

**EAST HAVEN TOWN COUNCIL
SPECIAL MEETING MINUTES
TUESDAY, NOVEMBER 13, 2012**

The East Haven Town Council held a special meeting Tuesday, November 13, 2012, at 7:30PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Chairman Richard Anania calls the meeting to order at 7:32PM
Chairman Anania asks all to stand for the pledge of allegiance.

Item #1

Roll Call-13 present – 2 absent (Riolino and Carbo)

Item #2

Approval of minutes from October 2, 2012 regular meeting

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

No Correspondence.

Item #4

Subcommittee Reports-

- Public Safety- Councilman Santino states that the PD obtained a used car.
- Board of Education- nothing to report at this time.
- Parks/Rec- nothing to report, there was no meeting held.
- Urban Renewal- nothing to report at this time.
- Finance- Councilman William Richardson states that there is a Housing Authority transfer that will be voted on tonight as well as the Department of Justice agreement.

Vice Chairman Robert Sand makes a motion to enter into a Republican Caucus.

Councilman Richardson seconds the motion.

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

Republican caucus begins at 7:34 PM.

Republic caucus ends at 7:46 PM.

Councilman Richardson makes a motion due to Mayor Maturo being present at the meeting that agenda item #10 be moved before item #5.

Councilman Santino seconds the motion.

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

Item #10

To consider and act upon a Resolution approving the proposed Agreement for Effective and Constitutional Policing by and between the United States of America and the Town of East Haven, the East Haven Police Department, and the East Haven Board of Police Commissioners and authorizing Mayor Joseph Maturo, Jr. to sign the same.

Councilman Santino makes a motion.

Councilman Robert Cubellotti seconds the motion.

- Mayor Maturo addresses the Council. Mayor Maturo states that tonight he would like to set a couple of points for the public as well as any Council members who may have missed the first meeting in which this was discussed. He states that this is the largest and most expensive agreement ever signed in East Haven, so it is being taken very seriously and everyone should know what is taking place. In 2009 the Department of Justice, after events that took place, came into the community and started an investigation. In 2011 of that year, Mayor Maturo came into office and states after two weeks of taking office he was summoned by the DOJ along with the attorneys and was given as much information as possible about what was going on. He adds that they made it a point to work closely with the DOJ with the Town's best interest at heart. In 2012, two months after being into office, there were arrests made within the Police Department. Shortly after that, Police Chief Gallo retired leaving no leadership in the Department. He states that he thought it was necessary to hire immediately on an interim basis, so he hired Chief Brent Larrabee to help guide them until the Town was able to find a permanent Chief. He states that at the direction of the DOJ, he was unable to just hire a permanent Chief as the Charter indicates, so a company was hired to help with a national search for permanent Chief; the DOJ accepted the company hired and agreed to the way it was being done. This search is in the process now and showed the DOJ we were interested in working with them. April 2012 was the first time the Town saw a draft of the 54 page report that is in

front of the Council tonight. In October of 2012 the DOJ gave their first deadline for the report to be signed, they were given a week and the report had increased greatly. Attorney Larry Sgrignari was asked to help the Town digest the report and give a fair analysis of where they were, what they were under and how to go about it. Mayor Maturo explains that he determined, after going over this report, that the best way to go was to try to avoid a long lawsuit by the DOJ where we would spend "X" amount of dollars which could have been \$500,000 to \$1,000,000 to fight the DOJ plus unlimited amount of money, unlimited amount of lawyers and unlimited amount of time. He felt the best decision was to sign the agreement which involves a lot of difficult chores that the PD has to accomplish such as training, different personnel and also calls for a joint compliance expert to oversee the police department and how they are implementing the DOJ report. The person has not been chosen yet, suggestions would come from the Town side and from the DOJ side, and if an agreement is not made for this person a judge will make that decision. Mayor Maturo states that they are asking for \$47,500 to be transferred into a line item to help start this process. Along with the process, the Mayor did not have the authority to sign the lawsuit for the Town, but they did get some dates changed extending the time frame because they had to go through the Board of Police Commissioners, the Board of Finance and the Town Council for approval. Mayor Maturo asks the Council to commit to avoiding a long litigation and allow him to sign and work with the DOJ to help them, our community and our Police Department. He stresses that signing this agreement does not admit any guilt by the Town. He states that when speaking to Chief Larrabee, with his knowledge, he feels it is a doable way to go. Mayor Maturo says he hopes the Council gives a unanimous vote as the other two boards did so that the DOJ can see that we are on the same team to help the community and the Police Department. He express that he would rather see the money spent on the PD and eventually we hope to have one of the best small Town Police Departments in the nation. Mayor Maturo states he is not sure of the exact cost or exactly how long this will take, we know it would be a minimum of two years but nevertheless he feels it is the right way to go. He adds that Attorney Sgrignari has 16 years of service with the Town and he can help with the implementation of DOJ requirements, he was requested by Chief Larrabee as well. He concludes with asking for the authorization from the Council to show the DOJ they are ready to move forward and better the community and the Police Department.

Public Comment:

- Nicholas Palladino- 152 Sorrento Avenue, East Haven, CT- Mr. Palladino states he is a retired East Haven Police Officer and his question is when reading the

Town Charter it states the Chief of Police is responsible for the conduct of the Police Department and its members, seeing that there was a situational problem, can the Town recoup any money from the previous Chief for the expenses they are going to incur. He asks if any of the money given to the previous Chief upon retirement for sick time, vacation time, holiday, etc. can be recouped.

- Mayor Maturo responds that retired Chief Gallo was not arrested, there were four officers arrested. Attorney Sgrignari states that there is no legitimate merit of litigation against the previous Chief; it would likely be a waste of taxpayers' funds to explore that.
- Donna Richo- 67 Charnes Drive, East Haven, CT- Ms. Richo states that she understands the financial reasoning for entering into this agreement, she is concerned that the DOJ has and will continue to surf our authority to Police our citizens by requiring reporting to the DOJ. She fears the autonomy granted to the State and Local Government via the Constitution is under attack. She adds that the Constitution has been and continues to be eroded in favor of Central Government. The DOJ has control over the judicial courts of the State of Connecticut, this erosion of our constitutional rights will continue to escalate until and unless the citizens of this country and city are willing to get off their comfortable couches and get involved at the local level. She asks the Town to begin to explore areas of the budget that they will be willing to cut to pay for this expense. She states that she sat at a meeting and if anyone should be charged it is the previous administration, they charged the officers for going after illegal plates.
- Jack Stacey- 82 Forbes Place, East Haven, CT- Mr. Stacey states that after reviewing the decree, the parts that deal with the Police Department are pretty much common sense and he feels confident the Chief has most of it under control. The question he has is was there any wordage in the settlement that would prevent us from going bankrupt, he adds that he would like to see something that gives a not to exceed figure.
- Attorney Sgrignari responds that we don't have a not to exceed figure because that was not something the Department of Justice would agree to but what we have is a reasonableness component in the agreement with respect to the way it is going to be implemented and administered. Mr. Sgrignari adds that one of the reasonableness components is the fact that if there are disputes over provisions in the agreement, initially it would be brought to the compliance officer to try and resolve. Part of the difficulty with calculating a cost of implementing the agreement is that we don't know how long the process is going to take, how successful we will be with initial efforts at training and implementing the new policies and the level of oversight this joint compliance expert is going to undertake. He explains that something the agreement does provide some level

of reasonableness is in regards to what this individual can or cannot do and if there is a dispute that arises we can resort to the Federal judge to resolve it. It is our hope in working with the Department of Justice that they will be mindful of the fact that this is a small community with a small Police Department and this is a large undertaking for the Town for at least four years. He states the U.S. Attorney in New Haven and the Attorney from Washington at this stage both seem very willing to work with the Town in order to move the process forward. Within the next couple of weeks assuming this is approved, there should be a meeting with the DOJ, the Chief and top reps of the Department to make sure this can be accomplished. Mr. Sgrignari concludes in saying we don't have a not to exceed figure but we have a reasonableness component being factored in as the expenses are being undertaken.

- Herman Zuniga- 87 Dodge Avenue, East Haven, CT- Mr. Zuniga states that the DOJ advised and gave an extensive report about how the Department and Administration should take care of the embarrassing situation for the wrong doings and wrong actions and it is sad that the residents of East Haven have to pay for the mistakes. He adds that in the 54 pages by the DOJ it doesn't mention anything about the victims affected by actions of the Police Department and Mayor Maturo says that this is not accepting any guilt on the part of the Town or Police Department or Administration. Mr. Zuniga feels this should be about solving the problem and letting it come to an end, unity has to be there with the administration and the Town of East Haven.
- Attorney Sgrignari states that there are overlaps between the issues raised by the DOJ in its findings letter, there were criminal components involved in the arrests of several officers, and there are also civil components involved where the Town is named as a defendant in litigation. The Town is mindful of the concerns raised by the DOJ; the DOJ agreed with the Town that the document being entered into did not have a component of admission that could be used by litigants in court to take an unreasonable or unnecessary upper hand against another party. Mr. Sgrignari expresses that process is ongoing, so he is reluctant to personally respond or have other Town officials make comments on that which may be used as some type of admission in Court, because there have been no conclusive findings made regarding some of the subjects of litigation. He states that Mayor Maturo is taking a proactive approach to resolve issues that arose prior to his taking office. While mindful of concerns expressed, it is important to separate the three components of civil litigation, criminal litigation and the DOJ investigation which is what this is addressing, the other two issues are not part of this process; they will be addresses and dealt with in their own separate forums.
- Sam Giglio- 41 Robert Drive, East Haven, CT- Mr. Giglio states that while this is not the best deal going, it is understood that it has to be done. He asks if as this

process goes on and we spend money, we still utilize the Board of Finance and the Town Council to approve funds or will it just be a blank check.

- Attorney Sgrignari responds that every transfer or approval of funds will be brought before them. Mayor Maturo adds that there is a special line item to keep track of all the money.

Council comment:

- Councilman Fred Parlato states that he highlighted what is required as far as training hours and taking into consideration a 50 man Department, he comes up with a rough figure of 5,750 hours for training as a maximum and there is a minimum with 2-4 hours or 4-8 hours to comply. He adds that what should be thought about is when we are bringing these people in to be trained, they will have to be replaced which is an added costs. Mr. Parlato states that he believes this is the best way to go about it because we can see an end, though we will have to follow rules which will be extensive. He would like to come out of this and be proud of the Police Department and say we are one of the best trained Departments, this is a step in the right direction he applauds the Mayor and the Administration because it is in the best interest of the taxpayers.
- Councilman Badamo asks Mayor Maturo how long after this is signed will it take to pick someone to oversee it and what will determine the salary of this person. Mayor Maturo states that the monitor is picked by both sides putting names in and they agree on one. If they can't agree on one person the judge will pick that person. Attorney Sgrignari explains that procedurally, if the Council approves this, the agreement will be signed and the Justice Department will file a formal complaint with the Court and the agreement will be filed as a resolution to that complaint. Then we will ask the Federal Judge to enter the agreement as a court order and dismiss the case, the court will then retain jurisdiction over the case to ensure the agreement is implemented. Once the court enters the order, that is the effective date of the agreement and that is the critical date that the timing will begin including the selection of the joint compliance expert. There is a 60 day window from the effective date within which the parties have to agree on the selection process, one of the factors in the decision is the cost of the individual, so as we evaluate different people, the amount they will charge the Town is something taken into consideration. If within the 60 day period, they cannot agree, the names, as well as cost, background and qualifications are submitted to a Judge who will then decide.
- Chairman Anania seeks confirmation that this person will not be a Town employee. Attorney Sgrignari states they will not be a Town employee; they would be a contract type person.
- Councilman Santino asks if it will be a lawyer type person, not just an average person. Attorney Sgrignari states they would have to be someone with expertise in

law enforcement and the law; it is usually someone who either has done this type of work elsewhere, retired from law enforcement, a judge, etc. The credentials of the person are investigated by both sides to be sure we are getting someone that can be worked with.

- Councilman Badamo asks if this money will have to be bonded. Mayor Maturo explains that will all depend when we go forward, once we move forward with the next budget process we will have a better idea of the costs that will be coming up. By the time it is voted on it will be determined if it has to go out to bid or there is money already set aside in the budget. Councilman Badamo asks if they will get a report of money spent out of that specific line item to which Mayor Maturo says yes they will.

Roll call: 12 in favor- none oppose- 1 abstention (Depalma). Motion carries.

Item #5

Councilman Gary Depalma makes a motion to read just the first 5 paragraphs.

Councilman Santino seconds the motion.

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

To consider and act upon a Resolution designating the Town of East Haven as a rehabilitation area and establishing criteria for the eligibility of real property for assessment increase deferrals.

Councilman Santino makes a motion.

Councilman Richardson seconds the motion.

No public comment.

No council comment.

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

Item #6

To consider and act upon an Ordinance authorizing the following transfer at the recommendation of the Board of Finance:

East Haven Housing Authority – 2012-2013 FY

To:	01-120-0694	Other contractual	
		services	<u>\$114,690.00</u>

	Total		<u>\$114,690.00</u>
From:	01-885-0689	Contingency	<u>\$114,690.00</u>
	Total:		<u>\$114,690.00</u>

Reason: Transfer needed to pay Housing Authority from funds owed to Authority for various reasons.

Councilman Santino makes a motion.

Councilman Cubellotti seconds the motion.

No public comment.

Council comment:

- Councilman Badamo asks if the Council can get documentation of the bills being paid and a balance in the budget for the Housing Authority. Mr. DeSorbo states that the Finance Department will be providing reports on a quarterly basis and all monthly bills will be documented in the Housing Authority minutes which he will provide the Council with a copy of on a monthly basis.

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

Item #7

To consider and act upon a Resolution setting the Regular Meeting Schedule of the Town Council from January 2013 to December 2013.

Councilman Santino makes a motion.

Councilman Depalma seconds the motion.

No public comment.

Council comment:

- Chairman Anania states that the time of the regular meetings has been changed from 7:30 to 7:00. If there is a public hearing it will be held at 7:00PM and the regular meeting will be immediately following.

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

Item #8

To consider and act upon a Resolution setting the Regular Meeting Schedule of the Town Council Administrative Services Committee from January 2013 to December 2013.

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

Public comment:

- Gene Ruocco- 74 Bennett Rd, East Haven, CT- Mr. Ruocco asks if the administrative services meetings are the last Monday of every month. Attorney Zullo states that they should all be Mondays.

No council comment.

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

Item #9

To consider and act upon a Resolution authorizing Mayor Joseph Maturo, Jr., on behalf of the East Haven Town Council and the Town of East Haven, to sign a “Clean Energy Communities Municipal Pledge” with the Connecticut Energy Finance and Investment Authority.

Councilman Santino makes a motion.
Councilman Anthony Purificato seconds the motion.

- Mr. DeSorbo states that what they are asking is for a recertification of an agreement pledge entered in by Former Mayor April Capone, it is required because of change in executive. Mr. DeSorbo adds that the two major components of this are that the Town agrees to allow an energy audit of all Town facilities and it will buy 20% of its energy from clean and renewable sources. This is a non-binding agreement, if, for any reason, the Town does not fulfill the obligations there are no punitive measures in the agreement.

No public comment.

No council comment.

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

Item #11

To consider and act upon a Resolution to waive competitive bidding for the purpose of purchasing services and goods to repair a Public Services truck (a Ford F-550).

Councilman Cubellotti makes a motion.

Councilman Badamo seconds the motion.

- Kevin White, Town Engineer, addresses the Council. Mr. White explains that he received a bid back in early August for the repair of the truck that was damaged in an accident approximately a week before that time. The price for that repair was a little over \$23,000 and included a clause in it that once parts of the vehicle have been disassembled and looked at, the price would have gone further. Up to this point, he spoke with the Finance Dept. and Mayor's Office to determine where they could obtain these funds and no acceptable solutions were found. Mr. White explains that a week ago Midway Services of North Branford, who does some towing for the Public Service Dept., contacted the foreman and provided a quote on November 5th of \$20,000 all included. Mr. White states he met with him and he indicated he would enter into the agreement with the final price being \$20,000 and would use all Ford parts and would start the work tomorrow if given the okay.

Public Comment:

- Gene Ruocco- 74 Bennett Road, East Haven, CT- Mr. Ruocco asks what the cost of the truck is to which Mr. White says approximately \$87,000. ‘

Council comment:

- Councilman Badamo asks what kind of damage was done for \$20,000. Mr. White explains that the front end and frame require quite a bit of work. Mr. Badamo asks what it hit. Mr. White responds it hit a structure in Town.
- Councilwoman Beverly Gravino asks what caused it to hit this structure and what the driver received.
- Attorney Joseph Zullo advises Mr. White that in the event any questions indicate a personnel matter, not to respond to those due to that fact that this person was not informed they would be discussed this evening. General questions can be answered.
- Councilwoman Gravino asks what would happen in general and Mr. White stated they were suspended for 45 days without pay.
- Councilman Santino asks what the time frame for the repair will be, Mr. White said three weeks.
- Chairman Anania asks if there will be a one year warranty on the work, Mr. White responds yes.

- Councilman Parlato states that looking at the quote for all the parts, the price of \$20,000 is almost shocking after looking at the damage. He adds that another truck is needed in order to take care of the snow in all the districts of Town.
- Councilman Richardson asks if the Ford parts are new and Mr. White says they are new Ford parts and he has 100% confidence in the gentlemen. Mr. Richardson adds that the motion is to waive the bid for repair, should it be restructured to only be waived for the \$20,000 to which Attorney Zullo states it can be restructured.

Councilman Santino makes a motion to amend the resolution to waive competitive bidding up to \$20,000.

Councilman Purificato seconds the motion.

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

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

Item #12

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

Southeast Toyota Finance

Property Tax Dept

P.O. Box 991817

Mobile AL 36691-8817

2011-03-70231 E/S 20619

Reason: Vehicle Sold 5/12

TOTAL: \$628.30

Councilman Santino makes a motion.

Councilman Badamo seconds the motion.

No public comment.

No Council comment.

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

Item #13

Adjournment of Special Meeting.

Councilman Santino makes a motion.

Councilman Purificato seconds the motion.

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

Meeting is adjourned at 8:47 PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council