

MAYOR
JEFFREY A. MACMILLEN

DEPUTY MAYOR
THOMAS ZAMPANO

TOWN MANAGER
MICHAEL P. DOWNES



COUNCIL MEMBERS
BRUCE ABELSON
ROSE MARIE ANGELONI
MARIE E. DIAMOND
WALTER GOAD
VINCENT J. MASE, SR.
NICHOLAS PALLADINO
RONALD PELLICCIA, JR.

TOWN OF NORTH BRANFORD

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WATER POLLUTION CONTROL AUTHORITY & REGULAR TOWN COUNCIL MEETING OF NORTH BRANFORD, CONNECTICUT

Tuesday, May 2, 2023

Town Council Chambers
7:00 pm

Mayor Macmillen called the Town Council meeting to order at 7:08 p.m.

Salute to the Flag

1. Roll Call

Present: Mayor Macmillen, Deputy Mayor Zampano, Councilor Abelson, Councilor Angeloni, Councilor Diamond, Councilor Mase and Councilor Pelliccia.

Also Present: Town Manager Downes, Assistant Town Manager Burke, Town Treasurer/ Finance Director Esposito, Deputy Fire Marshal O'Brien, Public Works Assistant Director Celentano, Town Attorney Leclerc, Town Engineer Benni, and Michele Leso from Seward and Monde.

Absent: Councilor Palladino and Councilor Goad.

2. Minutes of Previous Meeting:

a. April 18, 2023 – Regular Town Council

Motion: To approve the April 18, 2023- Regular Town Council Meeting minutes

Moved: Councilor Angeloni requested a correction on pg 14, the first sentence should read “Councilor Mase agreed with Ms. Salzo.”

Second: Councilor Diamond

With all in favor, the motion passed.

WATER POLLUTION CONTROL AUTHORITY AGENDA

3. Correspondence/Citizens' Statements: None

4. Unfinished Business: None

5. **New Business:** None
6. **Citizens' Statements and Petitions:** None

REGULAR TOWN COUNCIL MEETING

7. Town Manager Report

a. General Updates

- Town Manager Downes shared the new Assistant Town Manager Rory Burke started Monday 5/1/23. He will be heading up Economic Development and Human Resources and has a terrific background in municipal government and comes from Seymour where he was a CAO. Mr. Downes introduced him to the council. Mayor Macmillen and the council members welcomed him.
- Mr. Burke has been meeting with our town staff and getting acclimated and evaluating the employee onboarding and offboarding process and working on some special projects.
- The new town website is active northbranfordct.gov the url of the old website directs to the new one. Mr. Downes has received positive resident feedback and there will be some tweaks in the coming weeks.
- The Town of North Branford's budget referendum is scheduled for 5/9/23. Polling places are District 1 will be at Jerome Harrison 335 Foxon Rd, District 2 STWCC gymnasium 1332 Middletown Ave. District 3 STWCC in BOE meeting room at 1332 Middletown Avenue. Hours of voting are 12-8pm in accordance with Chapter 8-5 of the North Branford Town Charter. Only registered voters are able to vote in the budget referendum. Absentee ballots are available at the town clerk's office during regular business hours and have been as of April 24, 2023.
- The town's Memorial Day Parade will be held on Monday 5/29 at 10 a.m. on the North Branford side of town. The invitation is extended to everyone who wishes to march on that day; Groups will form on Commerce Drive at 9am. The parade line will start at 9:30am, and the step off is at 10 am. The parade will proceed down Rt 80 towards the North Branford Congregational Church. If anyone has a family member or acquaintance who is a deceased veteran is invited to carry a picture of them in our Memorial Day Parade to honor their memory. All are invited to Nbfd company #1 to refreshments 1531 Foxon Rd for refreshments. A special thanks to Kathy Poston and Gina Cox who are organizing the parade with the critical support of our Public Works, Police and Fire Department.
- Mayor Macmillen shares the parade is a sense of pride for the town. It's a great event and a lot of fun for everyone to get together and memorialize those who have fought for us. He encourages everyone to come out to the parade and be a part of the parade and be inventive. If there is something you would like to show, contact Gina and Kathy to get involved. Both sides of the town get to benefit as last year's parade was on the Northford side this year will be on the North Branford side.

- Last Thursday 4/27/23, was to take your son's and daughter's to work day. We were pleased to have a handful of town employees bring their children with them. No one wanted to be town manager; one wanted to be a tax collector. This is a great event and something to continue to expand over the coming years.

- Parks & Recreation will have a Touch a Truck event on 5/20/23 from 11am-1pm with Quiet time from 12:30pm-1pm at STWCC parking lot. The Junk in Trunk event was postponed on 4/29/23 due to the heavy rains and a new date will be set in the fall.

- In other Park & Recreation news- One of the hydrangea trees was stolen on Saturday from STW. Surveillance caught the incident and it has been reported to the North Branford police. Councilor Angeloni said there were 2 hydrangeas that were part of the POCO fest, and were donated by Sisto Melillo. They were displayed at the POCO fest and then planted at the community center in memory of Joann Wentworth. Mr. Downes shared that an anonymous citizen replaced it today. If any info on theft please contact NBPD at 203-484-2703.

- It is the time of year again to get your free sunflower seeds in the coming weeks. They will be available at North Branford public libraries, Parks & Recreation Department, North Branford Town Hall, and NBHS outside the greenhouse .

- North Branford Rotary club will be sponsoring a Shredding event on 5/6/23 at Town Hall from 9am-12pm, the cost \$10 a bankers box.

- On a personal note, Mr. Downes extends thanks to the members of the town council and town employees for extending condolences on the passing of his mother Judith Molleur . She's the reason he is here as she moved him to North Branford on Conifer Drive in 1973. She loved living here and we loved her very much and will be dearly missed.

- Mayor Macmillen shares condolences on the passing of Mr. Downes' mother.

b. Permanent Project Building Committee

- **STWCC-** The roof is complete. The fascia & metal trim are on order and should be arriving towards the end of May. The full completion is scheduled for Mid June.

- **NBPD & EOC-**Site work continues, concrete pouring has begun.

- **NBIS-** The project has had the bid moved back to May 17.

- **NBHS-** Items on the punchlist continue to be worked on, Phase 2 abatement has begun and will continue through the month of May; With demolition to begin at the end of May, beginning of June.

8. Community Events and Presentations:

a. Presentation by Michele Leso of Seward Monde of June 2022 FYE Audit

- Michele Leso says there is a history with North Branford which was helped as they got a late start and the intensive Munis training with the town hall taking up the finance department's time. Thank you to Anthony and Martha and their staff's assistance with this year's audit.

- There are some quick highlights to be shared and comments are welcome.

- This is an unmodified, clean opinion on the government activities, business type activities, each fund and the aggregate remaining fund information for the town of North

Branford. There was no material non-compliance and no significant deficiencies or material weakness over financial reporting. There was also a Federal single audit performed under uniform guidance requirements. This is also an unmodified, clean opinion on the compliance over the major programs. North Branford spent just shy of \$2.3 million in the past fiscal year and continues to see additional funding for education through ESSR grants and also through local funding that will be spent through AARPA funds within the coming years. There was also a state single audit performed and it is an unmodified, clean opinion on compliance with those programs. North Branford expended just shy of \$8.9 million in state assistance, a significant amount was for education cost sharing and excess cost grants. Bonded debt including capital leases stands at \$25.2 million, with annual debt service approximating about \$4 million, which is about 8% of overall town budget.

- Net pension liability increased \$2.3 million dollars totaling at \$4.4 million that is combined for the 3 defined benefit plans of the town. There was a minimal increase in total pension liability but due to market declines that really increased the overall liability. The net OPEB liability increased \$750,000, a stable OPEB liability and small market decline in benefit payments. The general fund balance is \$11.9 mill which is 20.3% of the budget, which is a decrease of \$370,000. The overall fund balance target which is 15 %, this is looking to keep the fund balance at.

- The unassigned fund balance is at \$8.3 million, 14.1 % of the 2022-2023 budget with a 10% target. It was a decrease of about \$2 million from the prior year due to the increase to what was committed to the 2022-2023 budget in using a fund balance as opposed to increasing the tax rate.

- The budget to actual statements, revenues \$171,000 over budget and expenditures were under budget 864,000 with all departments showing cost savings.

- Councilor Angeloni asked about Debt service. Ms. Leso shared it is at about \$4 million annual debt service between capital leases principal interest on bonded debt and it is 8% of total budget. Councilor Angeloni asked how that ranks with other towns or as an average. Ms. Leso will do more research on this, but it depends on the amount of capital projects.

- Councilor Diamond asked Ms. Leso if she audits the use of the AARPA funds. Ms. Leso said it depends. It's a federal grant and if you expend over \$750,000 in total and then there is another calculation to determine what projects are major and what needs to be tested.

- In this past fiscal year it was audited with the Board Of Education for the National school lunch program and ESSR program also at the Board of Education, which was mandated by state. She audits all of the grants in some fashion.

- Councilor Abelson asked if anything over \$750,000 in total is required to audit. Ms. Leso said that you are required to have a federal single audit if the total expenditures in total are over \$750,000. The town is at almost \$9 million dollars. The \$2.3 mill of AARPA, based on the federal regulations, there is a formula and a risk assessment of which ones are to be tested for compliance.

- Deputy Mayor Zampano asked about the overall fund balance of \$11.9 million which is 15%. That percentage comes out to 20.3%. Does that say we are in bad shape,

good shape? Ms. Leso said they are in better shape because they are over target.

- Councilor Diamond shared how outstanding the volunteer fire department is in town and wanted to make a suggestion for the website. The suggestion is to have seniors get a lockbox on their house and give dispatchers the code, so when responders are trying to get into the home they can get in in case someone isn't home or if they are incapacitated.

- Councilor Angeloni wanted to congratulate Superintendent's son Luke Schoonmaker who was drafted for NFL #58, he is a TE and will be playing for the Dallas Cowboys. Congrats to Luke Schoonmaker and his family.

- Councilor Pelliccia wanted to acknowledge that one of the North Branford lacrosse players, Shane Esposito, was very injured. He ended up needing a kidney removed. He is a strong kid working hard to get better and making progress. The council wishes him well on recovery and we will see you out there soon.

7:30 p.m. – PUBLIC HEARING

Proposed Ordinance #2023-3 Pursuant to §C7-3 “Purchasing Agent”

- Councilor Angeloni read the notice of public hearing. “The North Branford Town Council will hold a Public Hearing on Tuesday May 2, 2023 at 7:30pm. in the North Branford Town Hall Council Chambers. The purpose of the Public Hearing will be to hear comment on Proposed Ordinance #2023-3 which pursuant to C7-3 of the Town Charter, establishes the position of Purchasing Agent as summarized below: The position of Purchasing Agent shall replace the position of Purchasing Assistant. A copy of the proposed ordinance is on file in the Office of the Town Clerk and posted on the town's website. Dated at North Branford, Connecticut this 18th day of April 2023. Lisa A. Valenti, MMC North Branford Town Clerk. Email public comments to public-comments@townofnorthbranfordct.com. It was published in the Sound on April 27, 2023.”

Motion: To close the public hearing for Proposed Ordinance #2023-3 pursuant to SC7-3 “Purchasing Agent”

Moved: Councilor Diamond

Second: Councilor Angeloni

Discussion: None

With all in favor, the motion is passed.

9. Citizens' Statements and Petitions and Correspondence

- Cliff Potter, Northford had a comment about the hydrangea incident. He suggests that if you have a cellphone go to North Branford Recreation website and watch the video blow it up on the internet. Someone has to know this individual. The tree has been replaced and the hurt in the community is real. The man shouldn't get away with it. Someone knows this person, and he should be caught. People don't respect public property.

- For the Memorial Day parade, he has been working with Kathy and there are forms to fill out for tractors to line up on the town website. He will leave some of them at the Parks & Rec commissions website. Many people have tractors and we want to have a lot

of tractors in the property reverence to remember the veterans. This town is supportive and we need to catch this guy.

Mr. Downes said he could bring his son's old tractor.

10. Resignations and Appointments: None

11. Unfinished Business: Discussion and Action

a. Discussion and action to create a Town Blueprint Committee to advise, assist, and formulate execution of the Town Plan and Blueprint.

The request is to have it on the next meeting's agenda. Councilor Angeloni said we would need to approve the resolution as it states who would be on it from town council, planning etc. As there are people who need to be appointed from those committees.

b. Review of Trash/Recycling Contract – John's Refuse

- Town Manager Downes stated that it was sent over to the town attorney and he is drafting the agreement between the town and John's for years 3,4,5 and should be workable for the next meeting to review. Councilor Angeloni wanted to clarify that the only change was for bulk pick up to be added. Town Attorney Leclerc confirmed that is correct.

c. Discussion: Creation of an 1831 Committee

-Mayor Macmillen wanted to put this in as a reminder. Town Manager Downes said this has a lot of lead time and to flag for consideration. It should be acted on within the next year or two. If there is a vision to do a large celebration, if there is a vision to do a huge celebration there should be time to generate funds for it. Mayor Macmillen said maybe we could add it in with the POCO fest as an extra day or have a larger musical act or something celebratory. Mayor Macmillen asked for a cliff notes version for the 1981 celebration for the first meeting in June. keep on agenda and continue to formulate.

12. New Business: Discussion and Action

a. Discussion and action on Proposed Ordinance #2023-3 Pursuant to §C7-3 "Purchasing Agent"

Motion: To approve ordinance 2023-3 Pursuant C7-3 Purchasing Agent to change title from Purchasing Assistant to Purchasing Agent.

Moved: Councilor Angeloni

Second: Councilor Diamond

Discussion: Councilor Mase wanted to speak against the motion. He was hoping for public comment against this so he could support it. He has trouble seeing how this is a benefit to the town, he can see how it benefits the employee. The only thing he can read into as the reason why is that person does an outstanding service to this town, but others get slighted because they are not also getting a title change. Mayor Macmillen says it's more of a language change. Technically the Town Manager is denoted as purchasing agent and the position in question is purchasing assistant. Attorney Leclerc says this change makes it more in line with the charter with a consistent title. Mayor Macmillen continues stating that when we go out to bid it speaks higher about the title of the person

to outside entities to recognize the capabilities. Town Manager Downes stated at no point was it characterized as good for the employee or just because the employee was doing a good job. It will be similar to right now if you were working for a law firm and had the title of paralegal but doing a lawyers job. The person is completing the job of a Purchasing Agent.

- Councilor Mase objects to Town Manager Downes with a point of order. A motion is on the floor and seconded and the only ones who can speak for or against it are the town council. To have the Town Manager speak in favor of the motion who is not a member of the town council is out of order.

-Attorney Leclerc says according to the Town Charter Section 6.2, the town manager should attend meetings with the council with full right of participation and its discussions but no right to vote. Councilor Mase said they would go by Robert's rules of order. Mayor Macmillen said that Robert's rules have been outlined in a charter. Town Manager Downes noted that the charter and the joint rules of the council supersedes and that Robert's Rules is a backup for procedure. Attorney Leclerc agrees.

Vote 6-1

Motion is passed.

-Attorney Leclerc also shared that in Section 7 of the rules, the Town Manager has the right to speak at all town council meetings. Section 17 of rules states Robert's rules as parliamentary authority of the council except as otherwise provided by these rules.

-Councilor Pelliccia shared that the Town Manager is more intricately involved in the day to day operations of the town. His opinions and his expertise he brings to meetings and it should not be discounted.

b. Potential Revision to Chapter 104 of the Code of Ordinances - Air Pollution Control

-Fire Chief Esposito shared Chapter 104 of the Code of Ordinances- air pollution control. On page 35 is the current chapter 104 and page 38 there is the part worked on by Deputy Fire Marshal O'Brien and blessed by Town Attorney Leclerc.

-Deputy Fire Marshal O'Brien shared that although it is called Air Pollution Control, it's actually the open burning ordinance dating back to 1978, and the last few years to update it to mirror what the state DEEP recommends. Everything is black is the original ordinance, the red shows the updates. It was made to be more updated to what is happening on the state level, and provides more authority for the Fire Marshal's office when someone goes against the ordinance. It also has legalese stuff in there to protect everyone.

- Deputy Mayor Zampano asked how it works right now for an open burn. Mr. O'Brien said right now they go by what the State DEEP regulations are, but town ordinance is less restrictive. There have been many occasions where someone has been burning something not allowed by State regulations, but on the town ordinance it's okay. Everything is meant to be in line. If the State DEEP says it's not allowed then it's not allowed.

They have been following the State regulations for years, but there have been times where residents don't always follow the State regulations. The State regulations supersede the town ordinance.

-Mr. Esposito shares that if you want to burn you call the Fire Marshal's office and provide your address; then the fire marshal goes out to the address and inspects. The day the resident wants to burn they contact the PD to make them aware and get the okay to burn. Mr. O'Brien says rarely there is an issue but this is to keep everything in line. There is also a nuisance ordinance within the updates so if you are burning in your backyard and your neighbor has asthma and calls the police you are required to put it out.

-Councilor Pelliccia asks about the time frame for the permit. Mr. O'Brien states that the permit is for 30 days, but can be extended due to weather. Anytime through that 30 day time period, the resident wants to burn the PD has to be notified.

-Councilor Abelson asks before the permit is issued, do they go inspect? Mr. O'Brien says the first time someone is requesting a permit they go out to the address. If in 30 days you need a renewal they renew it. If the resident is someone who burns often and there haven't been any issues then they don't always go out to inspect. There are a few hundred done a year.

Motion: Be it resolved that the North Branford Town Council schedules a Public Hearing for 7:30 pm on June 6, 2023 to allow public comment on the potential revisions to Chapter 104 of the Code of Ordinances.

Moved: Councilor Angeloni

Second: Deputy Mayor Zampano

Discussion: None

With all in favor, the motion is passed.

c. Discussion and action on Bid Results for Bid #23104 – Jerome Harrison Parking Lot

Councilor Angeloni shared that a bid went out as it was approved in last year's budget for the Board of Education. The costs that were given was \$90,000 to fix the parking lot and was a safety concern. It was approved based on the info provided at the time. This \$90,000 cost was from a contractor who is not from the list and couldn't be awarded. It was never put out to bid. It was brought up during a subcommittee BOE meeting and wasn't aware money was approved. Mr. Florio had info that he gave to Mr. Fumiatti and the bid docs were drawn up and put out to bid.

The contractor who we wanted provided the original cost, but failed to meet the bid deadline. The other 3 bids that came in are well over \$90,000.

Motion: To collapse Bid #23104 paving for the Jerome Harrison Parking Lot.

Moved: Councilor Angeloni

Second: Deputy Mayor Zampano

Discussion: Councilor Angeloni wanted to clarify why it is being collapsed. It is to end it so we can restructure the bid and have Mr. Merola and Mr. Celantano make sure all of the correct items are being done in bid specs and then reissue the bid specs and then see what happens.

Mr. Celantano said there were some curb issues and there are rebars sticking out and a little more scope needs to be put in the bid. Councilor Angeloni said to make sure all areas needing to be addressed are included.

Councilor Abelson asked if all 3 bids are well over the \$90,000. Angeloni said the lowest bid was \$178,000.

Deputy Mayor Zampano said the money was approved last year, what is the process when the Town Council approves it. The money is there, is there another way to communicate with them? Mr. Esposito said that once it is approved, he is the one who communicates with the other committees.

With all in favor, the motion is passed.

d. Discussion and action on Inter-Municipal Animal Control Agreement

- Town Manager Downes, Anthony Esposito, and Mayor met with First selectman Cosgrove and his team on Friday. The Town Manager has contacted Branford following the presentation of East Haven ACO service. There has been a long standing relationship with Branford. They want to provide a proposal and tour for the facility. Mayor Macmillen said it would be proper to give them the opportunity. There are dates to view both facilities. They have agreed to relieve us of the duties in the prior agreement for capital improvement. They also have lowered the increase. Budgeted at \$175,000 and they lowered it to \$157,600 and that represents what was paid in fiscal 2022 and index it in the CPI. Mayor Macmillen shared that a Councilor asked if the services are comparable. They aren't necessarily the same, but it will be good to give both of them the opportunity.

Councilor Pelliccia asked if the two dates for the facility viewing. Mayor Macmillen said it could be a full evening event to tour both facilities and compare them next to each other. Both facilities are willing to make arrangements for any councilors that can't make it on May 8. Mr. Potter offered a hayride for the council.

Councilor Mase says this seems suspicious because we have an offer from East Haven and now all of a sudden Branford is now wanting to relax all of these fees. Councilor Abelson also agrees with Councilor Mase's sentiment.

Councilor Pelliccia said it is worth the due diligence to view both facilities to give them both an opportunity and then as a governing body be able to make a decision on what to do.

Town Manager Downes said that it was public knowledge that East Haven was wanting to work with us. He reached out last week and spoke with the first selectman about the proposal from East Haven and from Branford.

Town Manager Downes wanted to present the council with options to save money to taxpayers.

13. Citizens' Statements and Petitions:

Cliff Potter, Northford, had a comment on animal control. When Branford had us they wouldn't let us go and we would have to beg them to give a yearly report, and there was no say. If they are going to lose income and control will it be for one term? Would all of

a sudden raise the rates if we don't go with East Haven. Mr. Potter likes the clean fresh operations of East Haven. Mr. Potter stated that Councilor Palladino knew the East Haven Animal Control and had nothing but good things to say about them. Branford has always had us on the hook. As an uninformed citizen, maybe it's time for a fresh start. He suggests we ask them about the extensions. If contract A runs out what happens and also asks the same to East Haven. Branford is going to lose a lot of money and we don't know if the service will go down.

14. Adjournment:

Motion: To adjourn at 8:13p.m.

Moved: Councilor Angeloni

Second: Deputy Mayor Zampano

With all in favor, the motion passed

Minutes Submitted by: Kathleen Daly