

**EAST HAVEN TOWN COUNCIL
SPECIAL MEETING MINUTES
TUESDAY, JULY 8, 2014**

The East Haven Town Council held a special meeting Tuesday, July 8, 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 7:31PM.
He asks all to stand for the pledge of allegiance.

Item #1

Roll Call-all 15 members present.

Item #2

Approval of minutes from the June 3, 2014 Public Hearing.

Councilman Joseph Santino makes a motion.
Councilman Joseph Badamo seconds the motion.
Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #3

Approval of minutes from the June 3, 2014 Regular Meeting.

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

Item #4

REMOVED

To consider and act upon "AN ORDINANCE MAKING AN APPROPRIATION OF \$1,225,000 FOR THE CONSTRUCTION AND EQUIPPING OF A PUBLIC SAFETY COMMUNICATIONS CENTER AND AUTHORIZING THE ISSUANCE OF \$1,225,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE."

Item #5

To consider and act upon “An Ordinance Abandoning the Town’s Interest in a Portion of Oak Grove Street (AKA Oakgrove Street, AKA Oak Grove Road) and the Portion of Whitman Avenue north of the Northern Boundary of Coolidge Street.”

**AUTHORIZING ORDINANCE OF THE
East Haven Town Council**

**An Ordinance Abandoning the Town’s Interest in a Portion of Oak Grove Street
(AKA Oakgrove Street, AKA Oak Grove Road) and the Portion of Whitman Avenue
north of the Northern Boundary of Coolidge Street**

WHEREAS, the owner of 19 Coolidge Street has requested that the Town of East Haven abandon its interest in the following:

1. The portion of Oak Grove Street (AKA Oakgrove Street, AKA Oak Grove Road) from the point of its intersection with Whitman Avenue up to the point marked by the easterly boundary line of property known as 15 Oak Grove Street (AKA Oakgrove Street, AKA Oak Grove Road), identified as MBLU “070 0720 002” as depicted on Assessor’s Map #070 and further depicted on a “Survey of Mansfield Park – Section C” dated September 15, 1924 and on file in the East Haven Town Clerk’s Office; and
2. The portion of Whitman Avenue beginning at the northerly boundary line of Coolidge Street (additionally designated by the southern boundary line of property with MBLU “070 0620 002”) to its intersection with Oak Grove Street (AKA Oakgrove Street, AKA Oak Grove Road) as depicted on Assessor’s Map #070 and further depicted on a “Survey of Mansfield Park – Section C” dated September 15, 1924 and on file in the East Haven Town Clerk’s Office;

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

NOW, THEREFORE BE IT ORDAINED that the portion of Oak Grove Street (AKA Oakgrove Street, AKA Oak Grove Road) from the point of its intersection with Whitman Avenue up to the point marked by the easterly boundary line of property known as 15 Oak Grove Street (AKA Oakgrove Street, AKA Oak Grove Road), identified as MBLU “070 0720 002” as depicted on the above-referenced maps is hereby abandoned as a public roadway;

BE IT FURTHER ORDAINED, that the portion of Whitman Avenue beginning at the northerly boundary line of Coolidge Street (additionally designated by the southern boundary line of property with MBLU “070 0620 002”) to its intersection with Oak Grove Street (AKA Oakgrove Street, AKA Oak Grove Road) as depicted on the above-referenced maps 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 other utility easements as may exist in or over said property;

BE IT FURTHER ORDAINED that said ordinance shall not affect any private rights or interests which may exist in the property abandoned pursuant to this ordinance.

This ordinance shall become 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: _____

Councilman Santino makes a motion.

Councilman Nicholas Palladino seconds the motion.

Public comment:

- Niki Whitehead-9 Hilton Avenue, East Haven, CT- Ms. Whitehead states that she wasn't aware of the Town's philosophy that when we are abandoning a paper street that the ownerships belongs to the adjoining property owners. Her philosophy is that it belongs with the original developer of the property. She believes this land belongs to the Owens family still. In regards to the abandoned portion in exhibit D, the two property owners mentioned thus far certainly have right on Oak Grove St but on Whitman Avenue the abutting neighbor on the West side belongs to the East Haven land trust. Mr. Hakner certainly has frontage on the eastern side but the property owner on the other side has none and the land trust does and the land trust would like their opportunity to present.
- Attorney Joseph Zullo states that the land trust won't need to present anything. He states that she is correct and the Assessor Mike Milici has already mapped out the end result assuming that the Council does pass this tonight and the land trust will get the 25ft of Western frontage from the abandonment.
- Ms. Whitehead said that is good but if she is correct that this is still under Owens ownership which is the original property owner, perhaps the Town has more latitude here. The concern of the property owner is utilities and meeting regulations. The Town has a significant interest in the right to reserve, which is the portion to the West and one piece of it abuts Whitman Avenue. She provides the Council an exhibit to show a larger view showing the right to reserve, which is one piece of the conservation effort, which has regional, state and Town relevance. The point she is making is that Whitman Avenue as a paper street was never in contest until now and since this Public Hearing was moved from another date they are not prepared at all, she just got the packet today. There are a lot of concerns even if it is a property conveyance, this can't be reversed and mistakes have been made in the past. The bottom left hand portion of this shows the Bradford preserve which is something of about 35 acres, the Town and the land trust have made investments in it and it has that extra significance. She asks what the next step is in terms of validating whether or not there is no

ownership interest here besides the notion of it as a paper street and in regards to ownership with the Owens family.

- Attorney Zullo states that the issue has been thoroughly researched and quite frankly it is buyer beware at this point. The Town will abandon any interest it does have and if the owner wishes to build on it and utilize it, it would be at the risk of the homeowner. If we have nothing to abandon then there are no worries at all. If Ms. Whitehead is correct and the interest rests with Owens then quite frankly we are abandoning nothing. But if we are abandoning what he believes or rather knows we are, we are abandoning our right of ways.

Council comment:

- Councilman Robert Sand asks if we are talking about the portion where Coolidge cuts across Oak Grove and Whitman.
- Attorney Zullo says it would be the northern portion of Coolidge, where Coolidge intersects with Whitman. Coolidge would continue to front on the land of the East Haven land trust.
- Councilman Sand says so Coolidge ends where Whiteman picks up, so all of Whitman and Oak Grove is what they are talking about.
- Attorney Zullo says that is correct, it stops right at the boundary line of where lot #2 is on the map. That is the part we are still maintaining, so that lot there still has frontage on Oak Grove.
- Councilman Ken McKay asks if this is land trust property that we are abandoning.
- Attorney Zullo says no, we are abandoning a right of way over a paper street, which then belongs to the abutting landowners. Part of it will become property of the land trust if it is voted on. No portion of Whitman or Oak Grove is owned by the land trust or is part of the protected area.

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

Item #6

To consider and act upon a “Resolution Waiving the Town Charter’s Competitive Bidding Requirements in Connection with the Sale of Town Property located on River Street.”

A Resolution Waiving the Town Charter’s Competitive Bidding Requirements in Connection with the Sale of Town Property located on River Street

WHEREAS, the Town of East Haven is the present owner of real property rights in, over, and upon River Street in East Haven, Connecticut;

AND WHEREAS, the Branford Electric Railway Association, Inc. (AKA The East Haven Trolley Museum) wishes to improve its compliance with the Americans with Disabilities Act and enhance access to the organization’s trolleys by constructing a ramp on a portion of River Street;

AND WHEREAS, the Town wishes to facilitate the construction of this ramp;

AND WHEREAS, to facilitate the construction of this ramp, the Town wishes to convey its rights in, over, and upon a portion of River Street in East Haven, Connecticut to the Branford Electric Railway Association, Inc.;

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, because of the nature of the property interest to be conveyed, the fact that the land to be conveyed is not a buildable lot, the suitability of the land for use by only the East Haven Trolley Museum, and the public policy interest in promoting access to the Trolley Museum for those with disabilities, the Town believes that it is in both parties' best interests to convey the appropriate real property interests to the Branford Electric Railway Association, Inc. outside of the competitive bidding process;

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 land is of minimal value and that no appraisal is necessary in connection with said transfer;

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 conveyance of certain real property rights in, over, and upon River Street to the Branford Electric Railway Association, Inc. are hereby waived.

BE IT FURTHER RESOLVED that this bid waiver shall expire on December 31, 2014.

Councilman Santino makes a motion.

Councilman Butler III seconds the motion.

- Attorney Alfred Zullo states that he wants to be sure that the motion includes the conditions put on by the Town and Planning/Zoning commission. He also wants to disclose that prior to the Trolley Museum coming to Town, Michael Albis represented them but since that time he has done some unrelated work for them. Acting in his capacity as a Town Attorney he wants to ensure that the conditions are part of the motion. He explains that if they did this as an abandonment, they wouldn't be able to put the conditions on but by doing it as a conveyance they can reserve the right to retain a license. He wants the motion to be conditioned upon the Town reserving the right to have pedestrian access over the land being conveyed to the Farm River. In addition, since they are going to build the handicap access ramp on the North side of the track, the right of way should be on the South side of the track so there are no problems in the future.

Council comment:

- Councilman Riolino asks if right now the Council is doing the competitive bid-waiver motion.
- Attorney Joseph Zullo says that is correct but it is easier to amend the resolution than the Ordinance, it is just cleaner that way. The Council can condition the bid-waiver on the Town reserving the right of way that the Council is recommending, if they don't reserve the right of way the bid-waiver is no good therefore the conveyance is no good. This is just as safe of a protection as amending the Ordinance it is just cleaner and he prefers we not amend an Ordinance following a public hearing, he is far more comfortable with the resolution being amended. With that said it would be appropriate for the Chairman to solicit a motion that the resolution be amended to reflect that "The Town shall reserve the right to pedestrian access over the land being conveyed on the South side of the track for access to the Farm River"

Vice Chairman Robert Parente makes a motion.

Councilman McKay seconds the motion.

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

- Attorney Zullo states that for the record the resolution contains that "The Town shall reserve the right to pedestrian access over the land being conveyed on the South side of the track for access to the Farm River"

Public comment:

- Ms. Whitehead asks if this is for the resolution waiving competitive bidding requirement as amended. Attorney Joseph Zullo says that is correct.
- Ms. Whitehead asks if it can be made clear that the right to reserve pedestrian access along the South side of the track will contain the entire 80 ft. of river access.
- Jeff Hakner -330 Short Beach Road, East Haven, CT- Mr. Hakner states that he is the President of the Shoreline Trolley Museum/Branford Electric. He adds that he is there on behalf of Wayne Sanford. To answer Ms. Whitehead's question, presently the pedestrians do not use the northerly side of the property under consideration for access. The railroad bridge falls out of the area being considered, it is actually in the Town of Branford. There is a pedestrian side of the bridge, which is on the South side of the railroad tracks, which is where people will walk or fish. Attorney Al Zullo has indicated the condition that will be attached to this which gives the right to pedestrian access.
- Attorney Alfred Zullo says his understanding of the demography of the area is that other than that area there is no access, on the North side it is impossible to access the river, it goes straight down. The South side is what people enjoy now and the Trolley has been very considerate of that.
- Mr. Hakner states that the footbridge is in fact private property, it is owned by the Trolley Museum and it was conveyed to them in 1947. They have permitted the casual/recreational use for people to walk or fish. However this is about legalizing what they have been doing for the past 60 years with a trolley track in a public street. A portion of the lawn is technically in a public street and where they

want to construct a potential permanent ramp for people with disabilities would be on the North side of the track. This initially came up because Wayne went to the building/zoning Department for a permit and they said there was a problem, as they would be building in the street. It turned out it couldn't be documented who owned the street so it was suggested that the whole thing be formalized and resolved permanently.

- Attorney Alfred Zullo states to his understanding the best access to the river is through the parking lot and the Trolley Museum owns that. Most people just trespass and go through the parking lot, park there and use what they want and the Trolley Museum has not had a policy to prohibit that and won't now.
- Attorney Joseph Zullo asks if it would be reflective of the Council's opinion that Counsel accomplishing this transaction should try to reserve the maximum property interest that the Town can reserve. He doesn't think it requires a motion, the Council is welcome to formally amend it but it shouldn't be a problem.

Council comment:

- Councilman Sand asks Ms. Whitehead to clarify her comment regarding the 80/87 feet, what exactly is the concern or what is being asked?
- Ms. Whitehead says that she thinks people are unaware of what is their right on both sides both the public and the Trolley Museum. She believes that the 87ft of frontage on the Farm River has public access value; even if it is rugged it does not prevent visual access. She doesn't think the Town should give up any pedestrian rights unless they conflict with the ADA ramp, which she fully understands the need for. You can't get back what you give up tonight. She believes we should maintain the full 87ft. of access whether it is visual access or whatever else, all of that should be retained.
- Mr. Sand asks about the 87 ft. By virtue of water touching the bank when Ms. Whitehead says she wants to keep 87ft for public access, he asks what she means by that; he needs a better picture of that.
- Ms. Whitehead says that there are a couple of things that are causing her to rethink based on clarifications made earlier. Her suggestion is for pedestrian access laterally along the North side.
- Councilman Sand asks if she is asking for both the North and South tracks.
- Ms. Whitehead says yes, along the river. This may present other issues, but we are abandoning rights. She understands we have no rights of the bridge but we do have frontage on the River.
- Attorney Alfred Zullo says the practical matter is we are never going to build a structure there, it has no value to us what so ever. In fact, it is a liability. If someone walks along that land and falls in it is now our responsibility.
- Mr. Hakner adds that this is not where people access the river for kayaking or anything else because it is practically impossible, it is rocky and there are safety

railings along both sides because people in the past have failed to realize that River Street ends in the river and have attempted to drive on it into Branford. So there are safety railings, which would prevent someone from walking over the side and getting out to the river anyway. The real interest is that people can continue to walk through this area and fish and do whatever else.

- Attorney Alfred Zullo adds that they can even just walk if they wanted to, this won't ever change. This just limits the Town's liability.
- Ms. Whitehead suggests that maybe in the future the Town memorialize the rights on the bridge, because we are giving away something that is our right and we are not capturing something in return. This relies on good faith to allow us to access to the bridge and everything else is on their terms. She disagrees and feels we are giving up a lot and does not see the equivalent in return.
- Councilman Santino says that by us opening up that left hand side and allowing people access, we are removing liability from us because it does just drop down. He hopes we don't put a right of way through there on the left hand side because it is dangerous. He thinks a right of way should be given, but where it is supposed to be.

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

Item #7

To consider and act upon "An Ordinance Authorizing the Conveyance of a Portion of River Street to the East Haven Trolley Museum."

AUTHORIZING ORDINANCE OF THE East Haven Town Council

An Ordinance Authorizing the Conveyance of a Portion of River Street to the East Haven Trolley Museum

WHEREAS, the Town of East Haven is the present owner of real property rights in, over, and upon River Street in East Haven, Connecticut;

AND WHEREAS, the Branford Electric Railway Association, Inc. (AKA The East Haven Trolley Museum) wishes to improve its compliance with the Americans with Disabilities Act and enhance access to the organization's trolleys by constructing a ramp on a portion of River Street;

AND WHEREAS, the Town wishes to facilitate the construction of this ramp;

AND WHEREAS, to facilitate the construction of this ramp, the Town wishes to convey its rights in, over, and upon a portion of River Street in East Haven, Connecticut to the Branford Electric Railway Association, Inc.;

AND WHEREAS, On April 2, 2014, the East Haven Planning and Zoning Commission issued a favorable 8-24 referral to the Town Council in support of said conveyance;

NOW THEREFORE, BE IT ORDAINED, that the Town of East Haven, acting by its Mayor and other appropriate officials, is hereby authorized to convey its interests in the following parcel of land to the Branford Electric Railway Association, Inc.:

**“East End, River Street
East Haven, Connecticut**

A certain piece or parcel of land situated in the Town of East Haven, County of New Haven, State of Connecticut, containing 7,975 square feet, being shown as **Area to be deeded to Branford Electric Railway Assoc. Inc. By The Town of East Haven** on a map entitled **“Property Survey, Prepared for, Branford Electric Railway Assoc. Inc. East End, River Street, East Haven, Connecticut”** by LWF Land Surveying, scale 1”=20’, dated **July 2013** to be filed on the East Haven Land Records, said parcel being more particularly bounded and described as follows:

Commencing at a point in the northerly street line of River Street, said point being located S 74°- 21’ - 30” E 495.55 feet from a ¾” pipe driven in the ground, when measured along said northerly street line of River Street;

Thence continuing S 74°- 21’ - 30” E 130.11 feet along other land Branford Electric Railway Assoc. Inc.;

Thence running S 23°- 56’ - 40” W 87.43 feet substantially along the westerly edge of the Farm River;

Thence running N 54°- 59’ - 10” W 106.26 feet along the southerly street line of River Street;

Thence running N 2°- 50- 40” W 54.26 feet across the proposed end of River Steret, to the point and place of commencement.”

BE IT FURTHER ORDAINED that Mayor Joseph Maturo, Jr., or his designee, is authorized to execute any and all documents in connection with said conveyance.

This ordinance shall become 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: _____

Councilman Palladino makes a motion.
Councilmen McKay seconds the motion.

No public comment.

No Council comment.

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

Chairman Anania says before we get to item #8 which is a discussion regarding the parking at the Town Beach, while there are a lot of people with a lot of concerns which he respects, he wants everyone to know that the Council will not be making any kind of decisions on this, it is not in their jurisdiction right now. It is in the Police Commission's hands therefore he has asked Police Commissioner Illingworth to explain to the Council what is going on and Chief Larrabee is present also.

Item #8

Discussion regarding parking at the East Haven Town Beach.

- Bill Illingworth-Chairman of the Police Commission addresses the Council. He explains that at the last regular meeting a group of concerned citizens appeared before the Commission along with Councilman Santino and apprised them of a situation in the Cosey Beach area. There is a problem with parking or a lack there of. Some wanted parking signs put back up that were removed at some point and a traffic study done of the area to make it a safer place for East Haven. The commission was accommodating of that and will be appointing a subcommittee to address the problem. They also asked the Chief and Deputy Chief to step up enforcement, which the Chief will inform every one of the results of that which were quite positive and remarkable. In his first effort in the investigation of this, he was informed by Councilman Santino that several of the no marking signs were gone because telephone poles were removed and the signs that were mounted on them were missing. He and one of the commissioners Eduardo Torrealba walked the area on foot and in the meantime he contacted the local UI representative who is in charge of the poles and he was informed that the National Electric Safety Code (NESC) and Connecticut General Statute 23-65 prohibit the positing of any signs, billboards or advertisements on a utility pole. This is for obvious reasons, if someone were servicing that pole, they wouldn't want to be ascending or descending the pole with obstructions right on it. The new rule states that all new signs need to be 5ft from an existing utility pole. There are still signs on poles such as street signs, so there is still work for them to do. The Chief informed him that our street sign worker Pete Shove is hard at work on that, it will take some time but it will get done. He is still in the process of finishing forming the committee but rest assured they are on the job and actively working this. They hope there will be a positive conclusion for all residents of Cosey Beach Avenue.

- Chairman Anania states that he had a conversation with the Mayor this afternoon about the Subcommittee and the Mayor asked him to appoint someone from the Council to the subcommittee, the Mayor recommended Councilman Santino.
- Attorney Joseph Zullo explains that he can only serve as a liaison to the committee, it would be a violation for him to serve on it as a member of the Council, but as a member of the public safety committee he can serve as a liaison of the committee.
- Councilman Santino says thank you and he's happy to do so.
- Mr. Illingworth adds that Chief Larrabee has also informed him that the enforcement has stepped up to the point where in the last couple of weeks the Department has written more tickets than it has in the last year. Enforcement is there it is ongoing and active. They heard the complaints and took action.
- Chairman Anania says thank you and he believes that is a good thing because once the word is out that they are tagging and towing, it will discourage people from parking where it is posted as no parking. It will not solve the whole problem but it is a good start.
- Police Chief Brent Larrabee adds that he would like to have a measured and cautious approach to this because if we put up a lot of no parking signs, they apply in December just as much as they do in June or July. We have to be careful of what we do and make sure it measures and balances. Today he and Councilman Santino were checking on the parking, there were no violations it is mostly on the weekends. The budget will allow them to step up enforcement and have more presence on Friday, Saturday and Sunday. Parking is at a much greater rate than it has been in the past. It has been mentioned that the \$10 parking ticket is less than they pay at Lighthouse Beach, so the Council may want to re-think the value of the parking tickets. They may want to look into this for next season, as this is a seasonal problem.

Council comment:

- Councilman Palladino says that he has been retired a while but when he was on the Department, it was a rule that a population of under 50,000 could not turn their unpaid parking tickets over to Motor Vehicle for licenses/registrations. Is that still applicable or has that been modified.
- Chief Larrabee says to be honest he is not sure. The revenues generated from general traffic violations do not come back.
- Councilman Santino says on the weekends he knows that due to money he does not have guys, is it possible on a Friday to park a car in the spot where it belongs because the car will deter people.
- Chief Larrabee says on Friday, Saturday and Sunday they are trying to hire people to keep an automobile there, walk around the beach and also cruise the area to look for parking violations. That has started since July 1. Budgetary concerns are important and the beach season here may have come a bit early

because of earlier warm weather. The last couple of days it has been okay, and hopefully this weekend people will be there.

- Councilman Santino says he mentioned that because he was told over the weekend one of the officers had their own car down there.
- Chief Larrabee says that could be true because of the consent decree, it often requires the vehicles with camera action on them and some of our cars do not have that, like the older ones. It may have been due to Pete Shove being on vacation and a camera car may have been out of service.
- Councilman Santino asks if even if we are just parking it there it has to have a camera on it.
- Chief Larrabee says that may be a lawyer's answer but the consent decree is pretty set as far as what we have to have and what has to be on video. We have to video/capture a lot on the cameras.
- Councilman Fred Parlato looks to clarify that the Council has no jurisdiction over this other than if an Ordinance is going to be enacted. It's nice that people came but a lot of people have approached him as if he can do something about it. The power lies in the power of the people who are in control of that.
- Chief Larrabee states that as he mentioned in the last meeting, Police can only deal with enforcement issues. Legislative issues are in the hands of the Board of Police Commissioners or the Town Council. Traffic enforcement and the establishment of signs are in the hands of the Police Commission. The Police Department can only enforce those things.
- Councilman Parlato adds that if they need something on a monetary basis then it comes to the Council. A lot of people believe the Council has power over everything in Town and they don't. He says while it is not his district and he does not go down there often he can sympathize with the people about the crowds, but when they invite someone over for the weekend there isn't anywhere for them to park. He feels it is up to the sub-committee to come up with a solution agreeable to the residents. It's essentially a 10-12 week problem because once it gets cold people don't go down there.
- Chairman Anania says that's why he asked the Chief and Commissioner Illingworth to come tonight to address both the Council and the people that are here so that they know something is in the works, something is being done and action is being taken. Unfortunately it is a slow process and it is just not a quick fix because this has been going on since the Town Beach formed, hopefully they will come up with a good solution to solve the problem.

Council comment:

- Councilman Butler III suggests that the committee look into increasing the fine for parking.
- Councilman Palladino says let's say the fee is \$50, if the State is not backing us up, people are not going to pay and we have no recourse to go after them. That's why he wanted to know if the law changed.
- Councilman Butler III said at one point they were going through the Town Attorney, they took action to have them paid.
- Councilman Palladino says but if it costs us \$300 to get paid \$50, it would be pointless.

- Councilman Badamo says that the main problem down there is parking because the lot gets filled up on the weekends, by 1:00 you can't get in there. He asks if it would benefit the Police to at least change the color of the stickers, people just drive in and maybe if the color change it will work, it is certainly worth a shot. In his opinion if he had to pay \$10 at Town Hall to go to the beach, he would do it. Doing it this way people are giving stickers away.
- Councilman McKay says that he thinks it needs to be changed, right now we just mail them out, the registration and plate number should be written down like in Branford. He adds that Sunday the parking attendant was getting abused/yelled at by a Branford resident for not letting them in the lot.

Public comment:

- Bill Richardson-136 Bennett Road, East Haven, CT- Mr. Richardson thanks Chairman Anania for having the public hearing tonight, while it is not of the Council to discuss the parking issue it is a good public forum to do so. He states that this issue has really come to a head. He and his wife visited the Town Beach on June 28th, the day of the fireworks. They were in line for the lot and in front of them was an SUV with Vermont plates and the car was waved in as the gentleman was checking stickers. Mr. Richardson questioned the attendant about the Vermont stickers and the attendant said they had a sticker and maybe they were using a rental car. The parking on the street is an issue but we have to enforce the stickers in the lot; they should have to show a license in addition to the sticker. If it isn't an East Haven resident they shouldn't park there. Another instance occurred on July 4 when watching the news there was a woman saying how wonderful the beach was and that she loves the splash pad yet she was a resident of Newington. People coming from Newington are parking somewhere and that needs to be limited too. He and his wife went to Watch Hill to visit the beach and every surrounding street had resident only parking, they parked over a half a mile away on a side street where there were no parking signs and they got a \$75 parking ticket. East Haven needs to limit the parking on the streets surrounding the beach just like New Haven or any other Town does. If you are not a resident, you don't park there. There are signs in other Towns where you can't park during certain hours maybe from 7am-4pm and after you can. Maybe parking is allowed on the weekdays but not the weekends. Limit the parking so that you have to be a resident to park on Saturday or Sunday. Non-residents should be charged a weekly fee. East Haven should go to resident only parking in the lot and if non-residents want to buy a pass they buy one. Another issue is multi-use, maybe by the Momauguin field there can be parking for only those using the ball fields and then the spots closest to the beach can be used for beach parking with stickers. Maybe we can ticket for anyone parked without a sticker. Our beach is a great asset and he hopes we take steps to protect the residents of East Haven.
- Michelle Lettieri-172 Cosey Beach Ave, East Haven, CT- Ms. Lettieri states that she and her neighbors are most affected as they are beachside. Sunday had to be the worst of the worst where she thought there would be an argument. People are now making their way onto the sidewalk along the no parking area, half in the street half on the sidewalk. People walking to their cars have to walk

in the street, it is dangerous and they don't belong there. No parking anytime means no parking anytime. The Police Department is coming around and is giving tickets but as soon as one car pulls away another one comes. She is embarrassed that she has to stand at the end of her driveway so that she doesn't get blocked in. She thinks the parking permits are getting passed off and out of Towner's are using them. She thinks they should have to show their registration to park in there. When she has guests she puts her cars in the lot because she is a resident and she lets guests use her driveway. People who don't use the beach give their passes to people from out of Town. She realizes they are working towards resolving this and it won't be done overnight but she thinks we need to step it up. She is also curious out of all the tickets issued are they being paid. There has been Vermont, New York, Indiana, etc. plates- our beach is a gem, but there are other beaches as nice as ours. The problem is our beach is free and everyone knows it. If she is invited onto the committee she would love to be on it and she knows this won't be resolved this season but she and the problem won't go away; she is afraid a kid or adult will be run over.

- Darlene Picagli- 10 1st Avenue, East Haven, CT- Ms. Picagli states that she understands the Council's position is not to take care of parking at the beach. We have seen an increased police presence down there, it helps but it doesn't go away. Part of the issue is that we have a beautiful beach and splash pad and everyone around us knows it is free. Every other town charges non-residents to use the facilities or they are just not allowed. She thinks it is the Council's position to come up with an Ordinance that would charge for access to the splash pad for non-residents because as residents they pay to live there and that is an amenity in their taxes. She'd be happy to pay \$10 for a sticker even as a resident if it reduces the amount of illegal parkers. The out of Town people need to pay. She asks what is costs to run the splash pad or beach annually, there are maintenance and water costs as well as electricity, maintenance of the bathrooms, landscaping, supervisors, etc. She agrees the Police Commissioners handle the parking issues but it is the elected Councilor's who represent everyone in the Town to come up with a solution and make an Ordinance to charge for parking. If we can cover some operation costs for the beach and splash pad it will help and if people have to start paying they won't come.
- Attorney Zullo asks that before the next speaker begins that he point out that while Ms. Picagli makes valid points about charging for the facility, he wants to make it clear that the Connecticut Supreme Court has held that it is a violation of free speech and assembly under the Constitution to charge or limit access to a public facility. In other words to restrict non-residents. You can't charge for a facility, although it is a great idea, but you can charge for the parking.
- Ms. Picagli asks about the splash park because that is a Town park. She understands the beach is free access, if people want to walk down or take a bus they can. Other beaches charge for beach access though she doesn't know how they get away with it but they do.
- Attorney Zullo says he is not saying he disagrees with her but the Supreme Court has these rulings. Just like we can't charge for Memorial Field of the Pitt, we can limit access in regards to parking under the law but charging for the use

of the actual facility as a public resource would not be constitutionally allowed. He says the case law is very specific towards parks versus a pool where you are not paying for the facility but may be paying for the manpower. He states that every opportunity should be explored to maximize the Town's benefit, he just wants to make it clear as far as charging for the actual facility there are Constitutional restrictions.

- Councilman Badamo says it may be true that we can't stop people from going on the beach but the main concern is the parking, charging for parking will help.
- Rich Depalma-10 Seaview Ave- Mr. Depalma says that this has been one of the best summers in a long time as far as weather, each weekend that goes by the parking gets works. He agrees with Bill and residential parking is an issue. There are times he comes home, he has four cars in his family and his driveway fits two so he has to go around the block to park. There are people from Massachusetts, Vermont, etc. and they come because we have a great facility. As far as parking, we have two lots and Momauguin School. We go to the dump and obtain a pass why can't we do that for parking. We can have them pay \$25 to park, which pays the attendants salary for the day. Every Town has some type of Ordinance whether it's resident parking or paid parking. People are looking for additional parking on every side street. It's getting out of control.
- Bob Fox Jr. 180 Coe Avenue, East Haven, CT- Mr. Fox says one problem is the people driving in without a charge. He has also seen that people have posted on Facebook that they have plenty of passes from Town Hall. We should forget about sending them out in the tax bill, you should have to write down the registration of the car. Sending them out to people who don't go to the beach allows them to pass them out to others and we are looking like a ridiculous Town.
- Lorie Pellegrino-49 Robby Lane, East Haven, CT-Ms. Pellegrino states that she has been a resident of the Town her whole life and she uses the Beach often. Sunday when she went down there was no parking available and she was fortunate to find parking on George Street and walk down past a lot where the splash pad is where there was a car with an Alaskan plate. She inquired about it and was told that they have dual residency. If we allow people to get parking permits, the car should be registered in Town, not somewhere else. The car should be registered in Town and taxes should be paid on it to get the permit. Perhaps if you do not own a vehicle and live and pay taxes in town you can go to Town Hall and purchase a pass for a nominal fee. She doesn't think we should allow parking for non-residents even if they want to pay. If we could guarantee every Town resident would have a parking space and there were extra, then perhaps you could charge for out of town people to come in. As a taxpayer she wants to be assured she will have a parking spot. While it is a good gesture to have people pay as non-residents it is not reasonable to the residents paying their taxes. She did a lot of research; Branford residents pay a nominal fee of \$5 for two years, dual residents need their car registered in Branford. Visitors can use the facilities if they come with a Branford resident the resident can say the car behind them is a resident. They have affixed stickers that they obtain from Town Hall; they cannot be easily peeled off. They do not allow parking on the Town streets. Their facility is monitored from 10am-10pm daily. Madison has

permanent stickers and residents pay \$40 per vehicle for the permit. If you have more than one vehicle it goes down to \$20. Non-residents can pay but they have larger space for parking. West Haven has affixed parking stickers that are free but they have to go to the recreation department and show their license and registration. Non-residents can purchase seasonal passes for \$75 or \$10 per day. West Haven also has constables at their lots and the people can buy their day permits through them, they can also write tickets for people illegally parked there. It may be an option for us to have constables patrolling. New Haven charges non-residents \$20 per day, residents are free, out of state residents pay \$30 per day. Parking on Coe/Lighthouse Avenue is for residents only. If there is an instance where they are having a party with multiple cars they contact the Police or Recreation Department to notify them and they can be issued temporary passes for that day or event. They also do it around the University Campus for private residents. Milford you can't get near the beach, they are kicking people out. The Police presence at our beach has been better but it can be much better. As soon as one car leaves in our Town another one comes. Our objective is to provide a fun/safe environment while enforcing discipline and dignity. Out of Town residents don't take the pride in our facilities as much as the tax paying residents do. They leave trash and they are on rocks, etc. The supervisors are apprehensive and signage can be better there is only one sign that is too far to see in low tide. Town has an on-site supervisor but there was a baby shower Sunday and they monopolized the beach, drank alcohol, etc. The bathrooms don't show a sign in sheet for when they are cleaned. When the parking lot is full, what are residents supposed to do? Is there any way we can suppress registrations for unpaid parking tickets? She asks if Town residents can get a voucher to use the splash pad and out of town residents pay? The facility is not large enough to accommodate both Town and out of Town residents.

- Attorney Zullo states that he will not foreclose looking into anything, the Town will look into any and every possibility. If it is possible he will present it to the Mayor and the Town Council.
- Ms. Pellegrino states that the three things to look into are parking, the abuse at the beach by the people using it and the splash park which is a liability waiting to happen.
- Councilman Santino asks the Chief is there was an officer Sunday after hearing there was a party.
- Chief Larrabee says there were no calls regarding a party on the beach.
- Ms. Lettieri adds that there was a party there was alcohol and she believes they even had grills.
- Councilman Santino says that is up to the beach supervisor to control that.
- Ms. Pellegrino adds that the supervisor is a nice guy but he was handing out folding chairs from the beach house for the party.
- Councilman Palladino explains to Ms. Pellegrino that in regards to the car with the Alaskan plate, he is a member of the United States Coast Guard. He rents a house in East Haven and the reason he has the plates is because when you are in the service, wherever your car is registered you can keep those plates. He

rents a house by the Beach and is a resident. He does not pay property taxes in the service.

- Gail Voland-75 Redwood Drive- Ms. Voland asks when the beach closes. Lighthouse Beach closes when the lot is full and they send them to us. She is a 21-year resident and goes to the Beach often. Sunday she was there early at 8:00am and the people with the party were there at 7:30AM, the supervisor asked if they had permission and they were told it was first come first serve and the pavilion was already taken. They weren't grilling, the party started at 1 and the party ended at 5:00 because they had to return the chairs. At 3:00 there were about 60 people and she was told later there were about 70 people. She thanks the Police for the increased presence. For years and years she has asked about the signage. With the signage on the left hand side facing the beach house there is a lot about bikes, dogs, floatation devices, etc. But on the right hand side where everyone comes across from the lot there is one small sign that is only for no pets allowed, nothing about grilling or fires, etc. Also, there are no blow horns for the lifeguards. For someone whose driveway is block there is no way to announce it without calling the Police. The people in the water or rocks can't hear the whistle. A blow horn would allow them to say if people are too far out or on the rocks.
- Chief Larrabee states that a new sign is in the works right now, they are waiting on a few other agencies but they are trying to get one sign which covers all of the things that can and can't be done.
- Councilman Santino says in Clinton, lifeguards can't even keep their cell phones with them. This is a problem at our beach.
- Pat Marchito-111-5 Cosey Beach Ave- he says there were questions about the cost of tickets being \$10, why can't the cars just be towed so they have to pay the ticket and to get the car back.
- Chief Larrabee says they can't just tow cars because they are illegally parked. People can site any example they want but here we have to be very careful because we are under a consent decree. Part of the decree pertained to the number of cars towed while under federal investigation. Towing cars is a sophisticated thing, it is a search and seizure of people's property and we have to be very careful.
- Mr. Marchitto states that in NYC they wait to tow them
- Chief Larrabee explains they are not under a consent decree, which is a court order telling them what they can or can't do. Towing was a seminal issue in that order. We have to be careful about whose car we tow because it is a seizure of their property and can get us in trouble. The applications in other locations are not the same as here.
- Mr. Marchitto thanks whoever made a phone call about the ice cream trucks parking between the cross walks which blocks the vision of the driver and a child if they were walking in front of it.
- Chief Larrabee says they have been down there and moved them for that reason.
- Mr. Marchitto adds that the party at the beach was grilling because he was down there. He lives in Victoria Beach Condominiums and what people do is walk in

through the open area fence on the East end of the beach that was destroyed in the storms and bring grills and cook where supervisors and lifeguards can't see.

- Councilman Santino says the supervisor can't be oblivious to it, they can see from one end of the beach to the other.
- Patrick Doolan- 74 Henry Street- He has grown up in East Haven since about 1990, there wasn't a splash pad or much to do it has gotten better since then. Growing up there used to be the passes at the front desk and if you didn't have a pass there was no question. The splash pad is great. He has heard about the problems, he runs the beach and sees a lot of parking where there shouldn't be, canopies, kids running around without supervision, etc. A lot of times he doesn't see a lifeguard, even around 3:00 in the afternoon. We need to patrol a little more and we won't have emergencies. People need to look out for each other. We should get word out more about these meetings so everyone knows what is going on. As far as the passes, there is a bus constantly which can bring out of town people in. In the past you could go to Town Hall, pay \$10 and get a pass as a resident. He asks everyone to let others know what is going on, look out for oneself and others through Facebook, websites, letters, etc.
- Ms. Lettieri asks the Chief if there is a car blocking her driveway and the Police can't tow it and she can't get out, does she have the authority to have it towed.
- Chief Larrabee says no, you only have the authority to tow it if it is on private property. On public property, it is under Police domain and under that circumstance that was named they may be able to tow it; they can under certain circumstances they just have to be cautious about towing cars.

Item #9

Adjournment of Special Meeting.

Councilman Santino makes a motion.

Councilman Mckay seconds the motion.

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

Meeting is adjourned at 9:13PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council