

MINUTES OF THE BOARD OF SELECTMEN'S MEETING

September 7, 2011

The regular meeting of the Board of Selectmen was called to order at 7:04 pm in the Community Room of the North Haven Memorial Library, 17 Elm Street, North Haven, CT.

Members Present

First Selectman, Michael J. Freda
Second Selectman, Timothy M. Doheny
Third Selectman, Stephen A. Fontana

Mr. Freda introduced himself and Selectmen Doheny and Fontana, and welcomed everyone to the meeting.

Public Comments Relative to the Agenda – Mr. Gary Amato, Pool Road, asked if in the Selectman's overview would there be anything regarding the Land Use Department. Mr. Freda responded, no.

Mr. Doheny motioned to approve the minutes of the Regular Board of Selectmen's Meeting of August 18, 2011

Voted: Freda – yes, Doheny – yes, Fontana – yes

Selectman's Overview – Mr. Freda explained that the laptop computer was not working and he would provide an abbreviated version of his overview.

OPERATIONAL

- Response to Hurricane Irene
 - The Town opened its EOC on Saturday, August 27th at midnight staffed with UI, Police, Fire, Public Works and himself
 - Shelter provided at the North Haven High School for those residents wishing to evacuate their homes (water and snacks provided)
 - Beginning Saturday, 8/27 the DPW provided emergency response services to Police and Fire Departments in an effort to clear impassable roadways. We had 54 roads that were impassable, and certain parts of town virtually cut off from emergency access.
 - Also assisted the UI with tree removal and disposal efforts once the UI de-energized the downed wires.
 - Mr. Freda explained the process and hindrances associated with getting power restored to our residents. Our efforts were designed to try to help the UI.
 - Physically out in the field every day visiting neighborhoods and residents
 - Fire, police, public works and Selectman's office fielded a record number of phone calls, extra staffing
 - The DPW increased its Transfer Station hours and days of operation for the weeks of August 29th and September 5th to assist residents with brush and storm debris disposal: Tuesdays through Sundays from 7:00 am – 12:45 pm, bring your driver's license or photo ID indicating you are a Town resident
 - The DPW has also commenced with a large scale curbside storm debris (large branches, tree stumps, etc.) collection program in an effort to assist those residents who are unable to bring these items to the Transfer Station.
 - This may take up to several weeks to complete given the 126 miles of Town

roadways

- FEMA and Red Cross in my office and in the field
- Assistance available from FEMA for Individual and Households
 - Who can register:
 - All Connecticut residents (homeowners, renters) and businesses with damage from Hurricane Irene
 - Residents and Businesses who are not sure of the extent of their damages or who are awaiting insurance coverage information should register -registration closes on November 3, 2011
- You may register by telephone or on line
 - 1-800-621-FEMA (3362)
 - www.disasterassistance.gov
 - FEMA helpline, 1-800-621-3362
- This information with more detail is available on the Town website
- Bi-annual Bulk Pick-Up
 - DPW will commence bi-annual bulk pick up program during the weeks of September 6th and 12th

FINANCIAL UPDATE:

- Financial Surplus \$1,582,318
- Revenue only grew \$273,000
- Surplus was derived by driving cost efficiencies throughout the town
- Our goal is to give the surplus back in next year's budget to offset next year's expenses
- Fund balance will not be dipped into and will remain at 8 percent
- For this fiscal year we are currently in, starting July 1, 2011 our 2010 Grand List - \$15,238,400. Largely attributed to the growth of Universal Drive. Our goal is to continue to grow the Grand List.
- By driving surplus we will take previously authorized tax payer dollars and use them for future taxpayer expenses, so taxpayers of North Haven do not get hit twice. Using previously funded taxpayer dollars for future expenses.

ECONOMIC DEVELOPMENT

- Yale New Haven Hospital Update
 - Yale New Haven Hospital decision by October 3rd as told to us by the Office of Health Care Access
- Show and Sell
 - October 15, 2011, 10:00 – 3:00 pm at North Haven High School
 - www.northhavenevents.com
 - Due to Irene we will be extending our sign up deadline to 9/15

Correspondence – Letter from Michael Zulawski requesting various Land Use personnel to be present at the BOS meeting. Mr. Freda stated that he will be welcome to comment during the public comment portion of the meeting.

Child Abuse Awareness Presentation – In continuation of the topic of raising Child Abuse Awareness as requested by Mr. Raymond Fowler, Mr. Doheny introduced Rita Pelaggi, LCSW Area Director for the Connecticut Department of Children and Families. Ms. Pelaggi provided an overview of DCF including their vision, mandated reporter training, who must report, and what must be reported according to Connecticut General Statutes. She also discussed reasonable cause to suspect and the fact that certainty is not required. She explained the Connecticut General Statute of the definition of abuse including neglect, as well as whom DCF investigates and the definition of the person responsible or entrusted for the child. Ms. Pelaggi went on to discuss the reporting procedures and information needed when reporting, as well as when DCF notifies the police. She also explained confidentiality and anonymity and legal protections for reporting and consequences for failing to report and the Safe Haven Act. She concluded with an explanation of the differential Response System which is the entry

point to DCF involvement.

Mr. Freda asked if there were any questions from the public. Mr. Amato asked about the age that a child is okay to be unsupervised, for example a child between the ages of 4-8 on a bike by themselves on a busy road, is that considered neglect. Ms. Pelaggi stated that they try not to designate specific ages because cognitive and developmental maturity varies. In general they think any child under the age of five needs supervision. A young child on a dangerous street should be reported to the police department.

Mr. Freda asked Ms. Pelaggi's opinion on when we should do something as a Town related to child abuse, since April is National Child Abuse Awareness month. Ms. Pelaggi responded that there can never be enough efforts put into the topic. She also added that their department would be happy to assist in April in partnering with the Town. Mr. Freda felt we should do something at the end of month, and then again in April. Mr. Doheny thanked Ms. Pelaggi and also noted that we will be putting the 800 number on the Town website. He also mentioned how much he has learned about the topic since speaking with Ms. Pelaggi. Mr. Freda also noted that we will be trying to leverage the resources of Harbor Health for some sort of counseling or therapy for those parents in need.

Resignations and Appointments –

- Mr. Doheny motioned for the reappointment of Hugh Davis (D), 1261 Ridge Road, North Haven, CT to the Conservation Commission for a four year term to expire August 31, 2015.
Voted: Freda – yes, Doheny – yes, Fontana – yes
- Mr. Doheny motioned for the appointment of Karl Veith (R), 30 Allendale Drive, North Haven, CT to the Cemetery Commission for a two year term to expire June 30, 2013.
Voted: Freda – yes, Doheny – yes, Fontana – yes
- Mr. Doheny motioned for the appointment of Stephen Consiglio (R), 147 Sentinel Hill Road, North Haven, CT to the Board of Education to fill the unexpired term of Sandra L. Cummings, term to expire December 1, 2011.
Voted: Freda – yes, Doheny – yes, Fontana – yes

Property Tax Refunds –

Mr. Doheny motioned to approve the property tax refunds as presented

Voted: Freda – yes, Doheny – yes, Fontana – yes

- Acme Auto Leasing, LLC, 440 Washington Avenue, North Haven, CT 06473, in the amount of \$65.76
- ARI Fleet, 9000 Midlantic Drive, Mt. Laurel, NJ 08054-1539, in the amount of \$110.16
- Walter Bennett, 255 Spring Road, North Haven, CT 06473, in the amount of \$22.45
- Blake Companies, 100 Upper State Street, North Haven, CT 06473, in the amount of \$117.70
- Anthony J. Capasso, 1 Coventry Circle, North Haven, CT 06473, in the amount of 11.73
- Chase Auto Finance Corp, Box 901098 Fort Worth, TX 76101, in the amount of \$196.45, and in the amount of \$91.49
- Daimler Trust, Box 685 Roanoke, TX 76262, in the amount of \$461.62, and in the amount of \$324.26, and in the amount of \$51.91, and in the amount of \$46.00
- Daimler Chrysler Corp, 1000 Chrysler Drive, Auburn Hills, MI 48326, in the amount of \$282.51
- Michael Digiovanna, 2 Winchester Drive, North Haven, CT 06473, in the amount of \$22.96
- EAN Holdings, LLC, 6929 N Lakewood AS100, Tulsa, OK 74117, in the amount of \$399.37

- Michael Ferry, 24 Dixwell Avenue 347, New Haven, CT 06511-3402 in the amount of \$28.72
- Garden Acres Garden, 343 Clintonville Road, North Haven, CT 06473 in the amount of \$71.12
- Richard and Janet Johnson, 3 Cooper Road, North Haven, CT 06473 in the amount of \$273.06
- Karen or Michael Kluth, 30 Belvedere Road, North Haven, CT 06473 in the amount of \$29.73
- Dennis R or Frances P Laroque, 31 Central Avenue, North Haven, CT 06473 in the amount of \$49.65
- Vincenzo Marino, 9 Wenzel Farm Road, North Haven, CT 06473 in the amount of \$20.70
- Anthony or Karen Mascola, 76 Winchester Drive, North Haven, CT 06473 in the amount of \$48.75
- Gregory E or Elizabeth D Meyer, 6 Eva Circle, North Haven, CT 06473 in the amount of \$20.25
- Teresa J Proto, 29 North Hill Road, North Haven, CT 06473 in the amount of \$25.93
- Randall & Kimberly Rossi, 15 Edison Drive, North Haven, CT 06473 in the amount of \$252.90
- Michael or Genevieve Simione, 103 Maple Avenue, North Haven, CT 06473 in the amount of \$38.67
- Vincent Stellato, 14 Greenfield Lane, North Haven, CT 06473 in the amount of \$27.33
- William E and Pauline Thurlow, 1800 Hartford Tpke, North Haven, CT 06473 in the amount of \$10.94
- Toyota Motor Credit Corp, Box 105386, Atlanta, GA 30348 in the amount of \$190.93
- Margaret Woodson, 38 Surfson Road, Kiawah Island, SC 29455 in the amount of \$8.68

At 7:58 pm Mr. Doheny motioned to enter into Executive Session to discuss and take possible action regarding pending litigation and personnel matter involving Leigh Gomez and invited town attorneys William Ryan and Jeff Donofrio as well as attorney Mike Petrie.

Voted: Freda – yes, Doheny – yes, Fontana – yes

At 8:23 pm Mr. Doheny motioned for the Board to reconvene the Board of Selectmen's meeting.

Voted: Freda – yes, Doheny – yes, Fontana – yes

Mr. Doheny motioned to authorize First Selectman, Michael Freda, to enter into a settlement agreement between the Town and Leigh Gomez along the lines as discussed amongst the board members in executive session.

Voted: Freda – yes, Doheny – yes, Fontana – yes

Mr. Freda stated that the next meeting of the Board of Selectmen will be on Thursday, October 6, 2011 at 7:00 p.m. in the community room of the North Haven Memorial Library, 17 Elm Street, North Haven, CT.

Mr. Freda announced that on Sunday, September 11th there will be a prayer service to reflect on one of the most heinous crimes in the United States history; 9/11. It will be at 8:30 am at Fire Headquarters.

Mr. Freda also stated that he would like to hold a special meeting of the Board of Selectmen, on Monday September 19th at 8:00 am to read the call for the Annual Town Meeting to be held on Tuesday, September 27th at 7:00 pm in the North Haven High School auditorium. At that town meeting we will go through our budget transfers, and he will outline a long term capital improvement plan, blight ordinance, and move to accept a town road.

Public Comment – Mr. Ray Fowler, Todd Drive, expressed his thanks to the entire Town and especially the Department of Public Works. Mr. Fowler stated that he and his wife wanted to express their appreciation and present Lynn Sadosky and the Public Works team who assisted with the Hurricane Irene recovery efforts with the “All American Eagle Award”.

Linda Currie-Zeffiro, Hartley Street, felt that we should not be patting ourselves on the back. She expressed her concern over the trees in Town that need pruning and attention. Mr. Doheny asked if the UI is responsible for pruning trees around the wires and did they cut back on that program contributing the problem. Lynn Sadosky responded the town is responsible for the trees in the Town’s right of way, consisting of about 126 miles of Town road. Ms. Sadosky also noted that once a tree grows into the wires the DPW is prohibited from touching the tree. Mr. Victor Palma, Tree Warden for the Town noted that residents can contact the UI directly as well as DPW and even the Police Department when necessary. He continued to discuss the topic.

Marie Zuckerman, Garfield Avenue, stated that if anyone in Town deserves praise, it is Mr. Victor Palma. She worked with him via telephone and letter to get trees taken care of. She feels it is everyone’s responsibility including the residents to put the pressure on the UI.

John Heeran, Debra Lane, noted that there is a limit to where Town’s authority lies with regard to what is public and private property. Mr. Freda did recap the situation and noted that we need to take a proactive approach.

Pat Nuzzolillo, Mansfield Road, stated that he did not hear one Town official pat themselves on the back. He commended Mr. Fowler for his kind words of appreciation to the DPW. He feels that the Town did a good job of disseminating information, bringing personnel together, getting roads open. He toured the Town after the hurricane and saw our DPW out clearing large trees. He noted that Mr. Freda kept the Town residents informed of the services being provided to the residents.

Mr. Fowler stated that he forgot to mention the well know problems on Todd Drive and Todd Drive South. He is very happy to report that with the recent storm events, the work done in that area worked. It was a great job.

Mr. Freda noted that he will be having a Department Head meeting this week to de-brief after Irene and identify a list of things that can be done even better in the future. He appreciates the accolades but this government is always looking to improve.

Gary Amato asked about the Show and Sell and where the sign with sponsor names will be going? Mr. Freda replied the community bulletin board on the corner of the green. He then asked about the topic concerning the buildings on the Fair Grounds and people in the Land Use Department involved. He did a lot of research and feels that protocols were bypassed. Ms. Sadosky then proceeded to give a lengthy and detailed explanation on the situation including a time line, and events pertaining to the structures. Attorney Jeff Donofrio stated his confirmation to the details provided by Ms. Sadosky. He stated that according to the cease and desist order they have 90 days to apply for and obtain site plan approval. He also provided additional clarification related to the size of the building and the additional space and how it occurred. He feels it was an innocent mistake and if they want to expand the use they have to go through the site plan approval which the Association agreed to. In the mean time, the portion of the structure that exceeds the original footprint will be closed off and unavailable for use.

Mr. Sonazzaro, Elm Street, felt that people should not be getting shook up over trees that are getting old. He also stated that people are trying to aggravate others by stirring up the issue with the fair ground buildings, and feels they are not bothering anyone and should be left

alone.

Mr. Zulawski, asked if in response to his letter the employees from the Land Use Department would be at this evening's meeting. Mr. Freda responded no, that we have all the appropriate people here. He said that he continues to have issues with the Building Department and thinks they are crooked. Ms. Sadosky responded by providing a very detailed accounting of the actions and repeated requests made by Mr. Zulawski. She also provided an explanation of information that came to the Building Department a year and a half ago on an anonymous report of a structure being built with proper permits. This resulted in a stop work order being issued from the Town to Mr. Zulawski. In summary, she also noted that Mr. Zulawski signed an affidavit stating that he would bring his project into compliance, and 14 months later he still has not done so. Mr. Freda suggested that Mr. Zulawski get in compliance or take the structure down. Mr. Doheny commented that the size of the structure is rather large, and disappointed with how Mr. Zulawski came to the Town. He noted that he has had direct and continuing access to the Town taking up much time. He also feels that these conversations do not belong at these meetings. He also feels that he should get in compliance. Mr. Freda reiterated the case is closed and he needs to get in compliance, or take the structure down.

Samuel Faimen, a realtor in town, stated that he was instrumental in bringing Mr. Zulawski into North Haven and having him acquire the building that he occupies now. He has brought in about 25 employees with an active operation. To his knowledge, all he has done is put a roof over his platform, costing about \$10,000 and the Town is requiring him to put up a \$65,000 bond. Mr. Freda explained that there are a lot of issues associated with this, and Mr. Faimen does not have all the facts. His engineer agreed to the bond. Mr. Faimen stated he has permits. Mr. Freda explained he does not and we have tried to work with Mr. Zulawski for a long time.

Attorney Jeff Donofrio, stated that he does not know anything about Mr. Zulawski's situation, but he does know that bond amounts are set by the Planning and Zoning Commission in conjunction with granting a site plan approval based on estimates that the Town Engineer prepares. If an applicant is dissatisfied with the conditions of approval, the applicant can appeal to New Haven Superior Court and seek to have that approval modified or vacated. There are remedies available to anyone who is not satisfied. From a jurisdictional standpoint the First Selectman has no jurisdiction over the Planning and Zoning Commission or the Zoning Board of Appeals pursuant to Connecticut General Statutes.

Mr. Amato, asked why the Planning and Zoning Commission was bypassed on the fair grounds. Mr. Donofrio replied that he does not understand what Mr. Amato means when he says they were bypassed. Because this pre-existed zoning regulations, and there were several letters submitted to the Land Use office prior to the erection of this building indicating that the building would be within the original footprint, there is no site plan approval required. Therefore there would be no application to the Planning and Zoning Commission. They were not bypassed. The property owner made a representation to the Town that the Town relied upon which indicated that they were not expanding the use. After it was brought to the Town's attention, it was confirmed that it was in fact larger than the footprint and now have been told they need site plan approval and they have agreed to do it. If they don't they will be issued a cease and desist order for that 8 feet. They are being told they can not use that space for the fair. If they don't comply then enforcement action will be taken against them. Mr. Amato then read a letter from 2003 regarding replacement of one of the structures. Mr. Doheny replied that all it means is that they took an extra step. The discussion continued, concluding with Mr. Freda stating that we have put in very robust systems in our Building Department to upgrade the systems to prevent problems from happening. He stated that our Town is on the right track for the future and this government is striving for excellence.

Mr. Zulawski stated he is going to hire a private investigator. Mr. Freda replied that is his prerogative. He also suggested that Mr. Zulawski get into compliance. He has had violations for 14 months and needs to rectify that.

Adjournment – Mr. Doheny motioned to adjourn at 9:25 pm.