

**WATER POLLUTION CONTROL AUTHORITY &  
TOWN COUNCIL MEETINGS OF NORTH BRANFORD, CONNECTICUT**

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**Tuesday, June 15, 2004**

**Town Council Chambers  
7:03 p.m.**

1. ROLL CALL: Present were Mayor Michael Doody, Deputy Mayor Vincent Candelora, Council Members Mary Bigelow, Andrew Esposito, Donald Fucci, Ashley Joiner, John Lappie and Joanne Wentworth. Also present was Town Manager Karl Kilduff.

Council Member George Guertin was absent.  
Town Attorney John Gesmonde arrived at 7:45 p.m.

2. MINUTES OF PREVIOUS MEETING:
  - a. June 1 – Regular WPCA & Town Council Meeting

MOTION: Councilor Wentworth moved, seconded by Councilor Bigelow, to accept the minutes of the June 1, 2004 Regular Water Pollution Control Authority and Town Council Meeting as presented.

VOTE: Passed 8 to 0 in a roll call vote.

**WATER POLLUTION CONTROL AUTHORITY AGENDA**

3. CORRESPONDENCE/CITIZENS' STATEMENTS

There were no correspondence or citizens' statements at this time.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

- a. Discussion and Action Re: Possible Regional Wastewater Authority and Extension of Operation and Maintenance Contract with OMI, Inc.

Town Engineer Kurt Weiss reviewed with the Council his Memorandum dated June 8, 2004. The first item concerned the formation of a Regional Wastewater Authority being created by New Haven, East Haven, Hamden and Woodbridge. He reviewed the effect this could have on North Branford. He indicated that a representative would be willing to come before the WPCA to discuss this proposal.

There was discussion between Council members and the Town Engineer with respect to the issue of a Regional Wastewater Authority.

The second item concerned the 5 year contract with OMI for the operation of the Town's sewer system, which expires on June 30<sup>th</sup>. Town Engineer Weiss indicated that OMI has presented a proposal for a month-to-month service at a direct cost basis to bridge the gap until further information is forthcoming on a Regional Wastewater Authority.

There was discussion between Council members and the Town Engineer on the OMI contract. The Town Engineer reviewed the estimated costs associated with this service and stated that he did not feel that the month-to-month service would be more costly. He noted that no large capital projects will be undertaken in the upcoming year. The Town Engineer confirmed that all systems were flushed over the period of the five year contract with OMI and that only certain hot spots would be flushed during the next year. He stated that a year deferral would have no effect on the system.

There was considerable discussion on the proposed Regional Wastewater Authority and how this could effect the Town of North Branford. Town Manager Kilduff noted that this is a conceptual issue at this point.

**MOTION:** Councilor Wentworth moved, seconded by Deputy Mayor Candelora, that the North Branford Water Pollution Control Authority approves of going on a month-to-month service basis with OMI, Inc. until further information on the Regional Wastewater Authority.

Councilor Joiner questioned if a one year agreement could be done with OMI which includes an escape clause. There was a brief discussion on this.

**AMENDMENT:** Councilor Wentworth moved to amend the motion, with Deputy Mayor Candelora's consent, to add the wording "on a short term basis".

It was also noted that this agreement must meet with the approval of the Town Attorney.

**VOTE ON AMENDMENT:** Passed 8 to 0 in a roll call vote.

**VOTE ON MAIN MOTION**

**AS AMENDED:** Passed 8 to 0 in a roll call vote.

6. CITIZENS' STATEMENTS AND PETITIONS

There were no citizens' statements or petitions at this time.

**REGULAR TOWN COUNCIL AGENDA**

7. REPORTS OF COMMITTEES, BOARDS AND COMMISSIONS:

a. Board of Education Financial Report - As of June 1, 2004

The Council was in receipt of the Board of Education Financial Report as of June 1, 2004 (Attachment 1).

b. Charter Revision Commission

Deputy Mayor Candelora reported that the Charter Revision Commission has had two meetings and is in the process of drafting language for referendum vote on revisions to the Town Charter. The first revision would be to allow a summary of an Ordinance to be published in the newspaper as opposed to requiring it to be published in its entirety. He noted that this would be in accordance with State statutes. The second revision would be to change the way the vote is taken on the annual budget from a vote at the Annual Town Meeting to a vote by referendum. He confirmed that these were the only two issues that the Commission is looking at for revision.

c. Economic Development Commission

Town Manager Kilduff reported that there was not a quorum for the Economic Development Commission meeting. He advised that there is a vacancy on this Commission that needs to be filled.

d. Hazardous Waste/Recycling Committee

There was no report at this time.

e. Permanent Project Building Committee

Town Manager Kilduff reported that the Permanent Project Building Committee (PPBC) discussed the replacement of the tile in the entry of the auditorium. This is the only outstanding issue with respect to the auditorium and should be done in early July.

Town Manager Kilduff advised that the PPBC discussed the results of the RFQ for architectural firms for the intermediate school. He reported that the PPBC is recommending that the firm of Moser Pilon Architects be engaged to perform these services. He confirmed that this firm performed the initial facilities study. The Town Manager noted that the PPBC has also indicated that the firm of DeCarlo & Doll would be able to perform these services equally as well.

**MOTION:** Deputy Mayor Candelora moved, seconded by Councilor Wentworth, to amend the Town Council Agenda to add on under 13. New Business, item. h. Discussion and Action Re: Architectural Services for the North Branford Intermediate School.

**VOTE:** Passed 8 to 0 in a roll call vote.

**8. TOWN MANAGER'S REPORT**

Town Manager Kilduff reviewed with the Council his Memorandum dated June 10, 2004 (Attachment 2).

The Town Manager distributed for the Council's review a report from CL&P and UI on the Middletown-Norwalk Project, Route Analysis: East Shore. He noted that this application is currently before the Connecticut Siting Council with a proposed East Shore alternative that goes through the entire length of North Branford.

The Council reviewed this report with the Town Manager, including photographs of North Branford properties that could be effected as well as an analysis of homes within 150 feet of the proposed utility line.

Town Manager Kilduff spoke on the Town's due process rights with respect to any amendments to the current application before the Connecticut Siting Council and confirmed that the Town would have the 60 day consultation period.

There was further discussion between the Council and the Town Manager with respect to this issue. The Council noted that North Branford is opposed to being a utility corridor.

Town Manager Kilduff presented to the Council a Memorandum dated June 15, 2004 regarding Possible Delay in Next Revaluation. He discussed speculations on whether commercial and industrial land values will rise and whether a delay would increase the cost of revaluation.

Councilor Wentworth questioned if revaluation was done at this time if the implementation of the revaluation could be put off for one year later.

Town Manager Kilduff reviewed a chart showing the time frame for revaluation going forward status quo and being delayed to 2006. He noted that an RFP would be issued next month if the Council wished to go forward at this time with revaluation.

There was considerable discussion between the Council and the Town Manager on maintaining the current schedule. This item will be placed on the next Council Agenda.

**9. COMMUNITY EVENTS AND PRESENTATIONS**

**a. Presentation from John's Refuse on Automated Trash Collection**

Andy and Steve Bozzuto from John's Refuse were present to discuss with the Council a proposal for automated trash collection in North Branford. Andy Bozzuto indicated that due to new OSHA laws the automated system is preferable. He stated that they would purchase the vehicles required for this automated system as well as the barrels that would be distributed to all

Town residents. He spoke on the cost of the barrels and noted that there would be a reduction in labor costs as well. He felt that this would be positive for both the company and the Town.

Andy Bozzuto reviewed the size of the barrels, which come in small, medium and large. He also confirmed that the company would deliver the barrels to all residents and educate the public on this automated system.

Councilor Bigelow questioned how residents with long driveways would get their barrels to the street. She also questioned how this type of collection would help in recycling, which North Branford has been having some problems with.

Andy Bozzuto spoke on the ease of the use of the barrels, which have wheels. He also noted that the company keeps track of who is not recycling and reports these residents to the Town for enforcement.

There was considerable discussion on the recycling issue between Mr. Bozzuto and Council members.

Councilor Lappie questioned if there is a cost reduction to the Town with an automated service. Andy Bozzuto stated that as the company is purchasing the barrels it would take up to seven years to see any cost savings.

Upon questioning, Andy Bozzuto confirmed that the bulk truck will remove bulk every day. He spoke on the benefits to the Town with an automated service and noted that it also helps to alleviate any combination with commercial trash. If a second barrel is required it would be available to residents at an additional cost. He also noted that they would incur the cost of any broken barrels as there is an 8 year warranty on these barrels.

There were many issues raised by Council members with respect to spillage, steep areas, access to the barrels and more trash than the barrel would hold. Andy Bozzuto responded to these questions and concerns. He confirmed that some excess bags would have to be loaded manually and that the trucks and drivers are equipped to do this.

Town Manager Kilduff suggested that the automated service could be phased in with it being done one day of the route to start in order to see how it works.

Steve Bozzuto questioned if the contract specifies how the trash is to be collected.

The Council requested that this item be placed on the next Council Agenda for discussion and action.

**10. CITIZENS' STATEMENTS AND PETITIONS AND CORRESPONDENCE:**

Mayor Doody indicated that there was no correspondence at this time.

Mayor Doody opened the meeting to citizens' statements and petitions.

Cliff Potter, 1251 Middletown Ave. Re: Architect for intermediate school. He felt that the architect recommended by the Permanent Project Building Committee has the database of facts required to do the job and that the Council should approve the architect recommended by the PPBC. He felt that a new architect would have to establish

the facts and questioned why the Town would pay to have this done again.

Fred Astorino, 51 Woods Hill Road Re: Problems with East Shore District Health Department. He spoke on a requirement to have a perc test for a pool being installed which is not required by the State Health Code. He noted that there have been other complaints against East Shore and requested that the Town speak to East Shore on this. He pointed out that the statutes on the Health Code in the Town's Building Department are from 2001 and need to be updated.

Mayor Doody confirmed that there have been three complaints received by the Town on the East Shore Health Department. He requested that the East Shore Health Department be given formal notice of complaints received and request that they be more user friendly to the residents and businesses in Town.

Councilor Esposito questioned what issues are referred to East Shore for review.

Town Engineer Kurt Weiss indicated that there is a Memorandum in the Planning Office that lists the requirements for review and approval by the health department.

Town Manager Kilduff confirmed that he has advised Jim Monopoli of these problems. Mr. Monopoli is trying to encourage his staff to be more flexible. The Town Manager also spoke on the complaints received and his further discussions with Mr. Monopoli on these complaints. The Town Manager indicated that he will review what needs to be sent to the East Shore Health Department with the Town Engineer.

Councilor Bigelow stated that in her two dealings with East Shore District Health for the historical society and on a personal level they were very easy to work with.

#### 11. RESIGNATIONS AND APPOINTMENTS

There were no resignations or appointments at this time.

#### 12. UNFINISHED BUSINESS:

- a. Discussion and Action Re: Possible Ordinance Revision Governing Vending at Recreation Facilities

The Council was in receipt of a draft from the Town Attorney on the changes discussed at the last meeting. The Council indicated that these changes address the concerns raised previously by the Council.

**MOTION:** Deputy Mayor Candelora moved, seconded by Councilor Esposito, that the North Branford Town Council hereby schedules a public hearing for Ordinance on Chapter 182 on Peddling, Hawking and Vending for 7:30 p.m. on Tuesday, July 6, 2004.

Pamela Gery, Recreation Director, noted that concerts and events are to start in two weeks. She questioned if vehicles are allowed to drive on the fields. She requested that vendors be asked to stay on public roads and driveways due to safety concerns.

Councilor Wentworth suggested that signs could be posted to indicate that no vehicles are allowed on the fields.

Town Attorney Gesmonde confirmed that this is a health and safety issue and that it can be restricted by signage.

There was further discussion between Council members and the Recreation Director on vendors on the fields.

Town Manager Kilduff reviewed the Ordinance governing Parks and Recreation which gives the department the authority to do this.

The Council requested that the Town Manager take care of the proper signage for this.

VOTE: Passed 8 to 0 in a roll call vote.

- b. Discussion and Action Re: Telecommunications Tower Proposed for 26 Commerce Drive or 1177 Foxon Road

Town Manager Kilduff presented a draft of a letter to the Connecticut Siting Council on the telecommunications tower proposed for 26 Commerce Drive or 1177 Foxon Road for the Council's review. He noted that this letter would be included in the applicant's application to the Siting Council.

It was the consensus of the Council to send the letter as drafted.

13. NEW BUSINESS:

- a. Discussion and Action Re: Ratification of Town Council Goals and Mission Statement

MOTION: Councilor Wentworth moved, seconded by Councilor Lappie, that the Town Council of the Town of North Branford hereby ratifies the attached exhibit to define its goals and mission statement for the Town of North Branford (Attachment 3).

Councilor Joiner suggested adding additional language under Goal 2 Definition to include that new structures and lighting will blend with existing, especially in historic districts.

Deputy Mayor Candelora questioned if CERC will be working with the Planning and Zoning Commission to implement these.

Town Manager Kilduff confirmed that CERC will work with the Commission. He also noted that the Commission will start work on the update of the Plan of Conservation and Development in September.

AMENDMENT: Councilor Joiner moved, seconded by Councilor Bigelow, to amend the motion to add under Goal 2: Architectural Design Standards for Community Appearance, What does it mean to us? the following “New structures and lighting will blend with existing, especially in historic districts.”

VOTE ON AMENDMENT: Passed 8 to 0 in a roll call vote.

VOTE ON MAIN MOTION AS AMENDED: Passed 8 to 0 in a roll call vote.

- b. Discussion and Action Re: Approval of Lease for Public Works Loader

MOTION: Councilor Lappie moved, seconded by Councilor Bigelow, that Be It Hereby Resolved that the North Branford Town Council authorizes Karl F. Kilduff, Town Manager, to execute any and all documents allowing the Town to enter into a two-year lease-purchase financing arrangement with J.P. Morgan Leasing Inc. for a new Wheel Loader for the Public Works Department.

VOTE: Passed 8 to 0 in a roll call vote.

- c. Discussion and Action Re: Financial Report - May 2004

Treasurer/Finance Director Anthony Esposito reviewed the Financial Report for May 2004 with the Council. He noted that Mayor and Council is over-expended due to the advertising costs of placing the budget in the New Haven Register. He also noted that Social Services is over-expended but a transfer follows later in the Agenda.

With respect to revenues, Mr. Esposito pointed out that the tax collection rate is at 100% of budget and that overall revenues have been above anticipated. He stated that there should be a minimal impact on the fund balance.

- d. Discussion and Action Re: Delinquent Sewer Account Foreclosure Listing

The Council was in receipt of a Memorandum dated June 7, 2004 from Bonnie Marcell, Tax Collector, regarding Foreclosure Listing – Delinquent Sewer Accounts.

- e. Discussion and Action Re: Appropriation from Contingency

MOTION: Councilor Wentworth moved, seconded by Councilor Lappie, that the Town Manager is hereby authorizes to appropriate from reserve for contingency,

Account #4703-760-0000, and transfer into the appropriate accounts, as soon as possible, for the attached purpose (Attachment 4).

Town Manager Kilduff noted that this is for landscape/architecture services for the Swajchuk and Hyland properties. He advised the Council that the firm of Richter & Cegan has been chosen for this.

VOTE: Passed 8 to 0 in a roll call vote.

f. Discussion and Action Re: Approval of Appropriation Transfers

MOTION: Councilor Wentworth moved, seconded by Deputy Mayor Candelora, that the North Branford Town Council hereby approves the attached appropriation transfers (Attachment 5), as recommended by the Town Manager and the Treasurer/Finance Director.

VOTE: Passed 8 to 0 in a roll call vote.

g. Discussion and Action Re: Approval of Tax Refunds

MOTION: Councilor Wentworth moved, seconded by Councilor Esposito, that the North Branford Town Council hereby approves the attached property tax refunds (Attachment 6).

VOTE: Passed 9 to 0 in a roll call vote.

h. Discussion and Action Re: Architectural Services for the North Branford Intermediate School

Town Manager Kilduff indicated that Moser Pilon Architects and DeCarlo & Doll were viewed equally by the Permanent Project Building Committee (PPBC).

The Council questioned if awarding this to Moser Pilon Architects would reduce the cost. The Town Manager indicated that it would not.

There was considerable discussion on this by the Council. It was noted that the idea was to have a new vendor look at this.

Councilor Joiner pointed out that the PPBC voted unanimously to award this to Moser Pilon Architects.

Deputy Mayor Candelora stated that he was concerned as Moser Pilon Architects have already taken the position not to renovate the school.

Town Manager Kilduff reviewed the qualifications for both firms. He spoke on the results of the interview process and the decision of the PPBC. He noted that Moser Pilon Architects firmly indicated that they would start fresh. The Town Manager confirmed that the Council has authorized funding from contingency for this.

MOTION: Councilor Lappie moved, seconded by Councilor Fucci, that the North Branford Town Council hereby approves DeCarlo & Doll for the architectural services for the North Branford Intermediate School.

Deputy Mayor Candelora stated that the Council appreciated the work of the PPBC but that he would like to go with the new firm to have a fresh view. He noted that the Council cannot be sure that the educational specs will be changed.

VOTE: Passed 5 to 3 in a roll call vote.

FOR: Mayor Doody, Deputy Mayor Candelora, Councilors Donald Fucci, John Lappie and Joanne Wentworth

OPPOSED: Councilors Mary Bigelow, Andrew Esposito and Ashley Joiner

14. CITIZENS' STATEMENTS AND PETITIONS

Mayor Doody opened the meeting to citizens' statements and petitions.

Mr. Potter Re: Architect for intermediate school. He was disappointed in the party line vote on this but felt that the Council and the Board of Education should be constructive and begin working together. He felt that a lot of State standards are not being met at the intermediate school.

Mayor Doody stepped down to make a citizens' statement.

Michael Doody Re: Tour of North Branford Intermediate School on June 14. He felt the school was in good condition and noted he saw only one discolored ceiling tile. He did feel that some lockers needed to be replaced. He stated that school officials should be honest in the statements which they

make concerning the schools. He did note that classroom and hallway size appears to be an issue but not the physical condition of the school itself.

Councilor Joiner Re: Tour of North Branford Intermediate School. She noted that many of the tiles with mold and damage from leaks have been replaced. She was also concerned with security due to the blind entry into the building with the office in a separate area. She felt that many State standards not being met.

15. ADJOURNMENT

**MOTION:** Deputy Mayor Candelora moved, seconded by Councilor Wentworth, to adjourn the meeting at 9:05 p.m.

**VOTE:** Passed 9 to 0 in a roll call vote.

Respectfully submitted,

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Rosanne Krajewski,  
Clerk to the Council