

## **EAST HAVEN TOWN COUNCIL SPECIAL MEETING MINUTES THURSDAY, DECEMBER 13, 2012**

The East Haven Town Council held a special meeting Thursday, December 13, 2012, at 7:15 PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Chairman Richard Anania calls the meeting to order at 7:29 pm.

### **Item #1**

Roll Call- 9 present- 6 absent (Gravino, Sand, Esposito, Badamo, Riolino and Carbo)  
A quorum is present.

### **Item #2**

To consider and act upon a Resolution authorizing Mayor Joseph Maturo, Jr. to execute, on behalf of the Town of East Haven and the East Haven Town Council, a License Agreement between the Town of East Haven and the Tweed New Haven Airport Authority to allow the Authority to construct a fence on Town property to keep animals and trespassers from entering the airport property and interfering with airport operations.

Councilman Joseph Santino makes a motion.

Councilman Robert Cubellotti seconds the motion.

- Attorney Alfred Zullo- Assistant Town Attorney addresses the Council. Mr. Zullo states that he was contacted by Attorney Manke who represents the Airport Authority who indicated they have a mandate from the FAA to construct a fence due to an increased population of deer migrating into the area. One of the deer got into an accident with a layer jet, one which was carrying a passenger who was quite ill. DEEP has told them that the fence cannot be built on their land, so they are asking if they can use the Town's land to build the fence. The Town would retain ownership over the land, we would be giving them a license to construct the fence and to go onto the property and maintain the fence at their own expense. We still have the right to go onto the land for any purpose we may need it for such as road work, embankments, etc. He states that he knows the Council has questions about the brook and the trees that have been taken down, but it is important to understand the nature of the mandate from FAA. Mr. Zullo states that Attorney Manke is here to discuss anything beyond what he has.

- Attorney Hugh Manke of New Haven, representing Tweed New Haven Airport Authority. Mr. Manke states that they have a narrow strip of land that works nicely for a fence along Ora Avenue. They have created a marsh land in that area, there are tide gates, finger rivers or creeks in which tidal waters can flow. After spending a great deal of money creating this tidal marsh land, DEEP does not want them to put a fence there and the Army Corp is waiting on this as well. The FAA is stating that there is a danger out there with the increased deer population so it needs to be done right away. They are asking for the Councils help tonight in letting them put forth the solution by providing them a license to construct a fence on Town property. He explains that Ora Avenue does not have many people traveling down it that far, there is not much going on. The strip of land is very narrow; there is only several hundred feet. The fence would go in that area. They would grant access to the Town should it want access to that land. He explains that they would take responsibility of maintaining the property between Ora Ave and the existing Airport property which is all of the licensed area. Through the TSA and FAA they have responsibility to maintain that and ensure safety, they are going to need to patrol it on a regular basis, there will be more activity on Ora Ave. Mr. Manke explains that there was an agreement about three years ago between the City of New Haven, the Town of East Haven and the Airport Authority to do various things, as an Authority they were given the responsibility to remove trees that are in the clear zones near the runways. The trees are causing safety and operational problems for the aircraft getting in and out. There was an agreement that they would buy land from the Town of East Haven which they did for \$1.5 million and the Town would do various things and the Authority would do other things part of which is removal of trees, it was done for safety reason at their expense.
- Councilman Santino requests a copy of this agreement to which Attorney Joseph Zullo states there is a copy of this agreement on file. Mr. Santino states that 5 acres of trees were taken down on the Town of East Haven's land and some of it was not near the flight path. Mr. Manke states that the Airport manager is here and could probably explain it better but the flight path is in a trapezoidal manner so it gets pretty wide. Attorney Alfred Zullo states that the trees were not removed as part of the fence project.
- Councilman Fred Parlato asks why the Town Engineer is not at the meeting. He recognizes the need for it for safety reasons but for something of this magnitude the Town Engineer should be here to tell us that this is in compliance, it won't cause problems with drainage or anything else.
- Mr. Manke states that they do not have the final design of the fence, but they are on a time constraint for this. Each day without a security fence is another day there could be an accident.

- Councilman Santino states that there are drainage problems; the brook down there drains Coe Avenue, Hemingway Avenue, Prospect, Kenneth Street and that entire area.

Councilman Robert Parente makes a motion for a five minute recess.

Councilman Santino seconds the motion.

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

Chairman Anania calls the meeting back to order at 7:45PM.

Attorney Joseph Zullo states that he put a call into Town Engineer Kevin White but he is unable to make it to the meeting. He recommends that at the least they do not table it, approve it subject to a satisfactory explanation from Kevin White either by addressing the Council at the next meeting or issuing written notice that it is in compliance.

- Chairman Anania states that Councilman Mansi brought up a good point that this is the first time they are hearing about this, if this fence was something that would have to be done, why are we just finding out about this tonight.
- Mr. Manke explains that September 20<sup>th</sup> is when the accident occurred, the FAA immediately investigates an accident. When they realized the cause of it was a large population of deer, they decided the fence had to be put in so they have been all over the Authority to respond as soon as possible and they need the Council's approval to take the next step.
- Councilman Anthony Purificato states that they could have come to the Council a month ago when they began drawing it out.
- Councilman Santino states that the Authority was planning on putting it on their property until they were told they couldn't, so there was a time lapse there.
- Mr. Manke explains preliminary designs were done, there isn't a final survey but they have a good idea of location. Attorney Al Zullo explains that he also couldn't begin working on the agreement until the preliminary plans were given to him.
- Councilman Parlato asks if they are still in the preliminary designs or if that is done, Mr. Manke states the preliminary designs are in. Mr. Parlato states that the best way to go is if voted on tonight there would have to be approval from the Town Engineer to make sure there are no conflicts with future or existing facilities within the designated area for the fence.
- Chairman Anania asks if the Authority is flexible if the Town Engineer says the given section is not good for the fence.
- Mr. Manke explains that there is a sewer line there, so there are limitations as to where the fence can be placed; there are tough graphical features that are

essential in. Engineer Bob Sherry states that he would imagine the concern would be for the sewer line, there is a drainage ditch there. They would like to put the fence another 5 or 10 feet beyond the sewer line that is owned by the Greater New Haven Water Pollution Control Agency but there is no room because it starts to go down to the ditch line. He explains the best place to put it is on high ground, away from the sewer. He feels like this is in the right spot, but they do have flexibility.

- Councilman Santino states as you come down Proto Drive the brook goes in further; it is 50 feet from the road. Mr. Sherry explains they will have to cross one time.
- Councilman Anthony Mansi asks Anthony Purificato if in working in the Animal Control unit there have been notifications of problems in that area. Councilman Purificato states no, but there are not residents that would be calling it in. Councilman Santino states he is down there four times a week and there are a ton of deer there and it would be a safety issue. Councilman Depalma also states that it is a safety issue.
- Councilman Parlato asks what steps will be taken to get the deer out when the fence is erected; they ensured that the deer will be out.
- Councilman Richardson asks will there be gates in the fence since the Town will have access to the area. Mr. Sherry states they would be able to get to the ditch and the sewer line which is before the fence begins, but there wouldn't be anything to want to get to on the other side. There are access gates at the end of the runway.
- Attorney Al Zullo makes sure that they are okay with it as long as they maintain the ditch; this will be amended into the agreement.

Roll call: 8 in favor- none oppose- 1 abstention (Mansi). Motion carries.

### **Item #3**

Councilman Purificato makes a motion to adjourn.

Councilman Richardson seconds the motion.

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

Meeting is adjourned at 7:58 PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council

