

PARKS AND RECREATION COMMISSION
AGENDA
JUNE 8, 2015
7:00 P.M.
Town Hall Conference Room

Call to order

Public Comments

- Sports Groups

Acceptance of Minutes

Correspondence

From First Selectman Timothy M. Herbst –

Wagner Tree Farm Property Acceptance as Town Park in Trumbull Parks System

Old Business

New Business

Budget Review

Park Assignments/Committee Reports

Parks and Recreation Director

Any other business which might rightly come before this Commission

Adjournment

IF YOU ARE UNABLE TO ATTEND,

PLEASE CONTACT CLERK AT (203) 261-0129

Timothy M. Herbst
First Selectman



Office of the First Selectman
Town Hall
5866 Main Street
Trumbull, Connecticut 06611
203-452-5005

TOWN OF TRUMBULL CONNECTICUT

(SENT VIA EMAIL AND FACSIMILE)

Robert Ferrigno, Chairman
Trumbull Parks and Recreation Commission
Trumbull Town Hall
5866 Main Street
Trumbull, CT 06611

June 1, 2015

**Re: Wagner Tree Farm Property
Acceptance as Town Park in Trumbull Park System**

Dear Chairman Ferrigno:

Please accept this letter as a formal request for the Parks and Recreation Commission to consider the acceptance of the former Wagner Tree Farm property, and all buildings located thereon as part of the Trumbull Parks System. This proposal has been considered by the administration for at least the last year, prior to the reorganization of the Parks and Recreation Department and prior to the hiring of our new Parks and Recreation Director, Stuart McCarthy.

As you know, the Trumbull Nature and Arts Center (TNAC) currently resides on this property. While we have a Nature Commission, formed under the administration of my predecessor, it is my understanding that a 501 (c)(3) has also been formed for the benefit of TNAC. Last week, my Chief of Staff, Lynn Arnow and our Director of Facilities, Allen White, accompanied me to the TNAC Center for purposes of an inspection. Upon arrival we observed the following:

- 1.) Garbage is not being disposed of properly;
- 2.) There exists virtually no classroom space for educational activities;
- 3.) There appears to be only one room in the entire facility dedicated to any type of educational programming;

In reviewing the events calendar on the TNAC website for the month of May, there were only eight scheduled events, with not more than one event per day. I should note that some of those events are not even associated with TNAC. On Saturday, May 30, 2015, Trumbull Community Women sponsored an event on the Wagner property.

In an effort to procure information that could be provided to our new Parks and Recreation Director regarding the level and quality of programs being offered to Trumbull families, this office made a request for certain documents. The Freedom of Information request submitted to the former Chairwoman requested any and all documents associated with the Nature Commission, the concomitant 501 (c)(3) and any and all other information related to the administration of TNAC (see attached). The numerous responses from the former Chairwoman have essentially centered around three main arguments:

- 1.) While there is a Nature Commission, the 501 (c)(3) is under no obligation to comply with a public records request;
- 2.) The Town does not have a right to see a list of participants if those names involve minor children;
- 3.) The TNAC building is not under the jurisdiction of the Trumbull Parks and Recreation Commission and therefore there is no obligation to comply with the request for information.

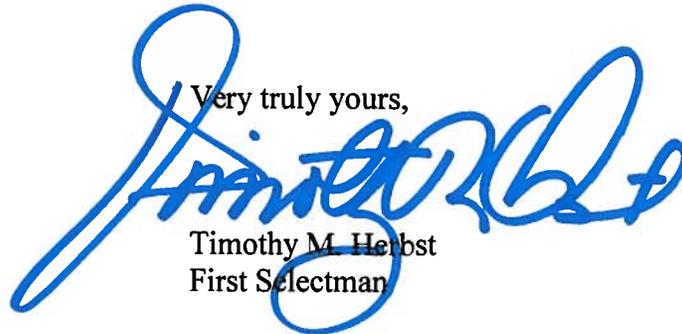
These responses are troubling on several levels. First, the subject property was acquired through the hard earned money of Trumbull taxpayers. Second, this property is maintained by our Public Works Department and ostensibly by Trumbull taxpayers. Third, the Nature Commission is still a commission and as a public agency is subject to the Freedom of Information Act. Perhaps most troubling is the fact that the information requested from the Nature Commission and 501 (c)(3) board is the same information that your commission requires from every organization and parks system user. Just as you require Trumbull Little League, Trumbull Pisces, Trumbull Rangers and all other independent organizations provide you with relevant program information, another system user should not believe they are the only exception to the rule.

Last week, Recreation Manager Mary Markham confirmed that rosters of every sports organization are made available to the Parks and Recreation Department and remain on file. The names of TNAC program participants will not be published, but kept in the custody of the Parks and Recreation Department and used to adequately assess levels of participation and programs. This has been standard operating procedure for many years. The former chairwoman has refused to provide this information to Town officials who have responsibility for the building and property where TNAC is located. This conduct begs the question as to why someone would go to such lengths to suppress the disclosure of information and documents relative to a public agency. For this reason, I have replaced some members of the Nature Commission, including the former Chairwoman. I have also asked Stuart McCarthy to immediately schedule an on-site inspection of the property and facility and review all program content.

To provide some semblance of improved governance of this facility and this property, I am hereby requesting that the Parks and Recreation Commission expedite this request so it may be considered by the Trumbull Town Council.

Your anticipated cooperation is sincerely appreciated.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Timothy M. Herbst", is written over the typed name and title.

Timothy M. Herbst
First Selectman

CC: Stuart McCarthy, Director of Parks and Recreation
Dmitri Paris, Parks Superintendent
Allen White, Director of Facilities
Lynn Arnow, Chief of Staff
Carl Massaro, Chairman, Trumbull Town Council
Dennis Kokenos, Town Attorney

Timothy M. Herbst
First Selectman



Office of the First Selectman
Town Hall
5866 Main Street
Trumbull, Connecticut 06611
203-452-5005

TOWN OF TRUMBULL CONNECTICUT

SENT VIA EMAIL (pamgeorgas@att.net)

Pamela Georgas, Chairwoman
Trumbull Nature Commission
117 Broadway Road
Trumbull, CT 06611

May 27, 2015

Dear Mrs. Georgas:

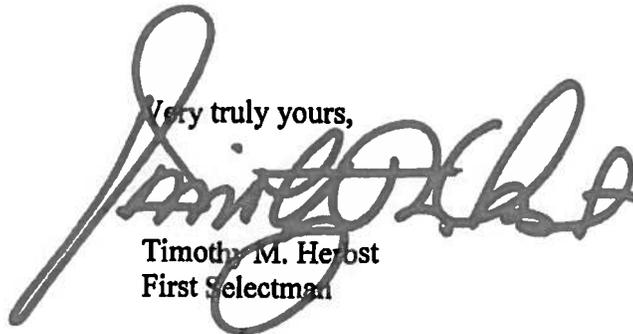
As you know, Stuart McCarthy starts as our Director of Parks and Recreation on June 1, 2015. In preparation for his arrival, so he may have a better understanding of the Nature Commission and the programs provided, pursuant to 1-220 of the Connecticut General Statutes, the Freedom of Information Act, this office requests copies of the following documents and information:

1. A list of all programs offered by the Trumbull Nature and Arts Center;
2. A list of all participants at the Trumbull Nature and Arts Center, including a breakdown of participants per program offered;
3. A list of all members and or donors to the Trumbull Nature and Arts Center from 201 to the present;
4. A schedule of all events at the Trumbull Nature and Arts Center including dates and times of when the facility is being utilized;
5. A list of any and all organizations outside of the Trumbull Nature Commission that currently utilize the facility;
6. A copy of any and all spreadsheets that detail revenues and expenditures for the Trumbull Nature and Arts Center from 2011-present;

7. A list of all private donations and corporate sponsorships given for the benefit of the Trumbull Nature Commission and Trumbull Nature and Arts Center from 2011-present;
8. Copies of any and all documents, applications or internal communications concerning the establishment of a 501(c)(3) on behalf of the Trumbull Nature Commission and the Trumbull Nature and Arts Center;
9. Copies of all correspondence, emails, facsimile transmissions, text messages and any other mode of communication by and between members of the Trumbull Nature Commission concerning the re-location of the Trumbull Nature and Arts Center;
10. Copies of all correspondence, emails, facsimile transmissions, text messages and any other mode of communication by and between members of the Trumbull Nature Commission and the Parks and Recreation Commission, its staff and Town Attorneys concerning the re-location of the Trumbull Nature and Arts Center;
11. Copies of any and all documents or internal communications concerning the Master Plan for the Trumbull Nature and Arts Center property, as referenced in the April 30, 2015 minutes of the Trumbull Nature Commission.

Given the amount of information that Mr. McCarthy will need to procure to become quickly acclimated with our various facilities and programs, I trust that you will reply promptly to this request. Your anticipated cooperation is greatly appreciated.

Very truly yours,



Timothy M. Herbst
First Selectman

CC:

Lynn Arnow, Chief of Staff
Stuart McCarthy, Director of Parks and Recreation
John Marsilio, Director of Public Works
Maria Pires, Director of Finance
Dmitri Paris, Parks Superintendent
Robert Ferrigno, Chairman Parks and Recreation Commission

Alicia Altobelli

From: Timothy M. Herbst
Sent: Friday, May 29, 2015 6:22 PM
To: Pam Georgas
Cc: Alicia Altobelli; Lynn Arnow; Stuart McCarthy; John Marsilio; Maria Pires; Dmitri Paris; Joan Ploufe (joanatparks@hotmail.com); 'Dennis Kokenos (djk@osn-pc.com)'; 'Robert Nicola'; 'Vincent Marino (vmarino@cohenandwolf.com)'; Carl Massaro; Barbara Whetstone
Subject: RE: Board of Trustees of Woodstock Academy v. FOIC, 181 Conn. 544 (1980)

Mrs. Georgas:

I have had the opportunity to review comments you have made on social media regarding this matter and it is truly unfortunate how rather than address the questions and provide the information requested, you are attempting to mislead the public and dilute the real issues at hand. Candidly, I find it disconcerting as to how you would intentionally seek to mislead people.

The Town of Trumbull is requesting the number of participants, the number of programs offered and the scheduling of those programs to access participation levels and how much of this participation is coming from Town residents, or those that live outside of Town. You have requested on repeated occasion that the Nature and Arts Center be part of the Parks and Recreation system. Let me remind you that the Parks and Recreation Commission through the Parks and Recreation Department requests all sports teams, leagues and system users provide the Town with a list of rosters (which include names) that are kept in the custody of Mary Markham in the Recreation Department. This is not published on Facebook or blogs. This is kept within the custody of the Town of Trumbull. I spoke to Chairman Ferrigno and Mrs. Markham earlier today who both confirmed this point. This information is provided to access participation levels which in turn impact field usage and facility demands, as well as revenues and expenditures impacting the department.

Basically, you don't want to follow a standard that is followed by other organizations, teams and clubs that use Town facilities. You do not believe that the same standards should not be applied to your commission or a 501 (c)(3) that is using Town facilities, free of charge. Our Public Works Department maintains and repairs this property at no expense to the commission or the 501 (c)(3) organization. Despite this fact, you are challenging the right of the Town of Trumbull to request and receive this information.

The information has been requested by the Town of Trumbull and there is an anticipation that based upon the past practice and standards followed by other departments referenced hereinabove, you will provide the information.

Thank you,
Tim Herbst

From: Pam Georgas [mailto:pamgeorgas@att.net]
Sent: Thursday, May 28, 2015 6:41 PM
To: Timothy M. Herbst
Cc: Alicia Altobelli; Lynn Arnow; Stuart McCarthy; John Marsilio; Maria Pires; Dmitri Paris; Joan Ploufe (joanatparks@hotmail.com); 'Dennis Kokenos (djk@osn-pc.com)'; 'Robert Nicola'; 'Vincent Marino (vmarino@cohenandwolf.com)'; Carl Massaro
Subject: Re: Board of Trustees of Woodstock Academy v. FOIC, 181 Conn. 544 (1980)

Tim, I don't even know what you are saying at this point. I told you most of the information is captured in annual reports and filings, presentations and research docs. of which are easy to supply you with. It is very reasonable for me to ask the question as to if supplying names of program participants and other personal information on residents is necessary. I am a volunteer, not a lawyer or politician. Particularity concerning when you are not giving me information on why you need these names and personal info., and what you will do with them.

I am ccing Carl Massaro on this email, because I feel at this point you are trying to pick an argument with me, that just isn't there. I asked a reasonable question, that I think could have just been answered politely and reasonably. This entire request could have/should have been handled with more diplomacy. It's not like you ever asked for this info, and I refused it....so why an FOI?

Pam

On Thursday, May 28, 2015 6:07 PM, Timothy M. Herbst <therbst@trumbull-ct.gov> wrote:

Mrs. Georgas:

Thank you for your reply. Your response again confirms your position on this matter. I will be referring this matter to the Freedom of Information Commission next week.

Thank you,

Tim Herbst

From: Pam Georgas [<mailto:pamgeorgas@att.net>]

Sent: Thursday, May 28, 2015 5:32 PM

To: Timothy M. Herbst

Cc: Alicia Altobelli; Lynn Arnow; Stuart McCarthy; John Marsilio; Maria Pires; Dmitri Paris; Joan Ploufe (joanataparks@hotmail.com); 'Dennis Kokenos (djk@osn-pc.com)'; 'Robert Nicola'; 'Vincent Marino (vmarino@cohenandwolf.com)'

Subject: Re: Board of Trustees of Woodstock Academy v. FOIC, 181 Conn. 544 (1980)

Tim

I am not part of the 501c3 board. We have discussed this many times, it is a separate non profit board. ON this board are various business folks from local businesses This is the direction both past and present administrations have agreed to be the best avenue for TNAC to operate. The role of the commission now is mainly acting as liaison to the town. I am once again requesting that we have a conversation/meeting regarding clearing this matter up.

I am questioning the need to release private information on 501c3 program participants. They do have all of the information in a database, of which various information on registration can be pulled by the TNAC hourly paid registrar. Much of the information you request is captured in their 501c3 annual reports and finance filings, of which I will send you. Information requested regarding the relocation request is captured in a presentation and research document, of which you have, but I will send to you again.

There was no need for you to take this form of action, Tim. I have been nothing but upfront about always supplying all information upon request.

Pam

On Thursday, May 28, 2015 4:58 PM, Timothy M. Herbst <therbst@trumbull-ct.gov> wrote:

Mrs. Georgas:

I am in receipt of your email from earlier today whereby you claim that the information I am requesting is not from a governmental body, therefore implying that you are not required to provide this information to the Town

of Trumbull under the Connecticut Freedom of Information Act. Earlier today, I spoke with Tom Hennick, Public Information Officer for the Freedom of Information Commission. I have also had the opportunity to review the Connecticut Supreme Court case of *Board of Trustees of Woodstock Academy v. FOIC*, 181 Conn. 544 (1980). *See attached.*

You are an appointed member of the Trumbull Nature Commission (a governmental body) and also involved with an incorporated 501 (c)(3). You cannot have selective application in deciding when you are a government actor and when you are not, thus cherry picking what you will provide and what you won't provide to the Town of Trumbull. Clearly, you have an obligation to fully comply with this request.

However, assuming your argument had merit, I would still argue that under the *Woodstock* case referenced hereinabove, you still have an obligation to comply with my request. This case incorporated into the Connecticut Freedom of Information Act the Federal criteria for private companies subject to public records requests, including:

- 1.) Whether the entity performs a government function;
- 2.) The level of government funding;
- 3.) The extent of government involvement or regulation; and
- 4.) Whether the entity was created by the government

In applying these standards to the present set of circumstances we can undoubtedly conclude the following:

- 1.) The Nature Commission/ 501 (c)(3) provides educational opportunities for Trumbull children, arguably a government function;
- 2.) The Nature Commission and by extension, the 501 (c)(3) receives funding from the Town of Trumbull (i.e. the local government);
- 3.) The building is maintained by the Town of Trumbull, with the Town of Trumbull being responsible for utilities, exterior repair and maintenance, arguably government involvement and regulation;
- 4.) The location of the present facility as a Nature and Arts Center was expressly created by Trumbull's government when my predecessor and a previous Trumbull Town Council elected to create a Trumbull Nature Commission and place the Trumbull Nature and Arts Center **on town owned property paid through municipal bonds funded by Trumbull taxpayers.**

What I find outrageous is that you are claiming that the 501 (c)(3) is not under an obligation to respond to the request when in addition to providing a government function, the facility sits **on town owned land, has a town sponsored budget, does not pay rent and is not required to reimburse the Town for utilities and the like.**

Based on the foregoing, I fully expect you and the entire Nature Commission to comply with this request. I trust that you will reply promptly.

Very truly yours,

Timothy M. Herbst

From: Pam Georgas [<mailto:pamgeorgas@att.net>]

Sent: Thursday, May 28, 2015 3:04 PM

To: Timothy M. Herbst

Cc: Alicia Altobelli; Lynn Arnow; Stuart McCarthy; John Marsilio; Maria Pires; Dmitri Paris; Joan Ploufe (joanatparks@hotmail.com)

Subject: Re: Letter from Tim

Tim,

Some of the information you are requesting is not from a government body. It is from a non profit organization. I don't think it is appropriate for the non profit to release names, or other personal information on program participants, as you have requested. I have 501c3 annual reports, financial reporting documents, etc. I can share. I also have the presentations to the parks commission, and relocation research done by the nature commission, but all of this should also be recorded in the Parks commission minutes.

Again, I am suggesting we meet to discuss what information is necessary , and for what purpose so that we can better compile reasonable information needed for your purposes regarding the non profit detail.

I will call Alicia to make an appointment with you and whoever else is interested in information on this topic,

Thank you
Pam

Sent from my iPad

On May 28, 2015, at 2:37 PM, "Timothy M. Herbst" <therbst@trumbull-ct.gov> wrote:

Mrs. Georgas:

As you know, the request came through a Freedom of Information request. Under the statute, the individual receiving the request has four business days by which to acknowledge receipt. Thereafter, pursuant to Rule 51 as promulgated by the Freedom of Information Commission, a governmental body or agency is required to respond to the request under a reasonable timeframe. I will assume your responses thus far acknowledge receipt and I trust that there will be a response, with the requested documentation, within a reasonable timeframe.

Thank you,
Tim Herbst

From: Pam Georgas [<mailto:pamgeorgas@att.net>]
Sent: Wednesday, May 27, 2015 9:01 PM
To: Timothy M. Herbst
Cc: Alicia Altobelli; Lynn Arnow; Stuart McCarthy; John Marsilio; Maria Pires; Dmitri Paris; Joan Ploufe (joanatparks@hotmail.com)
Subject: Re: Letter from Tim

Tim

There is no current request to be part of the parks system at this time. We were not able to come to any agreement with the parks commission with any viable location in the parks system in the past 5 years. To that end, it was decided to move forward in the current space dedicated for TNAC for the foreseeable future.

I apologize for state of the building right now, we have recently had several volunteer groups in there painting the interior and removing boxes, etc. that were recently abandoned by a woman who was given permission to use one of the back rooms for extensive toys for tots storage by the town, (she was there before we occupied the space). At the current moment most programs are held outdoors, until the other facility rooms are organized. Yes, you are correct the front room to the left is the only interior room utilized for programs at this moment. I will speak to the 501c3 board about trying to speed up cleaning up the other rooms, now that painting is complete.

There are numerous programs being held outdoors this spring and summer. If you would like to get an idea of how much programming exists, the website will give you an idea of the extent of what is offered in seasonal programs, scouts programs and field trips.

I am requesting/suggesting a discussion/meeting should take place to better understand goals, ours and yours. I thought it was understood by all, that we were remaining in the current space for the foreseeable future.

Thanks,
Pam

Sent from my iPad

On May 27, 2015, at 4:21 PM, "Timothy M. Herbst" <therbst@trumbull-ct.gov> wrote:

Mrs. Georgas:

I am in receipt of your email of earlier today. While you are correct that the Trumbull Nature and Arts Center and the Trumbull Nature Commission are not currently under the jurisdiction of the Trumbull Parks and Recreation Commission, you have made it clear that you believe the commission and the center belong under the auspices of the Town's park system. Toward that end, we have also discussed the dissolution of the commission and transition to a 501 (c)(3) board.

Like any other 501 (c)(3) board that petitions the Parks and Recreation Commission and requests to either use or become recognized as part of the park's system, the documents requested become critical to understanding levels of participation, programs offered, revenues generated and expenses associated with delivery of these services. It is the same type of review that Mr. McCarthy will be doing with existing recreational programs under the auspices of the Parks and Recreation Department. We will need access to this information as soon as possible and in accordance with a reasonable timeframe as proscribed by the Freedom of Information Commission.

In a related vein, this afternoon I toured the Trumbull Nature and Arts Center with Lynn Arnow and Allen White, our Director of Building Facilities. I was dismayed by the condition of the facility upon entry. There is a strong odor of mold in the building, garbage that should be removed from the bathroom and paint cans in the middle of one of the bedrooms left unattended. Also, I noticed that there was only one room where it appears any educational activities are occurring and I didn't notice any desks and or meeting rooms that would suggest any ongoing continuing education. In that this is a Town building, I am asking that the issues articulated above be addressed so the building is maintained in a clean and functioning manner.

Thank you for your acknowledgement of the FOI request from earlier today. I trust you will reply promptly.

Sincerely,

Tim Herbst

From: Pam Georgas [<mailto:pamgeorgas@att.net>]

Sent: Wednesday, May 27, 2015 1:53 PM

To: Alicia Altobelli

Cc: Lynn Arnow; Stuart McCarthy; John Marsilio; Maria Pires; Dmitri Paris

Subject: Re: Letter from Tim

Hi Allicia,

I would be happy to supply what info I can to help Mr. McCarthy understand the TNAC organization and programming offered, as well as our attempts to work with the parks commission on relocation. But the TNAC building, property or organization does not fall under parks property or parks commission jurisdiction at the moment.

As far as communications regarding the parks commission relocation, there was very little if any communication outside of formal meetings with parks commission members. So the minutes should reflect the timeline and discussions regarding relocation.

I will get all the financial information from the 501c3 board regarding income, grants, etc from them. This should be relatively easy, as it is all in a database, and they must file every year.

I would suggest a meeting with him to review this with myself and a 501c3 board member, which I would happy to do, as we are talking about 5 years of work to get the organization established, and essentially all programming self funded.

Can I please ask what the goal of understanding is, since TNAC is not currently on parks property, or under the parks commission? It might help me to direct more relevant information.

Thanks,
Pam

Sent from my iPad

On May 27, 2015, at 11:55 AM, Alicia Altobelli <aaltobelli@trumbull-ct.gov> wrote:

Please see attached letter...

Alicia Altobelli

Executive Assistant to First Selectman Timothy M. Herbst

aaltobelli@trumbull-ct.gov

(203) 452-5006

<Pam Georgas 5-2015.pdf>