized Representative.

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 #5**

To consider and act upon approval of a Fair Housing Resolution for the Town of East Haven.

Councilman Sand makes a motion.

Councilman Spaduzzi seconds the motion.

No public comment.

Council comment:

- Councilman Sand asks if a record is kept of these complaints, who is it that the Mayor designates to handle this.
- Town Attorney Joseph Zullo says they would go through Sal Brancati if there were any.
- Councilman Sand asks if he logs them.
- Attorney Zullo says between L.Wagner and Sal Brancati's office, if there were any, they would be documented.
- Councilman Sand asks if these are accessible to the public. Attorney Zullo says yes, if there are any they would be public record.
- Councilman Sand says if they wanted to know how many there were, we would be privy to that information to which Attorney Zullo says absolutely.

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

Councilman Joseph Santino makes a motion to waive the reading of items 6-9.

Councilman Nicholas Palladino seconds the motion.

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

### **Item #6**

To consider and act upon a Resolution adopting and authorizing Mayor Joseph Maturo, Jr., to sign a Fair Housing Policy Statement and Fair Housing Resolution, affirming the Town's fair housing policies.

Councilman Palladino 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 #7**

To consider and act upon a Resolution adopting and authorizing Mayor Joseph Maturo, Jr., to sign a Statement of Compliance with Title VI of the Civil Rights Act of 1964.

Councilman Sand 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 #8**

To consider and act upon a Resolution adopting and authorizing Mayor Joseph Maturo, Jr., to sign an affirmative action policy statement.

Councilman Palladino makes a motion.

Councilman Sand 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 adopting and authorizing Mayor Joseph Maturo, Jr., to sign an ADA Notice and associated documents.

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.

## Item #10

To consider and act upon a Resolution appointing George Hennessey to the Zoning Board of Appeals.

Councilman Mckay makes a motion.

Councilman Spaduzzi seconds the motion.

No public comment.

Council comment:

- Councilman Palladino says he is going to ask the same question he does every time, did we receive a resume? Can we table this until such time that he puts something together with the Town Attorney that can be read when appointing people, or are we just going to keep taking names from wherever they came from and voting on them.
- Chairman Anania says right now we are still going to go with the policy until it is changed.
- Councilman Fred Parlato says that Mr. Hennessey has been asked to submit a resume to the Town Clerk's office before he is sworn in. He is not sure if that has been done as of now but he has been notified of that fact.
- Chairman Anania says he knows he submitted a letter of interest.
- Councilman Parlato says he is a former member of that Board and he is not sure if there is a previous resume on file but he has been asked to produce it.

Roll call vote: 10 in favor- 2 oppose (Palladino and Mansi) - none abstain. Motion carries.

## Item #11

A Resolution Authorizing Mayor Joseph Maturo, Jr. to execute a Contingent Real Estate Contract for the sale of real property located at 22 Hurley Road, East Haven, Connecticut.

**A Resolution Authorizing Mayor Joseph Maturo, Jr. to execute a Contingent Commercial Real Estate Contract for the sale of real property located at 22 Hurley Road, East Haven, Connecticut.**

**WHEREAS**, the Town of East Haven is desirous of selling the real property located at 22 Hurley Road in East Haven, Connecticut, better known by the following Map, Block, and Lot Number: "130/1315/015."

**AND WHEREAS**, the Town's Planning and Zoning Commission, at its regular meeting on March 4, 2015, issued a favorable 8-24 referral approving such a sale;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of East Haven that Mayor Joseph Maturo, Jr. is authorized to commence negotiations and execute a written real estate contract in furtherance of selling said property;

**BE IT FURTHER RESOLVED** that the sale of said property, and any real estate contract memorializing the same, shall be contingent upon the passage, by the Town Council, of an ordinance authorizing the Mayor to execute a "Land Disposition Agreement" or any other like agreement or deed with the eventual and proposed buyer of said property.

This resolution shall be effective in accordance with the provisions of the East Haven Town Charter.

Councilman Santino makes a motion.

Councilman Sand seconds the motion.

No public comment.

Council comment:

- Councilman Sand says he has several questions about this piece of property. One of the first things that stood out was the minutes from the Planning and Zoning Commission. It was agenda item #4 on the agenda that night; to discuss abandoning this, he would think there would be more discussion from the members to analyze this before it came before the Council. The first question he has, Hurley Road, is it a paper road that still exists. If it is, the property still has access which is his first question. Also, there is more land undeveloped that is attached so he wanted to know if the other abutters have been contacted. His early discussion with Attorney Zullo tonight indicated that they were contacted, but again it is not reflected in the minutes of Planning/Zoning. The concern he has is that the 8-24 referral has more data than in the past, but it is still not helping clear up the questions he has about the whole process. The property is landlocked and it is small. According to the information, it is unbuildable because of its lot size in an R-2 zone. As far as the value of the property, it was assessed at \$26,000; \$17,000 was at 70% value. Because it is landlocked, we are going to change the designation that it is not a buildable lot, so the Assessor is changing the status which drops its value. The \$40,000 in back taxes was based upon it being a building lot, now we are changing it, the \$40,000 owed to the Town, was it really owed if we are changing the destination. The now value of it, what it took us to legally acquire it, was just short of \$9,000 and the current abutting landlord wants to purchase it for that price. We previously valued it at \$26,000 and we re-classified it and are going to give it a rock bottom price. Granted, looking at it on the map, it does make sense and when this person acquires it, they also currently own the long rectangular property with the dotted line, so they are going to have quite a large parcel here with deed restrictions. It is hard to assess the

value now and what will his property be re-valued at, is it only valued at \$1,000 or \$2,000 and he has a nice chunk of property. He struggled with justifying the sale being made.

- Councilman Santino says it is not land locked, let's not forget that. There is a road there and if the Town abandons it, then it would become land locked. But right now, it is not. There is a paper road there with access in and out of there.
- Councilman Sand says if the owner of the property was to try to do something to it, do they have the right to formally make Hurley Road a road and what does it take to do that.
- Councilman Santino says they have to make it accessible, you can't land lock someone.
- Attorney Zullo says these aren't houses. You can't land lock a house but if it is just land, you can abandon a road. You are not land locking a building or residence.
- Councilman Santino says they would still get access; you wouldn't be land locking them because they are going to get half of that road with a driveway.
- Councilman Sand says that is another issue for another time, it is not on the table to abandon Hurley Road.
- Councilman Palladino says his concern with it is, if we sell this property to this person with restrictions, what stops them from later on going to the Zoning Board of Appeals or whomever and getting a change. Then they stick a house in there where there is no room for it. He has seen it done on Sorrento Ave where he lives, the lot was so small so they put the house in sideways and got away with it. Maybe this is something we should really look into and research before we sell it for the \$9,000 or so. Maybe Zoning can do more research and then bring it back.
- Attorney Zullo says he can tell them that the deed restriction that would be placed on the deed can't be undone by Planning and Zoning or the Town Council. Once you convey a deed with the deed restriction, it runs with the land. A lot of deeds have restrictions such as the lot must be a single residential dwelling, no less than 300sq ft. etc. The other thing to remember is that even if we didn't abandon Hurley Road and we just conveyed this parcel, several things would have to happen to build a house on it. First, you would have to put a 30 ft. paved road in up to the Town's building code in the Code of Ordinances, which is never going to happen. You can't put a 30ft road there, it's not wide enough. Second, to put a house there would require a variance for almost the entire lot; you would need side and front lot variances. By the time it was all done the footprint of the house would be about 15x15ft. Third, once the strip of land is abandoned it is no longer on a road; it is not on a public road. You can't build a house on a lot that does not have frontage on a public road. All of those things combined with the deed restrictions ensure that nothing will be built on this except for an accessory structure like a garage.
- Councilman Palladino says that is interesting, however on Dodge Ave there are houses built in the back of houses where there were no roads and still are no roads. He is hard pressed to understand how it can't happen when it has here before and in other Towns.

- Attorney Zullo says it can't happen with the deed restrictions. The resolution and the Ordinance say it can't be buildable.
- Councilman Parlato says a few years back we did a similar action coming down Coe Avenue and taking a left on Silver Sands Rd, the brick house on the corner owned by the Vitale's. There was a paper road there that extended further down. The adjoining property owner didn't want it so Mr. Vitale took deed to it. The restrictions on the deed were that he could not build a structure on it. Hurley Rd sits on solid ledge, there is no one that can go in there economically to that property and put a house there; drainage, etc. would be cost prohibited. That piece of property is a dead piece of property. We have a lot of properties like that, and as planning and zoning looked at it, it is pretty much a dead piece of property. He thinks we are fortunate that the adjoining property owner wants it because if you look at it, we are recouping almost \$8,000 in legal fees just to get it back which is a bonus for us. Looking through the maps, we have hundreds of locations like that. This would be put back on the tax rolls. If it was a lot that he thought had value to it, he would question it too. There is a paved driveway and a garage on the right hand side almost on the crest of the hill, but looking at the back there is no way to gain access to it. He doesn't think it will be detrimental to the neighbors and there is nobody here to contest it. Planning and Zoning did the right thing in his opinion and for the Council to pass it he feels is the right thing to do also.
- Councilman Santino says as long as letters went out to the adjoining property owners he doesn't have a problem with it.
- Attorney Zullo adds that this is one lot of over 80 that Mike Milici has identified for sale by the Town. It is part of a program he has been trying to start for a number of years, dating back to when he first got here. They are very time consuming to do but he made a promise to Mike that we would identify the ones that have the most feasibility to sell and bring money back to the Town, and do those first. What they are actually doing is distorting our grand list. This one for example was probably over assessed for a number of years, nobody appealed it and that's why it was foreclosed on. When you take 80 of them that are over assessed times \$20,000, you can see how they start to distort the grand list. By getting rid of them, they go back on the tax rolls and you get a real number for the grand list.

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

## **Item #12**

A Resolution Waiving the Town Charter's Competitive Bidding Requirements in Connection with the Sale of Town Property located at 22 Hurley Road, East Haven, Connecticut.

**A Resolution Waiving the Town Charter's Competitive Bidding Requirements in Connection with the Sale of Town Property located at 22 Hurley Road, East Haven, Connecticut.**

**WHEREAS**, the Town of East Haven is the present owner of real property located at 22 Hurley Road, East Haven, Connecticut and identified by the following map, block, and lot number: "130/1315/015."

**AND WHEREAS**, since the property is landlocked, located only on a paper road, and cannot be utilized for Town or municipal purposes, it would be in the Town's best interests to sell the property so as to put it back on the grand list;

**AND WHEREAS**, Chapter 6, Section 4(C) of the East Haven Town Charter provides that all sales of real property by the Town shall be by competitive bidding;

**AND WHEREAS**, since the property is landlocked, only two abutting neighbors could potentially be interested in purchasing the property;

**AND WHEREAS**, due to the extremely small pool of potential bidders, selling the property via the competitive bidding process would be financially wasteful;

**AND WHEREAS**, the Finance Director recommends that the Council waive the competitive bidding requirement to allow the Town to effectuate said conveyance;

**AND WHEREAS**, the assessor has reviewed the land to be conveyed and is of the opinion that the potential selling price for the property is fair, given the nature of the land;

**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 conveyance of certain real property located at 22 Hurley Road, East Haven, Connecticut are hereby waived;

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

Councilman Santino makes a motion to remove the word landlocked from the Resolution in order to protect the Town in the future.

Councilman Sand seconds the motion.

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

Councilman Santino makes a motion to approve as amended.

Councilman Spaduzzi seconds the motion.

No public comment.

Council comment:



- Councilman Sand says we acknowledge two abutting neighbors; one is the potential buyer, who is the second.
- Attorney Zullo says it is Vitale.
- Councilman Sand asks if we have a document saying he was notified and given opportunity.
- Councilman Parlato says yes he had the opportunity, he gave Mr. Vitale his copy and he has no problem with it. He was planning to be there today but had a death in the family. His property goes further back that it appears, he has a copy of it and says there is no problem.

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

### **Item #13**

Adjournment of Regular Meeting.

Councilman Mckay makes a motion

Councilman Santino seconds the motion.

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

Meeting is adjourned at 7:43PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council