

TOWN COUNCIL  
**Town of Trumbull**  
CONNECTICUT  
www.trumbull-ct.gov

TOWN HALL  
Trumbull

TELEPHONE  
(203) 452-5005



AGENDA No.715

- I CALL TO ORDER
- II MOMENT OF SILENCE
- III PLEDGE OF ALLEGIANCE
- IV ROLL CALL
- V APPROVAL OF MINUTES
- VI NEW BUSINESS

DATE: November 7, 2013  
TIME: 8:00 P.M.  
PLACE: Town Hall

NOTICE is hereby given that the Town Council of the Town of Trumbull, Connecticut will hold a regular meeting Thursday, November 7, 2013 at 8:00 p.m. at the Trumbull Town Hall, for the following purpose:

DISCUSSION ITEM:

- Trumbull High School Building Committee Update
- THS Renovation Audit Update
- Centralized Emergency Communication System Committee Report

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1. RESOLUTION TC24-159: To consider and act upon a resolution which would amend Section 18, Taxation of the Trumbull Municipal Code to include Article V, Police and Firefighter Surviving Spouse Tax Relief Regulations enacting a tax abatement program to abate all or a portion of the property taxes due with respect to real property owned and occupied as the principal residence of the surviving spouse of a police officer or firefighter who dies while in the performance of such officer's or firefighter's duties pursuant to C.G.S. Sec. 12-81x. *(Public Hearing L&A)*
  2. RESOLUTION TC24-163: To consider and act upon a resolution which would approve the sale of Town Parcel G08-224 to Brinsmade Associates, LLC and authorize the First Selectman to execute the sale agreement and documents to complete the sale. *(Public Hearing L&A)*
  3. RESOLUTION TC24-164: To consider and act upon a resolution which would approve the filing of an application for State financial assistance by the Town of Trumbull in an amount not to exceed \$123,890 and direct the First Selectman, Timothy M. Herbst to execute and file such application with the Connecticut Department of Economic and Community Development in order to undertake the Hillcrest Pool Project Phase II. *(L&A)*

VII ADJOURNMENT

COPY OF THE RESOLUTION ATTACHED HERETO

Carl A. Massaro, Jr., Chairman

Trumbull Town Council

## RESOLUTIONS

1. RESOLUTION TC24-159: BE IT RESOLVED AND ORDAINED, That Chapter 18 of the Municipal Code be amended to include Article V, Police and Firefighter Surviving Spouse Tax Relief Regulations, enacting a tax abatement program for spouses of police and firefighters. *(Full Resolution Attached)*
2. RESOLUTION TC24-163: BE IT RESOLVED, That the sale of Town Parcel G08-224 to Brinsmade Associates, LLC is hereby approved and the First Selectman is hereby authorized to execute the sale agreement and documents to complete the sale.
3. RESOLUTION TC24-164: BE IT RESOLVED, That the filing of an application for State financial assistance by the Town of Trumbull in an amount not to exceed \$123,890 is hereby approved and First Selectman, Timothy M. Herbst is hereby directed to execute and file such application with the Connecticut Department of Economic and Community Development in order to undertake the Hillcrest Pool Project Phase II. *(Full Resolution Attached)*

RESOLUTION TC24-159; BE IT RESOLVED AND ORDAINED, That Chapter 18 of the Municipal Code be amended to include Article V, Police Officers and Firefighters Surviving Spouse Tax Relief Regulations, enacting a tax abatement program for surviving spouses of police officers and firefighters; and

WHEREAS, Police Officers and Firefighters provide life-saving public safety service to the Town of Trumbull; and,

WHEREAS, The Town of Trumbull is enabled by Connecticut General Statute 12-81x to provide for an abatement of all or a portion of property taxes due with respect to real estate owned and occupied as the principal residence of the surviving spouse of a police officer or a firefighter who dies in the performance of such police officer's or firefighter's duties; and,

WHEREAS, the Town of Trumbull desires to recognize the courageous service of police officers and firefighters by providing tax relief for their spouses in the event of their death in the performance of their duties;

NOW THEREFORE, BE IT RESOLVED AND ORDAINED, That Chapter 18 of the Municipal Code be amended to include Article V, Police and Firefighter Surviving Spouse Tax Relief Regulations and the following:

**Sec. 18-60. – Generally.**

The Town hereby enacts a tax abatement program with respect to real property owned and occupied as the principal residence of the surviving spouse of a police officer or firefighter who dies while in performance of such officer's or firefighter's duties pursuant to Connecticut General Statute § 12-81x and on the terms and conditions provided herein.

**Sec. 18-61. – Purpose.**

The purpose of this Ordinance is to honor police officer's and firefighter's who die while in the performance of his or her official duties and to ease the resulting financial burden on such officer's or firefighter's surviving spouse.

**Sec. 18-62. – Definitions.**

For purposes of this Ordinance, the following terms shall be defined as follows:

(1) Police Officer. The term "*police officer*" shall be defined as any person who is a duly employed member of a state or municipal police department in the State of Connecticut, serving in an official capacity, full-time or part-time, with or without pay.

(2) Firefighter. The term "*firefighter*" shall be defined as any person who is a duly employed or volunteer member of a fire department in the State of Connecticut, serving in an official capacity, full-time or part-time, with or without pay.

(3) Police Duties. The term "*police duties*" shall be defined as duties which an officer is obligated or authorized by law, regulation, or written condition of employment to perform.

(4) Fire Duties. The term “*fire duties*” shall be defined as duties performed while traveling to, at, or returning directly from fires or fire related calls, alarms of fires or calls for mutual aid assistance, or tests or trials of any apparatus or equipment normally used by the fire department; while instructing or being instructed in fire duties; or while engaging in any other duty ordered to be performed by a superior or commanding officer in the fire department.

(5) Surviving Spouse. The term “*surviving spouse*” shall be defined as the spouse of a police officer or firefighter at the time such police officer or firefighter dies in the performance of his or her police duties or fire duties.

**Sec. 18-63. – Tax Abatement Program**

Subject to the eligibility terms and conditions set forth herein, there is hereby established effective the Grand List of October 1, 2013 an abatement of 100% of municipal real property taxes due or \$7,500 per year, whichever is less, with respect to real property in the Town of Trumbull owned and occupied as a primary residence by the surviving spouse of the following persons:

- (1) a police officer who dies in the performance of his or her police duties; or
- (2) a firefighter who dies in the performance of his or her fire duties.

**Sec. 18-64. – Eligibility.**

Municipal real estate taxes due on the real property shall be abated until the earlier of the following events:

- (1) the real property ceases being the surviving spouse’s primary residence;
- (2) the surviving spouse conveys legal title to the real property;
- (3) remarriage of the surviving spouse; or
- (4) 90 days after the death of the surviving spouse.

**Sec. 18-65. – Administration.**

The Tax Collector and the Tax Assessor shall prescribe such forms and procedures as they deem necessary and appropriate to implement this Ordinance.

The Tax Assessor, in addition, shall take steps as necessary and appropriate to satisfactorily establish the facts that support the eligibility of the surviving spouse for abatement of municipal real property taxes on an initial and continuing periodic basis.

Further, the Tax Collector and the Tax Assessor shall create and maintain records of the sum of the total monies abated as a result of this Ordinance on a fiscal and ongoing basis to be submitted for review by the Town Council and Board of Finance upon request.

**Sec. 18-66. – Effective Date.**

This Ordinance shall be effective upon the date of adoption.

**RESOLUTION TC24-164: BE IT RESOLVED, Whereas, pursuant to C.G.S. Sec 4-66c, the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects: and,**

**Whereas, it is desirable and in the public interest that the Town of Trumbull make an application to the State for \$123,890 in order to undertake the Hillcrest Pool Project Phase II and to execute an Assistance Agreement.**

**NOW, THEREFORE, BE IT RESOLVED BY THE Trumbull Town Council, that it is cognizant of the conditions and prerequisites for the state financial assistance imposed by C.G.S. Sec. 4-66c that the filing of an application for State financial assistance by the Town of Trumbull in an amount not to exceed \$123,890 is hereby approved and that First Selectman, Timothy M. Herbst, be and the same is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State Financial assistance if such an agreement is offered, to execute any amendments, decisions, and revision thereto, and to act as the authorized representative of Town of Trumbull.**

### **Transaction Overview**

- Brinsmade Associates, LLC (Brinsmade) proposes to demolish the existing office building and construct an approximately 20,000 square foot retail plaza on property it owns at 965 White Plains Road.
- Town proposes sale of Parcel G08-224 to Brinsmade. G08-224 is a .11 acre parcel at southeastern corner of White Plains Road and Grandview Drive. Brinsmade plans to combine Parcel G08-224 with 965 White Plains Road. (Parcel Map and Aerial Photo attached)
- Parcel G08-224 was appraised at \$16,800 in May 2013. (appraisal cover letter attached) Sale is proposed at this amount.

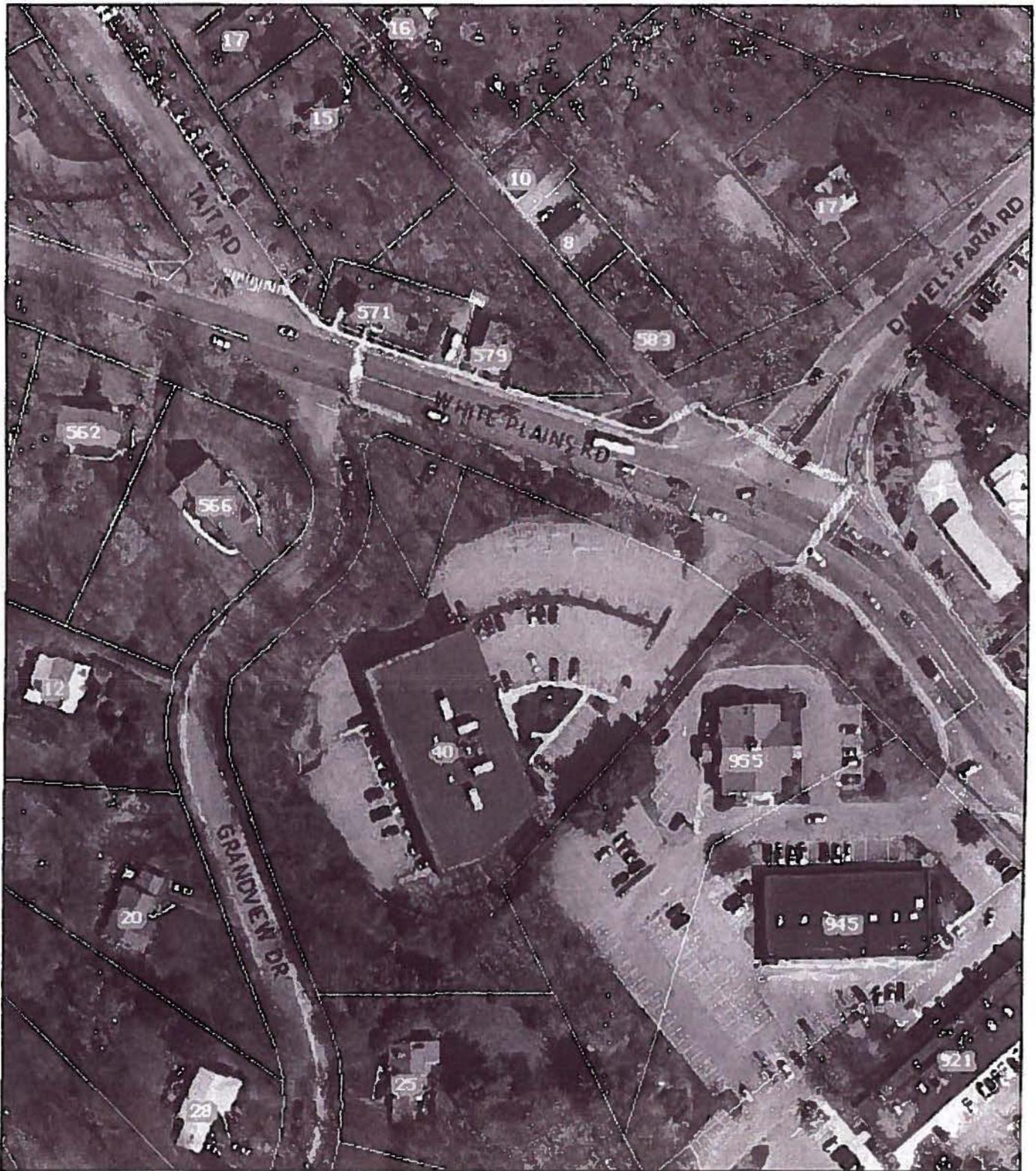
### **Approvals and other Municipal Actions Required for Sale**

- CGS Section 8-24 requires Planning & Zoning Commission to review the proposed disposition of property and issue a report to the Town Council. P&Z review occurred at meeting of 8-21-13. P&Z issued letter on 9-3-13 recommending approval with conditions. (P&Z letter attached)
- Town Council must hold a public hearing regarding the disposition of property in accordance with CGS Section 7-163e. (Statute attached)
- Town Council requested to approve a resolution authorizing First Selectman to execute the property sale.

### **Transaction Sequence**

- Upon Town Council's approval of resolution, First Selectman will execute Purchase and Sale Agreement with Brinsmade that will include zoning contingency.
- Brinsmade will seek P&Z approval of development plans for combined parcels. Special Permit application will reflect conditions of P&Z 8-24 recommendation.
- Upon Brinsmade obtaining final P&Z approval, Town will consummate sale of Parcel G08-224 to Brinsmade.





**Town of  
Trumbull,  
Connecticut**



This map is for reference purposes only. The Town of Trumbull, CT makes no representation or guarantee as to the content, accuracy, timeliness, or completeness of any information provided herein.

**APPRAISAL OF REAL ESTATE**

**OWNED BY**

**Town of Trumbull**

**LOCATED AT**

**Map ID G-08 Lot 224 (Church Hill Road)  
Trumbull, Connecticut**

**THIS REPORT IS WRITTEN AT THE REQUEST OF:**

**Mr. Edward Lavernoich  
Director of Economic Development  
Town of Trumbull  
5866 Main Street  
Trumbull, CT 06611**

**BY**

**VIMINI ASSOCIATES  
REAL ESTATE APPRAISERS AND ANALYSTS  
BRIDGEPORT, CONNECTICUT**



May 21, 2013

Mr. Edward Lavernoich  
Director of Economic Development  
Town of Trumbull  
5866 Main Street  
Trumbull, CT 06611

RE: Appraisal of Property located at Church Hill Road, Trumbull, CT

Dear Mr. Lavernoich:

In accordance with your request to perform an appraisal of the above captioned properties, I submit this appraisal report. The purpose of this appraisal is to estimate the current market value, as defined in subsequent sections of this report. The opinion of value stated in this report is based upon the highest and best use of the property, and "fee simple" interest ownership. The effective date of this analysis is May 7, 2013, the date of my inspection.

The undersigned appraisers certify that this appraisal report has been prepared in conformance with the Uniform Standard of Professional Appraisal Practice (USPAP), and conforms to the standards of the Appraisal Institute. It is assumed that the reader of this report has a basic understanding of appraisal methodology and real estate.

The subject parcel is located along at the intersection of Church Hill Road and Grandview Drive in the White Plains Road business district. The parcel is a irregularly shaped parcel measuring 0.11 acres and improved with an asphalt parking lot. It was formerly used for parking for the town owned property across the street. The parcel is zoned B-C which is a commercial zone allowing permitted uses on a minimum of two acres; the site is a pre-existing, non-conforming parcel, and its highest and best use is either its continued use as a parking lot for the town owned property across the street or merger with the adjoining parcel. The reader is advised to seek a phase I environmental study. The appraiser reserves the right to amend this report based upon those findings. A more detailed description of the property is provided further in this report.

Re: Town of Trumbull  
Map G-08, Lot 224 (Church Hill Road)  
Trumbull, Connecticut

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In the preparation of this report, municipal land records were checked and market data researched and analyzed. A personal inspection of the property was performed on May 7, 2013. The opinions discussed throughout this report are based on, and limited to that inspection of the property.

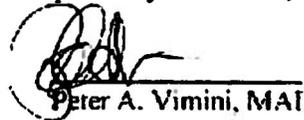
Based on this inspection, and the investigation and analysis of the data secured, it is my opinion that the Market Value of the **fee simple interest** of the property, as of May 7, 2013, is the amount of:

**Sixteen Thousand Eight Hundred Dollars**  
**(\$16,800.00)\***

Market value derived herein is based on that of a current sale; one occurring within a reasonable exposure time of twelve months. Reasonable exposure time inherent in the market value concept is presumed to precede the effective date of the appraisal. Appropriate market time is forecasted to occur within twelve months subsequent to the date of appraisal.

\* The appraiser is unaware of any studies of the soil content, and has no knowledge as to whether the subject property may be affected by Connecticut Public Act 85-443 (super lien law) or Public Act 84-535 (an act concerning clarifications of permits for hazardous liability resulting from any soil contamination due to the storage of hazardous waste). This appraisal report and the value estimates contained herein assume no potential liability resulting from any soil contamination due to the storage of hazardous waste material, automobiles and/or chemical spills which may have occurred on this property over past years. No other evidence of contamination or hazardous material used in the construction or maintenance of any improvements was observed on the date of the inspection, however, the inspection was limited to exterior visual observations. It is also worthy to note that the appraiser is not qualified to detect the existence of substances such as lead, urea-formaldehyde, radon gas, foam insulation, asbestos, or other potentially hazardous waste material that may have an effect on the value of the property. The appraiser reserves the right to amend this report, at an additional fee, pending the findings of any site or environmental assessment report as to the presence of any on-site toxic, hazardous wastes or contaminants that may effect the value of the property.

Respectively Submitted,

  
Peter A. Vimini, MAI

# Town of Trumbull

CONNECTICUT



**Planning and Zoning  
Department**  
Telephone: (203) 452-5047  
Fax: (203) 452-5169

**Town Hall**  
5866 Main Street  
Trumbull, Connecticut 06611

## PLANNING & ZONING COMMISSION

September 3, 2013

Edward P. Lavernoich  
Economic & Community Development Director  
Town of Trumbull  
5866 Main Street  
Trumbull, CT 06611

**Re: Municipal Improvement Referral**  
Sale of Town owned property known as Parcel 224 located on the southeastern corner of Grandview Drive and Church Hill Road.

Dear Mr. Lavernoich:

Pursuant to Section 8-24 of the CGS, on August 21, 2013 the Planning and Zoning Commission voted unanimously (Chory, Deecken, Garrity, Mahlstedt, Scinto) to recommend APPROVAL of the above proposed plan SUBJECT TO THE FOLLOWING:

1. Purchaser to install a sidewalk along Church Hill Road from the southeastern corner of Grandview Drive down to the entrance of the purchaser's current property at 965 White Plains Road.
2. Purchaser shall allow the public usage of the parking lot until the parking spaces are replaced in another location.
3. The parking spaces lost shall be replaced by the same number of available spaces for users of the Pequonnock Valley Trail either in the purchaser's parking lot and/or on the property of the proposed Visitor's Center.

Very truly yours,

  
Helen Granskog  
P&Z Administrator/Clerk

cc: First Selectman Herbst  
Town Council

**CGS Sec. 7-163e. Public hearing on the sale, lease or transfer of real property owned by a municipality.** (a) The legislative body of a municipality, or in any municipality where the legislative body is a town meeting or representative town meeting, the board of selectmen, shall conduct a public hearing on the sale, lease or transfer of real property owned by the municipality prior to final approval of such sale, lease or transfer. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the real property that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. The municipality shall also post a sign conspicuously on the real property that is the subject of the public hearing.

(b) The provisions of subsection (a) of this section shall not apply to (1) sales of real property, except parkland, open space or playgrounds, if the fair market value of such property does not exceed ten thousand dollars, (2) renewals of leases where there is no change in use of the real property, and (3) the sale, lease or transfer of real property acquired by the municipality by foreclosure.

(P.A. 07-218, S. 1; 07-251, S. 1; P.A. 10-32, S. 16.)

History: P.A. 07-251 added Subsec. (b)(3) re exception for property acquired by foreclosure; P.A. 10-32 made technical changes, effective May 10, 2010.

## **Margaret Mastroni**

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**From:** Dawn Savo  
**Sent:** Wednesday, October 23, 2013 5:32 PM  
**To:** Margaret Mastroni  
**Cc:** Jesse Jablon; Maria Pires (mpires@trumbull-ct.gov)  
**Subject:** DECD Hillcrest Pool Phase II Grant

The DECD Hillcrest Pool funding is a State bond project to award Trumbull additional funding in the amount of \$123,890 to complete the Hillcrest Pool project. We originally rec'd \$375,000 to make safety improvements to the pool. This has been completed. We requested additional funding from the State for construction/equipment purchases as follows:

- Painting
- Rerouting
- Tile Work/Depth Markers
- Handicap Accessibility/ADA Improvements (i.e. pool lift)
- Water Level Control System and Filter reconditioning
- Replacement and installation of 20+ year old equipment such as diving board
- Converter Box Repair
- Shower plumbing repair and renovation
- Pool perimeter rail

The Town Council approved last October 2012 (or possibly September) the use of \$33,600 from Fund 47 Capital Non-recurring Fund and \$338,000 in BOE unspent bond funds from another project to be used along with the \$128,890 to complete the Hillcrest Pool project. We neglecting to get the resolution for the \$123,890 so it's being done now.

If you need more detail about when TC approved the other funding, I can get that for you tomorrow. But at least you can send this information now with your agenda package. Thanks. - dawn

Dawn M. Savo  
Assistant Director of Finance  
Town of Trumbull  
5866 Main Street  
Trumbull, CT 06611  
203-452-5011 phone  
203-452-5099 fax