

June 11, 2012

The Regular Meeting of the West Haven City Council was held on Monday, June 11, 2012 in the City Council Chambers, third floor, City Hall.

Present were Council Members DeCrescenzo, Pascale, Conlon, Lewis, Gallignano, Watt, O'Brien, Rossi, Morrissey, Last, Burns, and McCarthy. Absent was Councilman Forsyth.

Chairman DeCrescenzo called for a moment of silence for the passing of former Councilwoman Judith Harvey Buonomo.

Councilman DeCrescenzo presented a MOTION to add one communication to tonight's agenda from Mayor Picard regarding reapportionment which was SECONDED by Councilman Pascale and APPROVED viva-voce with Councilwoman Morrissey voting no.

Councilwoman Morrissey presented a MOTION to waive the rules after the Public Information Session. This Motion did not receive a SECOND.

The Chair made the communication regarding reapportionment Communication L.

Chairman DeCrescenzo introduced Merwin Gonzales from New England Geodesic of Branford, who made a presentation regarding reapportionment. Mr. Gonzales stated the State of Connecticut recently released changes in the senatorial and congressional districts and indicated that the State wants the changes made before the August primaries. The City will be going from 12 to 10 districts permanently.

6:50 P.M. Public hearing regarding the Neighborhood Assistance Program

Pledge of Allegiance

7:00 P.M. Public Input Session

The Regular Meeting was called to order by Chairman Stephen W. DeCrescenzo at 8: 29 P.M..

Superintendent of Schools Neil C. Cavallaro and Ken Carney, Chairman of the Building Oversight Committee addressed the Five Year Capital Plan regarding a new high school. Mr. Cavallaro stated the State has granted a one year extension and the City will have to ask for another one year extension before ground breaking for the new high school in approximately late 2014. There will be 70% new construction and 30% renovations. The gym and auditorium will stay and be renovated.

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APPROVAL OF THE JOURNAL:

Majority Leader Pascale presented a MOTION to APPROVE the Journal of May 29, 2012 which was SECONDED by Councilman McCarthy and APPROVED viva-voce.

COMMUNICATIONS:

Communication A. from the Tax Collector attaching the Overpayment Refunds for the month of May, 2012 was referred to the Clerk to be read under Committee Reports.

Communication B. from Mayor Picard regarding an appointment to the Inland Wetlands Agency was referred to the Personnel and Civil Service Committee.

Communication C. from Taxpayers requesting Abatements of Interest (1) (2) (3) was referred to the Tax Deferral Committee.

Communication D. from the Deputy Chief of Police regarding a donation was referred to the Finance Committee.

Communication E. from Councilman Pascale regarding a resolution concerning Citizens United v. Federal Election Commission was referred to the Council as a Whole, with Councilman Pascale to Chair.

Communication F. from Mayor Picard regarding a lease agreement to use the parking lot at Thompson School was referred to the Finance Committee.

Communication G. from Assistant Corporation Counsel regarding U.S. Coast Guard Navigation Light Leases was referred to the Finance Committee.

Communication H. from Councilman Lewis requesting a Waiver of Building Permit Fees for Washington School PTA was referred to the Finance Committee.

Communication I. from the Assistant Planner regarding an amendment to Chapter 81 – Section 8 – Fee Schedule was referred to the Legislative Matters Committee.

Communication J. from the Assistant Planner regarding an amendment to Chapter 101, Section 101-1 Schedule of Fees was referred to the Legislative Matters Committee.

Communication K. from the Finance Director regarding sale of tax liens was referred to the Finance Committee.

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Communication L. from Mayor Picard regarding Voting District Reapportionment was referred to the Council as a Whole, with Councilman Pascale to Chair.

RECESS: 8:42 P.M.

COMMITTEE REPORTS:

Personnel and Civil Service Committee, Councilman McCarthy, Chairman

Committee Members: Pascale, Last, Watt and, Forsyth, who is absent

Committee Member Pascale presented a MOTION to recommend the APPROVAL of Communication B. to the entire Council which was SECONDED by Committee Member Last and APPROVED unanimously by the Personnel and Civil Service Committee.

Legislative Matters Committee, Councilman Conlon, Chairman

Committee Members: Burns, Gallignano, Lewis and Forsyth, who is absent

Committee Chairman Conlon stated he will present Communication I and Communication J. for FIRST READINGS and request a date and time for public hearing under Committee Reports.

Housing, Planning and Recreation Committee, Councilman McCarthy for Councilman Forsyth, Chairman, who is absent

Committee Members: Gallignano, Conlon, McCarthy, O'Brien

Committee Member Conlon presented a MOTION to recommend the APPROVAL of Communication D. 05/14/12 Agenda – Neighborhood Assistance Program – to the entire Council which was SECONDED by Committee Member Gallignano and APPROVED unanimously by the Housing, Planning and Recreation Committee.

Tax Deferral Committee, Councilman Conlon, Chairman

Committee Members: Watt, Last, Rossi and Forsyth, who is absent

Committee Member Last presented a MOTION to recommend the DENIAL of Communication C. (1) to the entire Council which was SECONDED by Committee Member Watt and APPROVED unanimously by the Tax Deferral Committee.

Committee Member Last presented a MOTION to recommend the DENIAL of Communication C. (2) to the entire Council which was SECONDED by Committee Member Rossi and APPROVED unanimously by the Tax Deferral Committee.

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Committee Member Last presented a MOTION to recommend the DENIAL of Communication C. (3) to the entire Council which was SECONDED by Committee Member Rossi and APPROVED unanimously by the Tax Deferral Committee.

Finance Committee, Councilman Last, Chairman

Committee Members: Pascale, Burns, Rossi and Forsyth, who is absent

Committee Member Pascale presented a MOTION to recommend the APPROVAL of Mayor Picard's Five Year Capital Plan to the entire Council which was SECONDED by Committee Member Rossi and APPROVED unanimously by the Finance Committee.

Committee Member Pascale presented a MOTION to recommend the APPROVAL of Communication D. to the entire Council which was SECONDED by Committee Member Rossi and APPROVED unanimously by the Finance Committee.

Committee Member Pascale presented a MOTION to recommend the APPROVAL of Communication F. to the entire Council which was SECONDED by Committee Member Burns and APPROVED unanimously by the Finance Committee.

Committee Member Burns presented a MOTION to recommend the APPROVAL of Communication G. to the entire Council which was SECONDED by Committee Member Pascale and APPROVED unanimously by the Finance Committee.

Committee Member Pascale presented a MOTION to recommend the APPROVAL of Communication H. to the entire Council which was SECONDED by Committee Member Rossi and APPROVED unanimously by the Finance Committee.

Committee Member Burns presented a MOTION to recommend the APPROVAL of Communication K. to the entire Council which was SECONDED by Committee Member Pascale and APPROVED unanimously by the Finance Committee

Under discussion of the Motion Committee Member Rossi requested that 91 Pheasant Road be removed from the list..

Public Lands Committee, Councilwoman Burns, Chairman

Committee Members: Pascale, Watt, McCarthy and Forsyth, who is absent
Committee Member Pascale presented a MOTION to place Communication F. 01/23/12 Agenda – request to purchase Pent Road out to bid which was

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SECONDED by Committee Member McCarthy and APPROVED unanimously by the Public Lands Committee.

Communication O. 02/13/12 Agenda – request to purchase City owned property located on Clinton Place – out to bid

The following communications were held in committee:

Communication G. 05/14/12 Agenda – abandonment of a portion of Nashawena Avenue

Communication D. 05/28/12 Agenda – request to purchase City owned property located on Atwood Place

Councilman Pascale requested a Majority Caucus. The Chair granted the request.

9:09 P.M. – 9:26 P.M. Majority Caucus

Council as a Whole, Councilman Pascale, Chairman

Committee Member DeCrescenzo presented a MOTION to allow discussion regarding Communication G. 03/12/12 Agenda – Ordinance establishing a municipal fire district which was SECONDED by Committee Member Last and APPROVED unanimously by the Council as a Whole.

Committee Member Last presented a MOTION to change the name of the fire district to City of West Haven Fire Department (eliminating Allingtown) which was SECONDED by Councilman DeCrescenzo and a roll call vote was taken.

There were six (6) yes, Council Members McCarthy, Pascale, Conlon, Gallignano, Last and DeCrescenzo and six (6) no, Council Members Lewis, Watt, O'Brien, Rossi, Morrissey and Burns and one absent, Councilman Forsyth. The Motion did not carry.

Councilman DeCrescenzo presented a MOTION to change the name of the fire district to City of West Haven Fire Department Engine One Allingtown which was SECONDED by Councilman Conlon.

After discussion Councilman McCarthy presented an amendment to change the name of the fire district to City of West Haven Fire Department/Allingtown which was SECONDED by Councilman Last and a roll call vote was taken. There were eight (8) yes, Council Members DeCrescenzo, McCarthy, Pascale, Conlon, Gallignano, Watt, Last and Burns, four (4) no, Council Members Lewis,

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O'Brien, Rossi and Morrissey and one absent, Councilman Forsyth. The Motion carried.

Councilman DeCrescenzo presented a MOTION to require any new Chief of the new West Haven Fire Department/Allingtown to have a B.A. or B.F. in fire sciences. This Motion was SECONDED by Councilman McCarthy and after discussion Councilman McCarthy withdrew his Second and Councilman DeCrescenzo withdrew his Motion.

Councilwoman Morrissey left the meeting at this point.

Councilman DeCrescenzo presented a MOTION to name the fire commissioners City of West Haven/Allingtown Board of Fire Commissioners which was SECONDED by Councilman McCarthy and a roll call vote was taken.

There were nine (9) yes, Council Members DeCrescenzo, McCarthy, Pascale, Conlon, Lewis, Gallignano, Watt, Last and Burns, two no, Council Members O'Brien and Rossi and two absent, Council Members Forsyth and Morrissey. The Motion carried.

Councilman McCarthy presented a MOTION to increase the Board of Fire Commissioners to five (5) members from Allingtown, appointed by the Mayor with the approval of the City Council and two alternates from anywhere within the City, including Allingtown. which was SECONDED by Councilman DeCrescenzo. After discussion Councilman DeCrescenzo withdrew his Second and Councilman McCarthy withdrew his motion.

There was a five minute recess.

Councilman McCarthy presented the following MOTION:

There shall be a Fire Chief appointed by the Board of Fire Commissioners appointed for an indefinite term. Within twelve months of his or her appointment and during his or her term of office the Fire Chief shall be elector of the City of West Haven. This Motion was SECONDED by Councilman DeCrescenzo and a roll call vote was taken. There were ten (10) yes, Council Members DeCrescenzo, McCarthy, Pascale, Conlon, Lewis, Gallignano, Watt, Rossi, Last and Burns, one no, Councilman O'Brien and two absent, Council Members Forsyth and Morrissey. The Motion carried.

Councilman DeCrescenzo presented the following MOTION which was SECONDED by Councilman Last:

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There shall be a Fire Chief appointed by the Board of Fire Commissioners, appointed for an indefinite term.. Within six months of his or her appointment and during his or her term of office the Fire Chief shall be an elector of the City of West Haven.

Councilman Pascale presented an amendment to the Motion as follows which was SECONDED by Councilman Last::

There shall be a Fire Chief appointed by the Board of Fire Commissioners. appointed for an indefinite term. Within one year of his or her appointment and during his or her term of office the Fire Chief shall be an elector of the City of West Haven. After discussion on the motion, Councilman Last withdrew his Second and Councilman Pascale withdrew his Motion.

Councilman DeCrescenzo presented the following Motion which was SECONDED by Councilman McCarthy:

There shall be a Fire Chief appointed by the Board of Fire Commissioners, appointed for an indefinite term. Within one year of his or her appointment and during his or her term of office the Fire Chief shall be an elector of the City of West Haven.

A roll call vote was taken. There were eight (8) yes, Council Members DeCrescenzo, McCarthy, Pascale, Conlon, Lewis, Gallignano, Watt and Last, three (3) no, Council Members O'Brien, Rossi and Burns and two absent, Council Members Forsyth and Morrissey. Council Members Pascale and O'Brien passed on the first poll. The Motion carried.

Councilman Pascale presented the following Motion which was SECONDED by Councilman Last:

That there shall be a Fire Chief appointed by the Board of Fire Commissioners. Within one year of his or her appointment and during his or her term of office the Fire Chief shall be an elector of the City of West Haven.

A roll call vote was taken. There were eleven (11) yes, Council Members DeCrescenzo, McCarthy, Pascale, Conlon, Lewis, Gallignano, Watt, O'Brien, Rossi, Last and Burns and two absent, Council Members Forsyth and Morrissey. The Motion carried.

Councilman DeCrescenzo presented a MOTION to recommend Communication G. 3/12/12 Agenda – An Ordinance creating Chapter 106 of the Code of the City of West Haven – the Establishment and Operation of the City of West Haven Fire

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Department Allingtown for a First Reading which was **SECONDED** by Councilman Conlon.

A roll call vote was taken. There were nine (9) yes, Council Members DeCrescenzo, McCarthy, Pascale, Conlon , Lewis, Galignano, Watt, Last and Burns, two (2) no, Council Members Rossi and O'Brien and two absent, Council Members Forsyth and Morrissey. The Motion carried.

Committee Member Rossi presented a **MOTION** to recommend the **APPROVAL** of Communication E. to the entire Council which was **SECONDED** by Committee Member Conlon and **APPROVED** by the Council as a Whole with Councilman Lewis voting no.

Communication L. was held in committee.

RECONVENE: 11:48 P.M.

UNFINISHED BUSINESS: None.

COMMITTEE REPORTS:

The Clerk of the Council presented the list of Overpayment Refunds for the month of May, 2012. Copy of Refunds appears at end of this Journal.

Councilman McCarthy, Chairman of the Personnel and Civil Service Committee, presented the unanimous report of the committee with regards to an appointment. Councilman McCarthy presented the following **MOTION** which was **SECONDED** by Council Members Last and Pascale::

RESOLVED: That the appointment to the Inland Wetlands Agency of Cynthia Beecher of 144 Painter Avenue, West Haven, effective immediately and to expire on July 31, 2014 to replace Patrick Pickering, be approved.

A roll call vote was taken. There were nine (9) yes, Council Members DeCrescenzo, Pascale, Conlon, Galignano, Watt, Rossi, Last, Burns and McCarthy, one no, Councilman Lewis, two absent, Council Members Forsyth and Morrissey and one abstention, Councilman O'Brien. The Motion carried.

Councilman McCarthy for Councilman Forsyth, Chairman of the Housing, Planning and Recreation Committee, presented the unanimous report of the committee with regards to the Neighborhood Assistance Program. Councilman

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McCarthy presented the following MOTION which was SECONDED by Councilman Gallignano and APPROVED viva-voce:

RESOLVED: That the recommendations as presented relative to the Neighborhood Assistance Program, P.A. 86-469 for the City of West Haven, be approved.

Councilman Conlon, Chairman of the Legislative Matters Committee, presented for a **FIRST READING ‘ An Ordinance amending Chapter 81 of the Code of the City of West Haven – Building Construction, Article II, Fees, Section 8 – Fee Schedule’** and requested the Chair to set a Public Hearing date.

The Chair set a Public Hearing date for Monday, June 25, 2012 at 6:50 P.M. in the City Council Chambers, third floor, City Hall, 355 Main Street, West Haven.

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Councilman Conlon, Chairman of the Legislative Matters Committee, presented for a **FIRST READING “ An Ordinance amending Chapter 101 – Fees, Section 101-1 Schedule of Fees”** and requested the Chair to set a Public Hearing date.

The Chair set a Public Hearing date for Monday, June 25, 2012 at 6:55 P.M. in the City Council Chambers, third floor, City Hall, 355 Main Street, West Haven.

Councilman Conlon, Chairman of the Tax Deferral Committee, presented the unanimous reports of the committee with regards to requests for Abatements of Interest. Councilman Conlon presented the following MOTIONS which were DULY SECONDED and APPROVED viva-voce:

RESOLVED: That the request for an Abatement of Interest in the amount of \$1,159.19 on the 1999, 2000 and 2001 Grand Lists from a taxpayer (tax bills #200095, 200436 and 200466) be denied.

RESOLVED: That the request for an Abatement of Interest in the amount of \$2,964.29 on the 1993 to 2010 Grand Lists from a taxpayer (tax bill #1962) be denied.

Councilman Conlon, Chairman of the Tax Deferral Committee, presented the unanimous report of the committee with regards to a request for an abatement of interest. Councilman Conlon presented the following Motion:

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RESOLVED: That the request for an Abatement of Interest in the amount of \$1,809.93 on the 2007, 2008, 2009 and 2010 Grand Lists from a taxpayer (tax bill # 6986) be denied.

A roll call vote was taken. There were six (6) yes, Council Members McCarthy, Pascale, Conlon, Gallignano, Watt and Last, five (5) no, Council Members Lewis, O'Brien, Rossi, Burns and DeCrescenzo and two absent, Council Members Forsyth and Morrissey. The Motion failed.

Councilman Last, Chairman of the Finance Committee, presented the unanimous report of the committee with regards to the Five Year Capital Plan. Councilman Last presented the following MOTION which was SECONDED by Councilman Watt and APPROVED viva-voce:

RESOLVED: That Mayor Picard's Five Year Capital Plan, as submitted, be approved.

Councilman Last, Chairman of the Finance Committee, presented the unanimous report of the committee with regards to a donation. Councilman Last presented the following MOTION which was SECONDED by Councilman Conlon and APPROVED viva-voce:

RESOLVED: That the following donation to the Department of Police Services be approved and deposited into line item #1010000028285 Animal Shelter donations:

<u>FROM</u>	<u>ADDRSS</u>	<u>AMOUNT</u>
Ruth Arotsky	381 Main Street	\$150.00

Councilman Last, Chairman of the Finance Committee, presented the unanimous report of the committee with regards to a lease agreement. Councilman Last presented the following MOTION which was SECONDED by Councilman Pascale:

RESOLVED; That the lease agreement between the Veteran's Administration Hospital and the City of West Haven for six (6) months for the parking lot behind Thompson School and the funding to make the necessary updates to the lot, be approved.

A roll call vote was taken. There were eleven (11) yes, Council Members DeCrescenzo, Pascale, Conlon, Lewis, Gallignano, Watt, O'Brien, Rossi, Last, Burns and McCarthy and two absent, Council Members Forsyth and Morrissey. The Motion carried.

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Councilman Last, Chairman of the Finance Committee, presented the unanimous report of the committee with regards to U.S. Coast Guard Navigation Lights Leases. Councilman Last presented the following MOTION which was SECONDED by Councilman Pascale and APPROVED viva-voce:

RESOLVED; That the lease agreements between the U.S. Coast Guard and the City of West Haven for the following navigation lights be approved:

May Street Rear Navigation Light
Beach Street/Third Avenue Channel Front Navigation Light

Councilman Last, Chairman of the Finance Committee, presented the unanimous report of the committee with regards to a waiver of permit fees. Councilman Last presented the following MOTION which was SECONDED by Councilman Lewis and APPROVED viva-voce:

RESOLVED; That in accordance with Chapter 81 of the Code of the City of West Haven – Building Construction, Article II, Fees, Section 81-9 Waivers, the request from the Washington School PTA for a waiver of building permit fees for the annual school carnival to be held from June 14th to June 16th, be approved.

Councilman Last, Chairman of the Finance Committee, presented the unanimous report of the committee with regards to sale of tax liens. Councilman Last presented the following MOTION which was SECONDED by Councilman McCarthy and APPROVED viva-voce with Councilman O'Brien abstaining:

RESOLVED: That the sale of FY 2012 Tax Liens be sold to ATF, be approved.

Councilwoman Burns, Chairman of the Public Lands Committee, presented the unanimous report of the committee with regards to City owned property known as Pent Road. Councilwoman Burns presented the following MOTION which was SECONDED by Councilman McCarthy and APPROVED viva-voce:

RESOLVED; That City owned property located on Pent Road be put out to bid with the condition that 1. must be used only for one-way traffic and 2. cannot connect with Wallace Street, West Haven.

Councilman Pascale, Chairman of the Council as a Whole, presented for a **FIRST READING 'An Ordinance adopting Chapter 106 – The Establishment and Operation of the City of West Haven Fire Department Allingtown'** and requested the Chair to set a Public Hearing date. Copy of ordinance appears at end of this Journal.

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The Chair set a Public Hearing date for Monday, June 25, 2012 at 6:30 P.M. in the City Council Chambers, third floor, City Hall 355 Main Street, West Haven.

Councilman Pascale, Chairman of the Council as a Whole, presented the majority report of the committee with regards to a resolution. Councilman Pascale presented the following MOTION which was SECONDED by Councilman Conlon:

RESOLVED: That the West Haven City Council call upon the United States Congress to pass and send to the states for ratification a Constitutional amendment to reverse Citizens United v. Federal Election Commission and to clarify that Corporations are not entitled to the Constitutional protection or "rights" of natural persons.

"Money is not speech, and therefore regulating election-related spending is not equivalent to limiting political speech" and

RESOLVED; That we instruct the State Representatives and Senators for the City of West Haven to make the need and support for a constitutional amendment known to our state's Congressional delegation, and to the Congress at large and to ask for their position on such an amendment, be approved.

A roll call vote was taken. There were nine (9) yes, Council Members DeCrescenzo, Pascale, Conlon, Gallignano, Watt, O'Brien, Last, Burns and McCarthy, one no, Councilman Lewis and three absent, Council Members Forsyth, Rossi and Morrissey. The Motion carried.

ACTION ON ORDINANCES PREVIOUSLY PRESENTED: None.

NEW BUSINESS:

Councilman O'Brien requested a letter be sent to the Commissioner of Public Works requesting an estimate for renovations to the parking lot at Quigley Stadium, including but not limited to milling, paving, striking of lines, drainage, and lighting, requesting a response by the next Council meeting of June 25, 2012.

Councilman Pascale requested a letter be sent to the Finance Director asking for an update on the digital recording device to be used by the City Council.

ADJOURNMENT: 12:35 A.M.

ATTEST: Charles A. Marino, Clerk of the Council

BY: Donna Nally, Administrative Assistant to the Council These minutes are subject to City Council approval.