

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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MINUTES TOWN COUNCIL MEETING OF NORTH BRANFORD, CONNECTICUT

Tuesday, August 15, 2023

**Town Council Chambers
7:00 p.m.**

Mayor Macmillen called the meeting to order at 7:03 p.m.

Salute to the Flag

1. Roll Call

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

Also Present: Town Manager Downes, Assistant Town Manager Burke, Town Treasurer/ Finance Director Esposito, Public Works Director Merola, Assistant Director Celentano, Town Attorney LeClerc, Parks & Recreation Director Jessica Caetano, Town Engineer Benni, Steve Torino, and Bill Savastano SHWRC member.

Absent: Councilor Pelliccia.

Mayor Macmillen wanted to take a moment to thank everyone who worked hard to put together this year's POCO festival. Thank you to Councilor Angeloni, Steve Torino, Elise Pannone, Jessica Caetano, the public works crews and everyone who was involved. It was an impressive event.

2. Minutes of Previous Meeting:

a. August 1, 2023 – WPCA & Town Council Meeting

MOVED: Councilor Angeloni

SECOND: Councilor Diamond

Discussion: Councilor Angeloni requested a correction on page 8, 11 b. #4 The reimbursement for mileage for the volunteers who pick up trash should state "plastic film".

With all in favor, the motion is passed.

REGULAR TOWN COUNCIL MEETING

3. **Community Events and Presentations:** None

4. **Reports of Committees, Boards and Commissions:**

a. Economic Development Commission

Councilor Palladino stated there was no meeting, due to lack of quorum.

b. Park & Recreation

Councilor Angeloni reported there has been no meeting since the end of July. The main report is about the POCO. She wanted to thank the Town Manager, Assistant Town Manager, and all council members who volunteered at the festival. It truly was a commitment, and this is the first year the committee has put it together from start to finish and it made a difference from the beginning thru to event day. Also, a thank you to the members of Public Works, NBPD, Nbfd, and EMS all contributed to making it a wonderful community event. It was wonderful working with the co-coordinators on the team and all under Parks & Recreation Director Jessica Caetano. It truly was a success. The highlight of the festival was the helicopter rides. Councilor Angeloni, Councilor Pelliccia and Councilor Mase took rides. The helicopter company handled 1,050 passengers for the festival in total. On Sunday, he even stayed past the end of the festival as there were still people in line at 5pm.

Councilor Mase shared his sentiments of the helicopter ride and felt it was a popular ride in the whole POCO. The sights were mesmerizing from the helicopter.

Councilor Angeloni shared that the helicopter company told them this was the highest grossing festival they've done. Councilor Palladino said the beer and wine tent was a great hit and many people had a great time.

c. Police Commission

Councilor Diamond stated there was a meeting today 8-15-23. The Police Commission had lost one of their three towing companies. They are supposed to have three per rotation. They did add one, but this particular company needs to confirm a few things with the DMV. They also need a heavy-duty towing company and they are working on getting a second one.

d. Fire Commission

No new updates.

e. Planning & Zoning Commission

Deputy Mayor Zampano shared the next meeting will be on 8-17-23.

f. Finance Subcommittee

Councilor Angeloni shared there was no meeting for August.

g. Public Safety Communications Sub-Committee

Councilor Diamond stated there was no meeting.

h. CIWWA

Councilor Diamond stated the next meeting will be held on 8-23-23.

5. Town Manager's Report:**a. General Updates**

Town Manager Downes didn't want to overplay the POCO applause but wanted to add his voice saying thanks to everyone for their hard work on the POCO, Jessica Caetano, the team at Public Works are our Police Department our Fire Department, EMTs and all the volunteers that came out. It's a year-long process to plan this for everyone and not a seasonal process. I don't think many people realize how much goes into planning an event like this. I've been to almost all of the POCOs and I would easily say that this was the best of them all. At the risk of jinxing any future ones. I know we're just going to get better every year.

Business Under the Big Tent - The Town of North Branford and our Economic Development Commission partnered with the Shoreline Chamber of Commerce for a Business Under the Big Tent Reimagined event the night before POCO. The Mayor and I attended this business-to-business community engagement event held at Guilford Savings Bank on Middletown Ave. in Northford. The event was attended by over forty representatives from local businesses and featured speakers such as Rob Hotaling, Deputy Commissioner of Connecticut DECD and Charlie Rosabianca owner of Rosabianca vineyards. Thanks go to our Assistant Town Manager Rory Burke who worked alongside the members of our Economic Development Commission and the Shoreline Chamber to put the event on, and thanks of course to our hosts for the evening, Guilford Savings Bank. They had wine service at the teller counters, I told them they may want to consider that as a permanent thing.

Blueprint Committee

With the action of the Town Council at your last meeting you completed the membership of the Town's Blueprint Committee, which is charged with reviewing past land studies, advancing direction for the new study authorized by the Council, and making recommendations to the Council on a plan for the use of town properties. Those who applied but were not selected were sent letters thanking them for their interest, and those who have been appointed have all received letters informing them of their appointment. An organizational meeting for the Blueprint Committee has been set for 7:00 p.m. on Wednesday, August 23rd, here in the Council Chambers. At that time the Committee will be sworn in, select its chair and vice chair, recording secretary, and set its schedule of meetings going forward.

Rumble Strips on Route 22

At the last town council meeting there was some discussion about the replacement of centerline rumble strips along the recently repaved section of forest road or Route 22. In my conversations with the Police Chief, our Public Works and DOT, some time ago it is my understanding that the quality-of-life issue mentioned by some Councilors did prompt the Board of Police Commissioners in their capacity as Traffic Authority to oppose these strips due to the noise created. State Representative Vincent Candelora also intervened to see to it that the strips were removed along significant sections of Route 22.

I have correspondence from the State Department of Transportation that they intend to only reinstall the CLRS along the sections it remained following the actions of the Commission and legislators. The sections where CLRS will be reinstalled are from the end of Middletown Ave. (Route 17) to Gulf Brook Drive and from Neubig's Way to a quarter mile North of the beginning of Route 80.

Borelli Road update

I communicated to the Council last week on the closure of Borelli Road in East Haven which provides access into East Haven from Totoket Road in North Branford. The road has been closed by the Town of East Haven as a result of landslides from the East Haven Trap Rock property which made the road impassable following the significant rain events we have had.

I have spoken with East Haven Fire Chief Matt Marcarelli who also serves as their EMD Director, to get an update on the status as this is an obvious concern to us, and in particular to the Augur and Page-operated farms nearby. The landslides are the result of improper burning on the quarry property.

Engineering requirements have been given to the quarry and East Haven expects the results of inspections on that compliance tomorrow. In the meantime, Larry Augur and Alden Page have been given keys to the chain that goes between the jersey barriers across Borelli to give them access until the road can be fully opened.

Chief Marcarelli reaffirmed to me this afternoon his intention to have the road open and accessible by the start of the school year, which is in two weeks. I will continue to keep the Council updated on developments relative to this.

Women of Excellence

The Shoreline Chamber of Commerce is once again holding their annual Women of Excellence Awards ceremony luncheon on Tuesday of next week, August 22nd at Woodwinds in Branford. The event honors two women of distinction from each community of North Branford, Branford and Guilford who have made significant contributions to their communities. We are thrilled that this year the honorees from North Branford are our own Council member Rose Angeloni, who is being recognized for excellence in Public Service and fellow North Branford resident Bonnie Symansky who is being recognized for Excellence in the Arts & Community Service. I look forward to joining the Mayor and town staff at this event to recognize these two deserving honorees.

Beam signing at the Police Station/EMD

The town council has been sent an invitation to participate in the beam signing ceremony at the new police station project which will take place this Thursday at 11:30 AM. Councilors who wish to attend should let me know so we can pass that on to Newfield. Councilors that are unable to make the ceremony but would still like to sign the beam can go there anytime before the ceremony and just check in with Newfield at the trailer.

Aleia's moving to North Branford

I am pleased to report the arrival of a new business to town- Aleia's – A popular gluten-free foods brand has relocated here from Branford. They will be occupying a portion of Brook & Whittle's recently vacated facility on Branford Road. I, along with our Town Engineer and Building Official had the pleasure of meeting with James Snow from their team this morning to talk about their plans here which are well underway. This successful, woman-owned business was started by a chef and has become one of the foremost producers of gluten-free food products that are also non-GMO and Kosher. Their offerings include breadcrumbs, stuffing and baked goods and they have a dedicated following. We are excited to welcome them here and will be looking to have a more formal welcome when they are up and running at their new site.

Memorandum of Decision (LeClerc)

Last week I shared with the Council a memorandum of decision regarding North Branford Citizens Against Bulk Propane Storage vs. the Town of North Branford. As I conclude my report I would like to turn it over to our town attorney Brian LeClerc to address this memorandum.

Attorney LeClerc shared that back in May of 2014 a business known as 2772 BPR LLC submitted an application to the Planning and Zoning Commission requesting a change in zoning regulations to allow construction of a bulk propane storage facility at 40 Ciro Rd. The Zoning commission back in August of 2014 approved that Amendment. In 2017 2772 BPR went back to the commission and received site plan approval for construction of propane storage tanks and buildings at that site. The application was ultimately denied by the commission, appeal taken, superior court upheld the denial.

Jumping ahead to September 2021, The Appellate Court of Connecticut reversed the decision of the Superior Court and sent the case back down to the zoning commission, ordering them to approve the site development and the application. It was approved in Fall of 2021 by the zoning commission and the appeal was done at that time and the case was over. Back in 2017 while the zoning matter was pending a group called “North Branford Citizens Against Bulk Propane Storage”, brought a lawsuit against the Town, Planning and Zoning commission and a member of the Town Council back in 2014. They alleged the Town Council members had conflicts of interest and there was defective and inadequate notice by the commission and the amendments to your regulations were against public policy. That case was on hold while the zoning appeal taken by the property owner occurred.

In 2022, the Town filed a motion to dismiss the lawsuit against former Town Council member and Zoning Commission. Last week, the Superior Court issued a decision in the case dismissing the matter brought by the citizens. The court agreed that the administrative remedies were not exhausted specifically, the plaintiff’s remedy was a zoning appeal and was not a lawsuit against the town of North Branford, Zoning Commission and a formal Town Council member. Since it should've been noted in the appeal it was only untimely and filed years after the underlying action that took place in 2014. They also noted the plaintiff’s never established the notice issued by the commission was defective and the former council member who was named was not a member of the zoning commission nor did he vote on anything the zoning commission did. At this point the matter has concluded.

b. Permanent Project Building Committee

Town Manager Downes shared that for the Police Department and EOC, the groundwork continues, as mentioned earlier in the report there is a Beam signing ceremony occurring on Thursday August 17th at 11:30 am on site.

NBIS- The power washing continues on site and the results have been good and the work continues.

STWCC- Work on the punch list is continuing.

NBHS- Summer punch list continues as they gear up for Phase 2.

6. Citizens' Statements and Petitions and Correspondence:

Bill Savastano, Sunnyside Dr. wanted to echo the shoutouts referencing the POCO fest. He also wanted to shout out the Boy Scouts 333 to see if going forward they would be willing to come back and help out.

He wanted to comment on the last meeting where there was discussion about the money used from the NIPs for SHWRC members, the mileage traveled is 100 miles total 50 mi each person. He had a wish list he wanted to share:

Information flier sent out with the taxes. He felt it was a great idea and we should see it more often.

He also wanted to share a good job on the budget and going forward, watching the spending and then there was a big win on the vehicle assessment and new car prices are coming down, when will we see a change?

Tax relief ordinance- a few things left to see from the Tax Assessor- he feels the CAP should be raised and hopefully seniors take advantage and include a freeze option.

AARPA funds- 1.3 million left, hopefully they are doing the right thing with the spending. The last time it was discussed was to work on roads and bridges. Let's concentrate on something unanticipated and the extreme weather conditions.

Haz Mitigation report- Hopefully there will be more of a discussion to come. Do we have enough preparation for possible weather events? We should hear from the Emergency management director.

Redesigned website- looks great but is not as easy to navigate for those who are not as technology savvy.

Blight ordinance- it was tabled and never spoken of again Let's hear from the new Town Planner.

A Request to have other Boards & Commissions videotaped.

9-11-23 ceremony- Do we have anything in our town? There should be one in town. Many other towns have it.

Veterans Council- There is not a lot of representation in town and maybe there could be a way of getting the interest of younger people. It could help the parade and have more involvement.

Councilor Mase wanted to thank Mr. Savastano. He wanted to let the council members know the petition that was circulating for senior citizens tax relief. The last visit was with the Town of North Haven Finance Director and hope by the time their term ends the seniors will have recommendations to help benefit them for some tax relief. It has not gone unnoticed.

In regard to the 9-11 ceremony, Councilor Mase agrees that it could be something to be included with the 1831 committee to do something for 9-11 remembrance. He is planning to have a proposal to the town council to do something for 9-11 and if it could be done by 2031.

Reaching out to more veterans in the North Branford and Northford community.

Steve Torino, Conifer Dr wanted to share his sentiments and thank you to everyone for volunteering for POCO. It was a great event and a great team effort with Public Works, Parks & Rec, Councilor Angeloni and the efforts of town department heads. This was the most community based POCO in years.

7. Resignations and Appointments: None

8. Unfinished Business: Discussion and Action:

- a. Award of RFP #923002 – Ambulance – NBFD – Company 4
(Tabled 07-18-23)

Fire Chief Esposito shared, there was a special Board of Fire Commissioners meeting held on August 14, 2023. The Board voted to recommend to the Town Council the awarding of RFP23002 to R Enterprises for a price of \$225,500. You may recall that in the 2023-24 CIP, the Town Council appropriated \$300,000 for the new ambulance. This will be funded by the lease/purchase that the Town Council recently approved with TD Equipment Financing. The bid came in at about \$249,500 and with things added brought it up to \$254,500. The item with the cross outs labeled A was the paint for the ambulance. It is sold as a white ambulance, but the commission wanted it to be red and black to match the rest of the fleet. The company wanted \$15,000 for painting and then \$8,000 for the graphics which would total \$23,000. He was able to be reduced to \$10,154 as there is a company that will do a custom wrap for us that has worked with Yale vehicles and also add the graphics needed. The next item B for the Ford Power Seat swap the original price on the proposal was for \$5,000 but working with the Ford dealer it was able to be dropped down to \$4,372. The award to R enterprises would be 239,026 and also the quote from Stryker about the power load works. The total package would be \$298,690 and the budget was for \$300,000. There was also a \$2,000 charge for two of our members to fly back and forth to Tennessee to inspect the vehicle. This is an ambulance that is remounted. It's not built to spec of North Branford, it's an already built vehicle. It will be delivered to Ed Boughton's directly. Ed will put it on a lift and take a detailed look at everything and if something pops up that is a deal breaker, they will take it back to Tennessee with no obligation to us.

Motion: BE IT HEREBY RESOLVED that the North Branford Town Council, based on the recommendation of the Board of Fire Commissioners, voted to award RFP 923002 to R enterprises at a cost of \$224,500, based on their response to the aforementioned RFP.

MOVED: Councilor Angeloni

SECOND: Councilor Palladino

Discussion: None

With all in favor, the motion is passed.

9. New Business: Discussion and Action:

a. Approval of job description for Grounds Attendant

Town Manager Downes shared that this was as a result of the action relative to the request from the Hazardous Waste & Recycling committee to have a part time person come and do pick up. Councilor Angeloni asked that we should have it in the title that it is a part time position.

MOTION: To approve the job description for a Grounds Attendant with the addition of part time seasonal to the title.

MOVED: Councilor Angeloni

SECOND: Deputy Mayor Zampano

Discussion: Councilor Mase asked about the number of hours. Councilor Angeloni responded that it was stated in the last meeting's motion that it was about 19 hours. Attorney LeClerc said it should not state specific hours as they can vary.

With all in favor, the motion is passed.

b. Approval of job description for Part-Time Equipment Mechanic

This is a modification of the Public Works garage labor and trades classification LT 4. Assistant Town Manager Burke said this is largely based on the full-time equipment mechanic position with some modifications with slightly less strenuous in terms of the certifications required in order to attract more people to a part time position but very similar to the regular full time position.

MOTION: To approve the job description for Part Time Equipment Mechanic for Public Works.

MOVED: Councilor Angeloni

SECOND: Councilor Palladino

Discussion: Councilor Mase asks again how many hours as this is just a Part Time position so there are no issues later. What is that considered? Town Manager Downes said Part Time can't exceed 19 hours.

With all in favor, the motion is passed.

c. Police Final Average Earnings

Finance Director Esposito shared that at the Pension Committee meeting on Monday 8-14-23, a revision to the Retirement Plan for Officers that addressed an omitted definition of Final average Earnings (FAE) was discussed. You may recall that the current plan lacked a FAE definition for PD members who had at least (10) ten years of credited service but less than (20) twenty years of credited service. There are clear FAE definitions for members with 20 years of service, as well as 25 years or service. The Pension Committee unanimously voted to recommend this language to the Town Council.

1. Section 1.11 "Final average Earnings" of the Retirement Plan for Police Employees of the Town of North Branford shall be amended to add sub-section (e) which shall read as follows:

For Members whose employment terminates with at least (10) ten years of credited service but less then (20) twenty years of credited service, The Member's Final Average Earnings shall be based on his/her best three plan years (July1- June 30) of service earnings. Accrued vacation and sick time and any remaining sick and vacation time in their bank will be paid out in accordance with the Collective Bargaining Agreement at retirement but will not be included in the final pension calculation.

Councilor Angeloni said this was discussed previously in 2019 and then just came back before the Pension Committee.

MOTION: BE IT HEREBY RESOLVED that the North Branford Town Council, based on the recommendation of the Pension Committee, votes to amend Section 1.11 of the Retirement Plan for Police Officers by adding the language clarifying the definition of Final Average Earnings for members whose employment terminates with at least (10) ten years of credited service but less then (20) years of credited service. The Member's Final Average Earnings shall be based on his/her best three plan years (July1- June 30) of service earnings. Accrued vacation and sick time

and any remaining sick and vacation time in their bank will be paid out in accordance with the Collective Bargaining Agreement at retirement but will not be included in the final pension calculation. This will be effective upon ratification of both parties.

MOVED: Councilor Angeloni

SECOND: Councilor Diamond

Discussion: Councilor Mase said as he reads it, the pension committee made a recommendation for the pensions to the union for the Police Department and researched the contract collective bargaining agreement July 1, 2021- June 30, 2024, and under article 27.0 it states: The terms of pension agreement are separate. Disagreement is in effect as of June 1, 1994, as a result of binding arbitration and shall remain in effect pursuant to State statutes. That presents a red flag that whatever recommendation the committee can make we cannot adjudicate as there is binding arbitration and whatever statutes it's referring to. He is uncomfortable with voting on this unless he sees all is being viewed.

Town Manager Downes stated that this was done through collective bargaining. This stemmed from a 2019 grievance that was filed by the Police Union. It did come before the Pension Committee in 2019 and they tried to address the issue and there was a stipulation filed requiring the town to enter into an agreement with them and nothing had been done. This is based on the town police union reaching a tentative agreement and sent to the pension committee.

Town Attorney LeClerc said that within the motion it states it will become effective with the ratification of both parties. This is not a unilateral decision. If it is voted in the affirmative, you are not forcing anything on the union. Both they and the other party will have to vote on this as well. A Collective Bargaining Agreement is not being changed.

Councilor Mase respectfully disagrees with Attorney LeClerc and requests the union president or representative to appear before the council.

Mayor Macmillen clarifies the last sentence of the motion that "This will be effective upon ratification of both parties." The Council is one party, and the union will also have to ratify it for it to become an agreement.

Councilor Mase motioned to have it tabled until more information is received. There was not a second on the motion, so the motion failed.

Roll call vote:

Councilor Mase No

Councilor Abelson: Yes

Councilor Goad: Yes

Councilor Palladino: Yes

Councilor Angeloni Yes

Councilor Diamond: Yes

Councilor Angeloni: Yes

Deputy Mayor Zampano: Yes

Mayor Macmillen Yes

The motion is passed.

d. Contingency Appropriation

Finance Director Espostio stated that the budget for the auditor was under budget.

MOTION: BE IT HEREBY RESOLVED that the Town Manager is hereby authorized to appropriate from reserve for contingency, Account #1000-00098-0000-0000-59510-000000-000000-00.

MOVED: Councilor Angeloni

SECOND: Councilor Diamond

Discussion: None

With all in favor, the motion is passed.

e. Appropriation Transfers

Motion: BE IT HEREBY RESOLVED that the North Branford Town Council hereby approves the following appropriation transfers, as recommended by the Town Manager and the Treasurer/Finance Director.

MOVED: Councilor Angeloni

SECOND: Councilor Diamond

Discussion: None

With all in favor, the motion is passed.

f. Approval of Tax Refunds

Motion: To approve Tax Refunds as presented.

MOVED: Councilor Angeloni

SECOND: Councilor Diamond

Discussion: None

With all in favor, the motion is passed.

10. Citizens' Statements and Petitions:

Mr. Potter has an online comment- He states being involved with many veterans groups it becomes evident that only the older Vietnam Vets get involved with various events. The younger ones aren't showing interest in events. Most families have both parents working and don't leave much time. Signed, Retired Master Sergeant Cliff Potter.

11. Adjournment:

Motion: To adjourn.

MOVED: Councilor Angeloni

SECOND: Councilor Abelson

Discussion: None

With all in favor, the motion is passed.

Adjourned at 8:00p.m.

Respectfully submitted by: Kathleen Daly, Clerk

August 16, 2023

