

Town of Trumbull
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TOWN HALL
Trumbull

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**Town Council
Minutes
May 7, 2012**

CALL TO ORDER: Chairman Carl A. Massaro, Jr. called the regular meeting to order at 8:09 p.m. at the Trumbull Town Hall. All present joined in a moment of silence and the Pledge of Allegiance. The Chair asked all those present to remember Thomas Whitmoyer's daughter who is presently in the hospital.

ROLL CALL: The clerk called the roll and recorded it as follows:

PRESENT

Suzanne S. Testani	Vicki Tesoro	Jane Deyoe
David R. Pia	Ann Marie Evangelista	James Blose
Jeff S. Jenkins	Michael J. London	Kristy Waizenegger
Chadwick Ciocci	Carl A. Massaro, Jr.	Martha A. Jankovic-Mark
James F. Meisner	Tony J. Scinto	Debra A. Lamberti
Jeffrey Donofrio	Mark LeClair	
Gregg Basbagill	Fred Palmieri, Jr.	

ABSENT: Thomas Whitmoyer and John A. DelVecchio, Jr.

ALSO PRESENT: Chief of Staff Daniel Nelson, Town Attorney Edward Walsh, Redistricting Committee Chairman Mr. William Holden, Mr. James Nugent Chairman of the THS Building Committee, Mr. Alfonso Barbarotta of AFB Construction Management and Mr. John Barbarotta of AFB Construction Management.

The Chair congratulated the We the People debate team and Kathleen Boland and her staff for being successful in garnering first place finish in the northeast division.

Discussion Items:

Trumbull High School Building Committee Update:

Chairman's Report: Mr. James Nugent reported:

- The project is quickly heading towards the summer schedule. They had hoped to complete the project this summer but noted that is unlikely at this time. There is a list items that would need to be completed, there is insufficient funding for them. They have been unable to get on the BoF agenda and are trying for the May agenda.
- It appears they will be able to reduce the cost of the paving. Paving is a multi-month project, but because the funding is not in place does not know how that will impact the schedule.

- The concessions stand can not be built for the \$515,000; the design had been previously substantially pared down. JCJ Architecture is currently in the process of modifying the structure to bring the cost down again, there will be fees for that redesign, and would need to go out to bid again. It appears it will not be built soon.
- It has been strongly advised not to contract with the amount of money in the Owner's contingency. The committee can not use the CM contingency.
- Mr. Nugent confirmed for the Chair, with regard to the building itself, that the project is on time and on budget. The expectation is that it will be completed within their budget. Mr. A. Barbarotta explained the issue as, if the contingencies were allocated to finish the project in a perfect world they would be close to even. Until they have control back from O&G of the CM contingency the owner can not authorize contracts to move forward.

b. Owner's Rep Update: Mr. A Barbarotta reported:

- \$2 million being carried in the budget for the parking lot and are working with the DPW and buying the asphalt from the state bid to reduce the cost. They are working with other items to reduce their costs as well.
- There is \$10-11 million worth of work to be done this summer; there is still some exposure to the contingency because they have not demoe'd B-House yet. O&G has only spent \$700,000 of the \$3 million CM contingency to date. They anticipate that there will be some of the CM contingency remaining but they can not allocate that money until they know for sure that O&G is going to meet their GMP (guaranteed maximum price). It will be mid-August before they know what all of the final costs are, all of the major work will be complete by then.
- The Building Committee voted not to commit money to be spent on the parking lot or the concession stand until they know that the building can be finished for the opening of the school.
- The Chair stated that the council had not approved this phase of the project. Mr. A. Barbarotta stated there had been site-work approved but it was at much less number, approximately \$1 million. The current estimate includes new sidewalks, curbing, patio, plantings and landscaping. Those items can be removed; they had all been bid separately. In response to the Chair, Mr. A. Barbarotta explained that the contingency funds get lower every day; the project is at full operation now. There are approximately 9 line items in O&G's budget that represent change orders and they are in the process of trying to reduce the cost of those items. Regrinding the terrazzo floors would be nice to do but if they do not have the money at the end of the project, they will polish the floors. The paving and the concession stand are reimbursable at the full rate because they are being rebuilt due to ADA code issues. The cost factors included in the estimate are all gross numbers they are not reduced numbers.
- Mr. A. Barbarotta explained to Ms. Mark that the original estimate in the Bill Silver's plan included an estimate of \$127,000 for the renovation of the existing concession stand. The original estimate of eight (8) years ago had been carried in the budget, not the current estimate. The existing concession staying on the field will not hold up the Certificate of Occupancy. They can not use the concession stand as it is for cooking, the port-a-potties will stay if a new concession stand is not built. The architect has been charged with reducing the concession stand design. The project does not need the concession stand to open the school.
- Mr. A. Barbarotta indicated for Mr. Palmieri that a bonding resolution would need to be done to add additional funds into the project; approximately \$3.5 million would cover the contingency amount. Mr. Barbarotta has a meeting with the Finance Director tomorrow morning. The process would be that the BoF will discuss and vote on the bond resolution and then to the Town Council for discussion and vote.

- Mr. A. Barbarotta indicated for Mr. Scinto that the Town Council directed the Building Committee to design the higher cost design but at a lower cost. They did their best at bringing it in at the lower number, it was put out to bid but it came in at the higher cost. The total bid came in over \$800,000 with the site-work and the management fee included. Mr. A. Barbarotta indicated that it was still a good bidding atmosphere but the concession stand was overdesigned.
- Mr. A. Barbarotta stated to Ms. Testani that the architect is going back to look at the concession stand design to reduce it further.
- Mr. A. Barbarotta indicated for Mr. Scinto the change orders are below 3%.
- Mr. Meisner indicated that some of the interior items, i.e. regrinding of the terrazzo floors, can be put off to the end of the project to see if there is enough funding. The contingency may be needed for other things that come up during the completion of the project. The parking lot, landscaping and concession stand are critical to the final curb appeal of the project and how the public perceives the end product. This can not be done this summer because the time table has been pushed back. They had hoped for an expedited process with the BoF but that had not happened. To do this work during the school year is not ideal, they will be pushed to the end of the project it will cost more to have the Owner's Rep and the CM on the project for an extended time. The paving and site-work costs could escalate if done next summer.
- Ms. Lamberti questioned how the new landscaping would thrive without an irrigation system? It would look nice at the ribbon cutting but six months later without irrigation much of it would not have thrived. Mr. A. Barbarotta indicated it is a line item for \$85,000 that could be approved or not. Mr. Meisner explained that the Building Committee had included a tree orientated planting plan knowing that anything that can not be mowed would not last.

Approval of Minutes:

Moved by Mr. LeClair, seconded by Mr. London to accept the April 2, 2012 minutes as submitted.

Ms. Tesoro stated that on page 5 under senior tax relief that she had been listed as against but had voted in favor.

Moved by Mr. Ciocci, seconded by Ms. Testani to amend the April 2, 2012 meeting minutes the vote recorded on page 5 to read as: VOTE: Motion FAILED 7-12 (Testani, London, Lamberti, Pia, Scinto, Ciocci, Waizenegger, Jenkins, Evangelista, Blose, Donofrio and LeClair), striking the name Tesoro from the list of those who voted no. VOTE: Motion CARRIED unanimously.

Ms. Tesoro stated that the following amendment to the minutes was to include comments made by Mr. Ciocci in reference to the resolution changing the voting districts.

Moved by Ms. Tesoro, seconded by Mr. Meisner to amend the April 2, 2012 minutes to include comments made by Mr. Ciocci under the Redistricting resolution: Mr. Ciocci had stated that he had reached out to Ms. Tesoro to make some changes to the 7 district plan which would have changed the boundary lines between district 2 and 7 so that Council member Deyoe would not be in district 7 but be returned to district 2. Mr. Ciocci stated that Ms. Tesoro did not respond to his inquiry. At the April meeting Ms. Tesoro reminded Mr. Ciocci they did in fact have an e-mail conversation, he never responded to Ms. Tesoro after she had provided him with 3 options for his review.

Ms. Tesoro added that she did have the e-mails if they were needed for the record.

VOTE: Motion CARRIED 9-6-3 (Against: London, Waizenegger, Jenkins, LeClair, Blose and Donofrio) (Abstention: Lamberti, Testani and Evangelista).

VOTE: Motion CARRIED as amended 12-4-2 (Against: Waizenegger, London, LeClair and Jenkins) (Abstention: Testani and Lamberti).

Moved by Ms. Mark, seconded by Mr. Palmieri to amend the April 12, 2012 Budget minutes to read on page 7, the last bullet under P&Z to read as adding what is in bold:

- In response to Ms. Mark's **statement that there seems to be overlap in the newly created Director of P&Z and Director of Economic Development positions**, First Selectman Herbst explained the administration wants the Director of Planning & Development and the Director of Economic Development to work closely together.

VOTE: Motion CARRIED unanimously.

Moved by Ms. Mark, seconded by Ms. Tesoro to amend the April 12, 2012 minutes on page 11, the last bullet item, second line to read as adding what is in bold:

Family Circle magazine **had interviewed her she spoke highly of Trumbull and its educational system, and it named Trumbull last year the 7th best Town in the nation for families.** After last year's budget cuts she is pleased to see there is a different tone towards the BoE budget this year. The 3.47% increase will alleviate the problems they encountered last year.

VOTE: Motion CARRIED 17-1 (Against: London)

Ms. Mark stated for the record with regard to discussion at the top page 5 of the April 12, 2012 minutes, that it is now May 7, 2012 and have not yet received a copy of the contract for the Town Attorney's retainer, nor documentation showing that after medical benefits, FICA and pension that the Town is paying less in 2011 than it was in 2007, 2009 or 2008 or 2010 for that matter.

VOTE: Motion to approve the April 12, 2012 meeting minutes CARRIED unanimously as amended.

Mr. Ciocci reported that the Education Committee had met on May 2, 2012; there were three items for discussion on the agenda, they are as follows:

1. DISCUSSION: Nature Center Youth Programs
2. DISCUSSION: CT ECS Formula
3. DISCUSSION: Trumbull High School Building Committee.

Mr. Ciocci gave the Town Council a brief summary of those discussions, no votes were taken.

BUSINESS:

1. RESOLUTION TC24-33: Moved by Ms. Lamberti, seconded by Mr. Palmieri.

BE IT RESOLVED, WHEREAS, the Trumbull Town Council, that this legislative body is cognizant of the conditions and prerequisites for the state financial assistance imposed by Part VI of Chapter 130 of the Connecticut General Statutes; that the filing of an application for State financial assistance by the Town of Trumbull in an amount not to exceed \$300,000.00 is hereby approved, and that Timothy M. Herbst, First Selectman of the Town of Trumbull 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 revisions

thereto, to carryout approved activities and to act as the authorized representative of the Town of Trumbull. (Full Resolution Attached)

Committee report: The L&A Committee met on April 30, 2012 and voted 4-2 (Against: Ciocci and Waizenegger).

Mr. Jenkins recused himself at 8:55 p.m. due to his employment with a prospective bidder.

VOTE: Resolution ADOPTED 15-3 (Waizenegger, Pia and Ciocci)

Mr. Jenkins returned to the meeting at 8:57 p.m.

2. RESOLUTION TC24-33: Moved by Mr. Palmieri, seconded by Ms. Deyoe.

BE IT RESOLVED AND ORDAINED, That Chapter 14 Offenses and Miscellaneous Provisions, Section 14-11 Blight Prevention of the Trumbull Municipal Code is hereby amended to include paragraph (9) Municipal Performance. (Full Resolution Attached)

Committee Report: The L&A Committee met on April 30, 2012 and voted unanimously to amend the resolution and to recommend the resolution. A public hearing was held in committee.

The Chair recognized the amendment in committee.

Moved by Mr. Palmieri, seconded by Ms. Mark to amend Resolution to read as RESOLUTION TC24-34. VOTE: Motion CARRIED unanimously.

Moved by Mr. Palmieri, seconded by Ms. Mark to amend the fifth line of the full Resolution TC24-34 to read as after the Town of Trumbull, **if after making all reasonable efforts to contact the owners of record to arrange for access and being unsuccessful in doing so, may designate agents to enter the property during reasonable hours for the purpose of remediating blight conditions... etc. etc.**

- Attorney Walsh stated that he had reviewed the ordinance and had spoken with the Chief of Staff, after further research done he had suggested the resolution be returned to committee to make sure there are no constitutional issues with regard to due process with the Town entering a property not on an annual basis as provided by other municipalities in their ordinance. There are other things that need to be clarified within the ordinance; otherwise it would be subject to a constitutional challenge.
- Mr. Palmieri withdrew the motion.

Moved by Mr. Palmieri, seconded by Ms. Mark to return Resolution TC24-34 back to committee. VOTE: Motion CARRIED unanimously as amended.

- Mr. Jenkins stated that he would be in favor of the resolution going back to committee, but it is owed to the citizens when there is a blighted property in the neighborhood to take care of it, with the expectation that the Town be reimbursed at a later date. Blighted properties degrade the neighborhood and make it difficult to sell a home. Mr. Jenkins spoke in favor of this ordinance passing when it is considered by the Town Council again.
- The Chair indicated that the resolution had been sent back to committee.
- Mr. Meisner stated the full resolution attached includes language that the Town would not be entering the dwelling and read the specific language.

3. RESOLUTION TC24-35: Moved by Mr. Scinto, seconded by Mr. London.
BE IT RESOLVED, That the Town of Trumbull endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law. (Full Resolution Attached)

Committee Report: The L&A Committee met on April 30, 2012 and voted unanimously.

- Mr. Ciocci stated for the record that the resolution is not a grant nor did he say it was a grant in committee. Mr. Ciocci endorses the spirit of the resolution.
- Mr. Nelson clarified the resolution is a prerequisite for a grant.

VOTE: Resolution ADOPTED unanimously.

4. RESOLUTION TC24-36: Moved by Mr. Basbagill, seconded by Mr. Palmieri.
BE IT RESOLVED, That \$65,000 is hereby appropriated from 21-315200 Golf Course Retained Earnings to 21100000-581888 Golf Capital Outlay.

Committee Report: The L&A Committee met on April 30, 2012 and voted unanimously.

VOTE: Resolution ADOPTED unanimously.

5. Resolution TC24-40: Moved by Ms. Waizenegger, seconded by Mr. London.
WHEREAS, the municipal voting districts of the Town of Trumbull are described in Chapter 6 of the Trumbull Town Code, and;

WHEREAS, the Trumbull Town Council adopted new voting districts on April 2, 2012 (TC24-31), and;

WHEREAS, the boundary lines of the new districts require further review to assure accuracy of their description;

NOW THEREFORE, BE IT RESOLVED AND ORDAINED That Chapter 6, Section 6-1 of the Trumbull Town Code is amended as follows:

Section 6-1 Voting Districts

In accordance with Section 9-169 of the General Statutes of the State of Connecticut, the Town Council of the Town of Trumbull does hereby redivide the Town of Trumbull into four (4) voting districts.

Committee Report: The L&A Committee met on April 30, 2012, held a public hearing, voted 4-2 (Against: Mark and Palmieri) to amend, and voted 4-1-1 (Against: Mark) (Abstention: Palmieri).to send the resolution to the Town Council without recommendation as amended.

- The Chair stated the resolution was updated this afternoon for the Town Council by him, he had sent the Town Council an e-mail with a copy of a proposed amendment to the ordinance, different than the one at the L&A Committee. The proposed amendment includes the change in blue lettering to allow for better understanding of the descriptions of

the boundary lines from the inception at the April 2, 2012 meeting, TC24-31, to the red-lined version in the L&A Committee to the version that was sent this afternoon. There are two (2) identical maps on display at this meeting; they were printed by Mr. Steve Earley of the Town Engineering Department. The change requested by the Chair is based on discussions with Ms. Aiello, Registrar of Voters and is within the lower section of District 1, it does not have anything to do with the language of the streets listed in the districts, the portion was just a map change. The map erroneously had a couple of streets below Daniels Farm Road color-shaded into District 2 and a section south of Daniels Farm Road, east of White Plains Road and west of the Pequonnock River. The District 1 southerly boundary line and District 2 northerly boundary line are not being described differently, they are being accurately described per his discussions with Ms. Aiello, Mr. Holden and Mr. Earley.

Moved by Mr. London, seconded by Mr. Jenkins to amend the resolution to read as the blue letter copy distributed to the council prior to this meeting:

*The blue lettering will not be contained in the final resolution, it is there for clarification of the what was distributed to the Town Council this afternoon.

RESOLUTION TC24-40: BE IT RESOLVED AND ORDAINED, That Chapter 6, Section 6-1 of the Trumbull Town Code is hereby amended as follows:

Section 6-1 voting districts

In accordance with Section 9-169 of the General Statutes of the State of Connecticut, the Town Council of the Town of Trumbull does hereby redivide the Town of Trumbull into four (4) voting districts:

District 1 Bounded generally by:

Northerly: The Monroe town line.

Easterly: The Shelton town line and Booth Hill Road, each in part.

Southerly: Wisteria Drive, Old Sawmill Road, West Lake Road, Old Dike Road, Beach Memorial Drive, Hedgehog Road, Daniels Farm Road, Route 25 Expressway, Pequonnock River, Daniels Farm Road each in part.

Westerly: Church Hill Road, Old Church Hill Road, Church Hill Road again, Main Street (Rte 111), * Briarcroft Avenue, Placid Street, a perpendicular line from the end of Placid Street to the Pequonnock River, Pequonnock River, Whitney Avenue, Lower Broadway (adjacent to Long Hill Green), Main Street (Rte 111), Main Street (Rte 25), each in part.

*** Deleted Pinehurst Street, Lakewood Drive – original line in TC24-31 restored.**

District 2 Bounded generally by:

Northerly: Daniels Farm Road, Pequonnock River, Route 25 Expressway, Daniels Farm Road, Hedgehog Road, Beach Memorial Drive, Old Dike Road,

West Lake Road, Old Sawmill Road, Wisteria Drive, Booth Hill Road, the Shelton town line, each in part.

Easterly: The Shelton and Stratford town lines, each in part.

Southerly: The Stratford and Bridgeport town lines, each in part.

Westerly: Reservoir Avenue along the line of the 134th State Assembly district to White Plains Road and White Plains Road, each in part.

District 3 Bounded generally by:

Northerly: The Monroe town line.

**Easterly: Main Street (Rte 25), Main St (Rte 111), Lower Broadway (adjacent to Long Hill Green), Whitney Avenue, Pequonnock River, a perpendicular line to the end of Placid Street, Placid Street, Briarcroft Avenue, * Main Street (Rte 111), each in part.
* Deleted Pinehurst Street, Lakewood Drive - original line in TC24-31 restored.**

Southerly: Walker Road, Sterling Road, Mulberry Street, Hampton Road, Elliot Road, Histon Road, Garwood Road, Park Lane, Canoe Brook Road, Wildwood Drive, Lake Avenue, Driftwood Lane, Madison Avenue, Kaechele Street, each in part.

Westerly: The Easton town Line.

District 4 Bounded generally by (all that portion of Trumbull in the 134th Assembly District):

Northerly: Kaechele Street, Madison Avenue, Driftwood Lane, Lake Avenue, Wildwood Drive, Canoe Brook Road, Park Lane, Garwood Road, Histon Road, Elliott Road, Hampton Road, Mulberry Street, Sterling Road, Walker Road, Main Street, Church Hill Road, Old Church Hill Road, Church Hill Road again, White Plains Road, each in part. { Moved to {Easterly {Boundary

Easterly: Reservoir Ave., along the line of the 134th State Assembly District to White Plains Road, White plains Road, Church Hill Road, Old Church Hill Road, Church Hill Road again, Main Street (Route 111), each in part.

Southerly: The Bridgeport town line.

Westerly: The Fairfield town line and Easton.

- The Chair confirmed for Mr. Palmieri that the boundaries lines reviewed in committee are different as a result of the Chair's investigation in the last two days. What was presented the other night was erroneous. Based on discussions with Mr. Holden, Ms. Aiello and Steve Earley of the Engineering Department since the L&A meeting, it was determined that the red lettering was accurate with the exception of the change in the census block where the Pinehurst Street, Lakewood Drive census block was moved at the L&A meeting from the 1st district to the 3rd. Upon further review there was no transgression of the census block, the line that was originally adopted on April 2, 2012 has been restored with the boundary line description amendment proposed at this meeting. The only other changes are seen in the blue language of this resolution are as follows:

District 4 easterly boundary and the district 2 westerly boundary where the boundary line of the 134th State Assembly district is, cuts across the northerly corner of White Plains Road and Reservoir Avenue. The description did not accommodate the 134th line. The Chair understood that the Redistricting Committee was to conform to the 134th line. That corner would be then be put into district 2, which is part of the 123rd State Assembly district. If they were to leave the language as it was without the adjustment it would create the potential of a split State Assembly district in district 4, the corner could have a 123rd voter. Leaving the line along the 134th and the 123rd the way the state has it eliminates the split district possibility. The corner does have a structure on it; it is the Chair's understanding that the structure is a nonresidential structure but can not state that as fact and trusts that does not cut a census block. The amendment would maintain the district lines between districts 2 and 4 the same as the 134th and the 123rd in that corner. The only other adjustment was in the northeast portion of streets of District 4, they were orientated more easterly and lined up with the streets as described as westerly boundaries in district 1 and 2. Those streets were moved to the easterly description of the boundary lines for district 4 and off the northerly description of district 4. There are no changes in population based on these lines. The addition of streets are noted in red are intended to make sure all of the streets on the borders of the districts are described. They were not all in the description adopted on April 2, 2012.

- Ms Tesoro stated that she appreciated the Chair intervening at this point by looking at the boundary lines and stated that there have been five (5) different legal descriptions since April 2, 2012 questioning the process. At the April 2, 2012 meeting the voting districts were adopted, those who voted in favor knew there was a problem with the legal description. She had made a motion at the April 2, 2012 meeting to amend the resolution and return it to committee for the committee to review the boundary lines to make sure the information was correct, that motion failed, pointing out that there is a resolution now being considered by the council to fix the boundary lines. Ms. Tesoro asked the Town attorney to advise the council on whether this is a proper resolution. Attorney Walsh stated what is being done is a minimal correction to an existing plan that has already been approved; more research would be necessary and could not give a definitive answer. Ms. Tesoro stated that she did not consider 12-15 changes to boundary lines minimal changes. Mr. Holden had come to committee and insisted that there was a split census block when in fact there was not. This could have been a change to the map that would have moved 46 people to a different district, unnecessarily changing the shape of two (2) districts and causing an imbalance in population. The question is whether there are not other errors that everyone is missing? Ms.

Tesoro moved to return the resolution to the L&A committee to complete the description of the boundary lines of the 4 district plan so that the council is accurately presenting the 4 district plan to the population. They could then see a proper plan, map and legal description.

- The Chair stated Ms. Tesoro's motion is out of order; explaining there is a motion on the floor to amend the resolution and are in discussion of that motion. It would not be possible to entertain another motion until this motion is voted on or withdrawn. The Town Council is the legislative body that is charged under state law to form the district lines, his intention is to make sure there is no question as to where the boundary lines are and to make sure that people vote where they are supposed to vote. The Chair recalls Ms. Tesoro's motion at the April 2, 2012 Town Council meeting to return the resolution to committee, there were no specific errors noted. If there were mistakes known at that meeting he does not remember hearing any enunciated. The Chair had asked Mr. Holden after the April 2, 2012 meeting to take a second look at the lines to confirm that they were correct. Mr. Holden discovered a few streets had been omitted and one census block transgression that turned out not to be a transgression. That same line is reestablished in the proposed description of this meeting. This is a matter of clean up, if someone of over the last month has looked at this and has not stepped forward with other corrections that need to be made, the Chair asked to hear them now. The Chair has spent quite a bit of time since the L&A meeting on this matter; he has met with the two (2) registrars, Mr. Earley of the Town Engineering Department and his clerk to make sure that the boundary lines are correct. The Chair asked if anyone knows of any additional errors to address them now.
- Mr. Meisner spoke against the resolution in all the amended forms that may come forward noting that getting the boundary lines correct is a second order issue to him; this is about going from 7 districts to 4. The resolution is to reduce minority representation on the Town Council and is opposed to that. The Chair stated that this is discussion on the boundary lines and getting them accurate.
- Ms. Mark stated she is uncomfortable and does not understand the description well enough despite all of the time she has put in. Redistricting drafters should be as precise as a sharp shooter and spoke against the quality of the work to date, noting that the boundary line description has been revised multiple times. Ms. Mark spoke against the resolution.
- Ms. Tesoro stated she is not qualified to produce legal descriptions for boundary lines, however under the description of district 2 bounded generally northerly Beach Memorial Drive is listed and should read as Beach Memorial Road, in district 1, the westerly description reads as Church Hill Road, Old Church Hill Road and Church Hill Road again noting that the *again* should be crossed out, further in the same description it should not read as Lower Broadway, it should read as Broadway, adjacent to Long Hill Green should be crossed off as it is not necessary. The description of district 2 bounded generally by the northerly section should read as expressway northbound and added that she is not sure about the shading change of the map that is now in district 1. Even though that is technical in nature that speaks to 200-300 people that would have been affected had that been found. Ms. Tesoro stated that Ms. Aiello had found that error.
- The Chair stated what the Town Council adopts, is what is in the resolution; there may be some translation incorrectly through the map.
- Ms. Tesoro stated because of the time she and others had expended on the Redistricting Committee and for the people of the Town, the process needs to be understood better of what happens now with regard to the legal description and map being refined. Under the CT General Statutes Section 9-169g, the Town Clerk was supposed have sent a map of the redistricting to the Secretary of the State within 30 days of the enactment of this legislation

on April 2, 2012. The map should have been sent by May 2, 2012. Ms. Tesoro asked who is responsible for sending the map to the Secretary of State, if it had been sent and who is responsible for the legal description? The Chair confirmed for Ms. Tesoro that the Town Council is responsible for the legal description. Ms. Tesoro asked if the description needed to be certified, explaining that it is a legal document that they could be taken to court over. Ms. Tesoro asked the Town attorney to answer her questions. The Chair stated that he could answer most of her questions; he could not answer whether the map had been sent to the Secretary of State's office that is done by the Town Clerk. If the map was sent it was sent based on the information adopted on April 2, 2012. If the map was not sent, based on what is acted on tonight will be submitted. Attorney Walsh stated that he would address the question who is responsible for the legal description but would not without doing research. Depending on what the council wants he will address the issue with a legal opinion. As a point of order the question goes beyond what is on the floor.

- The Chair stated the legislative body is the authority who adopts the districts, the Town Clerk's office is charged with sending it to the Secretary of State's office once they are filed with the Town Clerk.
- Mr. London asked if it were appropriate to call the question. The Chair asked Ms. Tesoro if she had any other description errors to list.
- Ms. Tesoro added to her list of corrections as follows:
District 2 bounded generally by easterly: The Shelton *town line* and Stratford *town lines* each in part. The southerly: The Stratford *town line* and Bridgeport *Town lines* each in part, under district 3 bounded generally by easterly: Main Street (Rte 25), Main St (Rte 111), Lower Broadway (adjacent to Long Hill Green), *lower should be stricken* and (*adjacent to Long Hill Green*) *should be removed*. Ms. Tesoro stated because she had received the resolution late she did not feel comfortable continuing and possibly contradicting something that has been already changed.
- The Chair stated that the changes Ms. Tesoro was proposing were not mistakes in the lines.
- Ms. Tesoro stated that she appreciates the Chair's and Ms. Aiello's efforts but is concerned that there still may be an error of substance that they all are missing.
- The Chair reminded those present that a motion to amend is on the floor.
- Mr. Meisner stated after the amendment is voted upon that it would be appropriate to send the resolution back to committee for proper review.
- The Chair stated this did go back to the L&A Committee and there was plenty of notice for anybody to make any suggested changes, such as the ones that are being discussed tonight, these words were in the resolution voted upon on April 2, 2012, they have been there since then and all changes has been neatly highlighted. The Chair stated that he wants the record of this meeting to be clear that there are not any substantive changes to the boundary lines other than from the L&A Committee, the extraction of the Pinehurst block on the border between Districts 3 and 1 going back to the way the Town Council adopted it on April 2, 2012, which he had been previously noted. There is no shifting of population or moving of boundary lines. This is a completion of the boundary lines, with some street name corrections and shifting from the northerly boundary line descriptions and the easterly boundary line description, with one small exception, the corner of White Plains Road and Reservoir as described earlier at this meeting. The Town Council is not changing boundary lines of what was adopted on April 2, 2012 and has asked many times since April 2, 2012 for people to step up and state what they see as an error. This went to committee, the Chair reached out to the Registrars and the Engineering Department and also drove a certain section of the boundary lines between the new 4 and 3 that Ms. Aiello inquired about to

make sure Hampton Road was Hampton Road and not Mulberry Street. The Chair reviewed 3 town maps with his clerk to make sure that the information with regard to Hampton Road was correct; there has been a lot of time and effort given to this. The Chair does not think he could find any more substantive errors. A road called Drive is not an impediment to the redistricting effort, some of the language errors are carried over from district boundary lines from the 7 district code. What is proposed at this meeting fairly depicts the boundary lines of the 4 districts that were recommended by the Redistricting Committee.

- Mr. Palmieri stated the Chair went above and beyond of what is expected of his duties. Mr. Palmieri asked if the L&A Committee was the proper place to have made changes. The Chair confirmed that is why the resolutions go to committee first, an amendment had been proposed in committee and boundary lines were described in, the whole resolution was noticed. The Chair explained that he had made a statement that there had been multiple opportunities to review the boundary lines since and even before the April 2, 2012 meeting, all council members knew what was coming forth at the April 2, 2012 meeting and were to review the stated descriptions to see if there were any of these types of errors.

VOTE: Motion CARRIED 13-3-2 (Against: Tesoro, Meisner, and Mark) (Abstention: Palmieri and Basbagill)

- Mr. Meisner reiterated that these are substantive changes; proper procedure would be to send this back to committee for review by the committee and referral back to the Town Council based on the changes that have been made since the last public hearing.
- Ms. Tesoro stated she appreciates all of the work the Chair has done, but with all due respect does not feel it was the Chair's work to be done, and believes that the Redistricting Committee should have seen to it that these descriptions were accurate but was never given that opportunity. The process was flawed in the beginning at to the end.
- Ms. Mark stated procedurally this has been all over the place, it began in L&A, it then went to the R&R committee and back to the L&A Committee. The Redistricting Committee was never given the time to set the meets and bounds and feels this has been flawed.

Moved by Mr. London, seconded by Mr. Scinto to call the question.

VOTE: Motion CARRIED 14-4 (Against: Tesoro, Palmieri, Mark and Basbagill)

VOTE: Resolution ADOPTED as amended 12-5-1 (Against: Tesoro, Meisner, Basbagill, Mark and Palmieri) (Abstention: Pia).

There being no further business to discuss and upon motion made by Mr. London, seconded by Mr. Palmieri the Town Council adjourned by unanimous consent at 9:56 p.m.

Respectfully Submitted,


Margaret D. Mastroni, Town Council Clerk

RESOLUTION TC24-34: BE IT RESOLVED AND ORDAINED, That Chapter 14 Offenses and Miscellaneous Provisions, Section 14-11 Blight Prevention of the Trumbull Municipal Code is hereby amended to include paragraph (9) Municipal Performance stated as follows:

(9) Municipal Performance. In the event any owner, agent, tenant, or person in control of real property located in the Town of Trumbull fails to abate or correct any violation under this section, after the issuance of a citation as prescribed in Sec. 14-11(4)(d) of the Trumbull Municipal Code, the Town of Trumbull, acting through its Blight Prevention Officer, may cause or take such action as is necessary to correct such violation. The Town of Trumbull may designate agents to enter property during reasonable hours for the purpose of remediating blighted conditions, although neither the municipality nor its designated agents may enter any dwelling house or structure on such property, without the express consent of such owner, agent, tenant, or person responsible for such property or by order of the Connecticut Superior Court or other court of competent jurisdiction. The cost to take such action shall be a civil claim by the Town against such owner, agent, tenant, or person responsible for such property and the Town Attorney may bring an action to recover all such costs and expenses incurred.

ATTACHMENTS

RESOLUTION TC24-33: BE IT RESOLVED, WHEREAS, federal monies are available under the Title I of the Housing and Community Development Act of 1974, 42 U.S.C § 5301, et. seq., as amended, also known as Public Law 93-383, and administered by the State of Connecticut, Department of Economic and Community Development as the Connecticut Small Cities Development Block Grant Program; and

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of the State of Connecticut Department of Economic and Community Development is authorized disburse such federal monies to local municipalities; and

WHEREAS, it is desirable and in the public interest that the Town of Trumbull make application to the State of Connecticut for up to \$300,000 in order to undertake and carryout a Small Cities Community Development Program and to execute an Assistance Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Trumbull Town Council, that this legislative body is cognizant of the conditions and prerequisites for the state financial assistance imposed by Part VI of Chapter 130 of the Connecticut General Statutes; that the filing of an application for State financial assistance by the Town of Trumbull in an amount not to exceed \$300,000.00 is hereby approved, and that Timothy M. Herbst, First Selectman of the Town of Trumbull 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 revisions thereto, to carryout approved activities and to act as the authorized representative of the Town of Trumbull.

RESOLUTION TC24-35: Whereas, All persons are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and

Whereas, Federal fair housing laws require that all individuals, regardless of race, color, religion, sex, handicap, familial status or national origin, be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, Connecticut fair housing laws require that all individuals, regardless of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, The Town of Trumbull is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

NOW THEREFORE, BE IT RESOVED,

That the Town of Trumbull hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law; and

BE IT FURTHER RESOLVED,

That the chief executive officer of the Town of Trumbull or his/her designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of Trumbull and for advising such person of the right to file a complaint with the State of Connecticut Commission on Human Rights and Opportunities (CHRO) or the U.S. Department of Housing and Urban Development (HUD) or to seek assistance from the CT Fair Housing Center, legal services, or other fair housing organizations to protect his or her right to equal housing opportunities.