

Town of Trumbull

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TOWN HALL
Trumbull

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Minutes
August 6, 2012

CALL TO ORDER: Chairman Carl A. Massaro, Jr. called the regular meeting to order at 8:04 p.m. at the Trumbull Town Hall. The Chair announced Anthony Chory, Chairman of the Planning and Zoning Commission had a serious heart attack yesterday afternoon; he came through emergency surgery very well and is convalescing today at St. Vincent's Hospital. Valerie Sorretino a long time active community volunteer and one of Justice's of the Peace underwent kidney replacement surgery, we wish her well as she convalesces. All present joined in a moment of silence and the Pledge of Allegiance.

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

PRESENT

Vicki Tesoro	John A. DelVecchio, Jr.	Ann Marie Evangelista
David R. Pia	James Blose	Debra A. Lamberti
Jane Deyoe	Kristy Waizenegger	Michael J. London
Chadwick Ciocci	Carl A. Massaro, Jr.	Martha A. Jankovic-Mark
Thomas Whitmoyer	Tony J. Scinto	
Jeffrey Donofrio	Mark LeClair	
Gregg Basbagill	Fred Palmieri, Jr.	

ABSENT: Suzanne S. Testani, Jeff S. Jenkins and James F. Meisner.

ALSO PRESENT: First Selectman Timothy Herbst, Mr. Daniel Nelson Chief of Staff, Ms. Maria Pires Director of Finance, Mr. James Nugent Chairman of the Trumbull High School Building Committee, Mr. Al. Barbarotta of AFB Construction Management, Mr. Brian Holmes of O&G Industries, Chief of Police Thomas Kiely and Town Attorney Edward Walsh.

The Chair announced that a former member of the Town Council, Brian Casey is in a courageous battle with cancer, there is a Testimonial Dinner sponsored by the Trumbull Police Union honoring Brian this Friday evening, August 10, 2012. It will be held at the Vazzano's Four Seasons on Kenyon Street in Stratford. Brian is another giver to our community and we wish him and his family well and hope to see as many people as possible Friday night.

Discussion Items:

Trumbull High School Building Committee-

Mr. James Nugent reported that the work at the school is at high speed this summer. The trades are working an additional shift at night (approximately 4 hours). The school will be safe and occupied for the fall semester. The boiler removal work will go into the end of September; this work had been projected as a 4-month project. The parking lot is going extremely well and is very pleased, the Town has done a great job. The parking lot has been reclaimed and the first course has been put down. The numbers came in very well, the sidewalk and curbing bids had been received. The low bid had been reviewed and awarded; it came in at \$342,875. They started the work last week, one week earlier than anticipated. It looks as though they will come in under the \$1.2 million the Town had projected. The estimate of 1.2 million was \$1 million under the original design cost by the architect. They will wrap up what needs to be done for the school to open and substantial completion, the only exceptions are the boiler room and punch list items. As the bids were coming in the committee had the confidence to start working down the Additional Scope Items list. This list had been previously presented to the Town Council. The First Selectman had indicated his preferences. The committee approved 4 items on the list, they are as follows: the regrinding and polishing of the terrazzo floors, replacement of the doors and hardware and the sign at the front of the school, (auditorium glass wall). The committee has not gone any further with the concession stand, they are not confident they have the funds or that there has not been enough of a design change to get to the budget number.

Mr. Al. Barbarotta stated that they had found out that the base of the parking lot usable. They camera'ed the catch basins, and found two broken lines; they fixed those lines at a very low cost. The reclaiming was done as a separate bid, (\$59,000). They took all the material out and reground and reprocessed it, that coupled with the cost of the first layer and all of the curbing is approximately \$420,000 plus the final course is approximately \$350,000 add to those two numbers the cost for the sidewalks it will come to approximately \$1.5 million total. The senior class is aware that the concession stand will not be ready for the opening of the school and they have made alternate arrangements with a food truck. The concessions stand construction is anticipated to be a 3-4 month project. The priority is the occupied spaces of the school which includes the gymnasium, the media center, the offices the hallways and everything they need to run the school. They will be inspected and ready to open. The heating, a/c and boiler room are pretty much done, and they are concentrating their efforts on B-House and the media Center. The finish paving starts on August 9, 2012 starting at the back parking lot (faculty), as soon as that is done they will be ready for striping, they will then follow with the front parking lot and the student parking lots. Those two areas finish coat and striping will be completed in 5 days. The driveway and sidewalks between the football field and school are expected to be done before the start of school, the majority of the front of the school is already done. The road between Trumbull High School and Hillcrest will not be done, that is not part of the project, when you start work between schools, (off campus) the state does not reimburse. They need to stay within property lines.

In response to the Chair, Mr. Barbarotta indicated of the \$4 million reflected on the Cost Summary Data Report, \$1.2 million would be reduced for the parking lot, leaving \$2.8 million and \$2 million dollars in contingencies. The committee still needs to make decisions on the Additional Scope Item list. They would like to have everything done and finished like it was a brand new school, but the committee will be pressed to make tough decisions right to the end to stay below the budget. There is adequate money to get the project finished provided they do not add on any wish list type items. The concession stand is still a big question, but the majority of items on the Additional Scope Item list have been approved to date. There is still a substantial list of items that people

would like to do that the committee has not approved. He believes they are within the budget, and will be e-mailing the latest O&G Cost Summary Data Report, there is approximately \$826,000 in pending changes, the CM Contingency is at \$1.7 million and the Owner's Contingency is at \$3.4 million. There are decisions that can be made to finish within budget. The Chair indicated that the number before they added the \$2 million is the number the project will come in at. Mr. Nugent agreed and confirmed that it is within reach. There are a couple of items that are going out to bid, but based on the estimated cost by O&G they are anticipating staying within that number.

Mr. Barbarotta indicated the areas that will be unavailable to the students after 8-27-12 are as follows: Where Channel 17 was, they are behind in that area because Channel 17 did not want to move out of the area, there are 4 classrooms involved in that area, they had been able to move some things around, they did lose the station for a few days, but that part is back on schedule; the old boiler room had the mechanical equipment that ran the A/C, that was supposed to be turned over to O&G in April but that did not get turned over until the end of school because the A/C could not be given up in April. That area is a month and half behind (special ed. rooms). This will not impact the operations of the school. All of the major elements will be done they will be down to finish work and punch list items (terrazzo floors will probably be a second shift job) (replacing all the doors will be a 2-month job). The original schedule always anticipated the project ending in November or December; they will just have a little more work to do within that time period. The superintendent would like the school ready for the 22nd, they will do their best. The Chair indicated that he always remembered from their meetings the finish date as the 27th.

In response to Mr. Palmieri, Mr. Barbarotta explained that the doors were just approved; this was an item that they did not have to do but wanted to do. The committee just approved the work; it will take 4-6 weeks for the doors to come on site.

Mr. Barbarotta indicated for Mr. Pia that the concession stand appliances if bought new (\$50,000) will meet handicap and health codes. The bathrooms in the original Bill Silver estimate were at \$270,000. They are trying to get the whole concession stand and bathrooms done for \$500,000. It is not just the kitchen and the bathrooms; it is the bathrooms and the handicap accessibility that drive the cost. If this was bid as a separate project without the state reimbursement (30% reimbursement), it could be built faster and less expensively. All of the kitchen equipment is in the bid as an add-alternate, they can eliminate any piece of it at anytime, they have not seen the final plans yet, they are with the architect. Mr. Pia stated that he would rather spend the \$50,000 fixing what they have than spend 70% of \$500, \$600 or \$700,000. Other communities have built 3,000 s.f. concession stands for \$100,000 with a lot of community involvement. Mr. Pia spoke against spending \$500,000. Mr. Barbarotta stated the current design meets the capacity of the field and replaces all of the port-a-potties on the field. If the port-a-potties stay on the field then the design can change and be simplified and we can then do a concession stand for \$50,000 to \$100,000. Mr. Pia spoke against spending \$500,000 on the concession stand. Mr. Nugent indicated that the building committee does not spend money frivolously; nothing has been approved to date with regard to the concession stand. The Chair indicated that the final concession stand design will come before the Town Council; the Town Council will have final say.

In response to Ms. Jankovic-Mark, Mr. Barbarotta the roof issues are being addressed. There were areas that had not been as protected as they thought before a particular storm; there was some water damage, an independent cleaning company and rep was brought in. The contractor, Greenwood is

paying the \$30-40,000 to clean it up, there was damage done to a MDF closet, that equipment has been ordered and replaced by the contractor, Greenwood. The contractor is paying for that as well. The contractor took off more than they could put back on and is taking responsibility for it. There was trap door at the stage area that needed to be ordered and replaced. There is a 20-year warranty; the project will not sign off until there are no leaks anywhere. There is no mold.

Trumbull Nature and Arts Commission-

Mr. Ciocci indicated that the Education Committee met on August 1, 2012 and summarized their meeting as follows:

- The TNAC Center would like to move somewhere into the Parks system specifically a park that is borders the trail. This would improve the program, provide more parking and more access to a variety of types of nature.
- It was determined that the current property and what will happen to it would need to be discussed simultaneously with the discussion of where to move TNAC.
- A real estate appraisal of the current TNAC that was done in the past was discussed.
- Program discussion was discussed only briefly due to the fact that it had been discussed in more detail at the previous Education Committee meeting.
- They ended their discussion with the agreement that further discussion was necessary with the decision makers: The First Selectman, Chief of Staff and Parks Commission.

BUSINESS:

*The Chair reserved his right not to vote unless otherwise noted.

Moved by Mr. Ciocci, seconded by Mr. DelVecchio to take item #9 out of order.

VOTE: Motion CARRIED unanimously.

1. RESOLUTION TC24-60: Moved by Mr. Donofrio, seconded by Mr. Pia.

BE IT RESOLVED, That Jeffrey Williams of 38 Shelton Road, be and the same, is hereby appointed as an alternate member to the Planning and Zoning Commission for a term extending to December 1, 2014.

Committee Report: The Finance Committee met on July 31, 2012 and voted unanimously to send without recommendation due to Mr. Williams' absence.

First Selectman Herbst stated that Mr. Williams will do an outstanding job on the P&Z Commission. He is a lifelong Trumbull resident; he graduated Trumbull High School and wants to give back to the community. Mr. Williams is in the building trade, understands zoning and has a keen eye for historic preservation. He had also been recommended to serve on the Demolition Delay Committee.

Mr. Williams of 38 Shelton Road was present and indicated his party affiliation as republican. Mr. Williams indicated that he has lived in Trumbull for 41 years, since high school (1977) he has been in building and renovating. He loves what he does; it is not a job to him. Mr. Williams looks forward to serving on the Planning and Zoning Commission.

Mr. Palmieri spoke in favor Mr. Williams and his extensive experience as First Selectman Herbst had indicated. The Town of Trumbull will be very fortunate to have Mr. Williams serve.

VOTE: ADOPTED unanimously.

2. RESOLUTION TC24-34: HELD IN COMMITTEE

3. RESOLUTION TC24-48: Moved by Mr. Palmieri, seconded by Mr. Pia.

BE IT RESOLVED AND ORDAINED, That a False Alarm Abatement Ordinance is hereby established;

WHEREAS, excessive false alarms throughout the Town create an unnecessary burden on the law enforcement resources of the Trumbull Police Department; and

WHEREAS, the Town proposes to reduce false alarms through the enactment of reasonable standards to ensure alarm users are held responsible for the use of their alarm systems;

NOW THEREFORE BE IT RESOLVED AND ORDAINED , That Chapter 14 Offenses and Miscellaneous Provisions, of the Trumbull Municipal Code is hereby amended to include Section 14-12 an ordinance establishing an abatement of false burglar alarms in the Town of Trumbull.

The Legislation & Administration Committee met on July 30, 2012 and voted to amend unanimously and unanimously as amended.

The Chair recognized the amendment in committee.

Moved by Mr. Palmieri, seconded by Pia to accept the L&A Committee ordinance amendments in full.

VOTE: Motion CARRIED unanimously.

The Chair explained he had recommended two (2) additional amendments to the ordinance and read the proposed amendment to Section 2: Alarm Permit, subsection (f) into the record as follows:

- (f) **Confidentiality of Records.** Any and all records prepared, created and kept by the Town of Trumbull in compliance with the requirements of this section, shall be confidential and exempt from disclosure under the provisions of the Freedom of Information Act under Connecticut General Statute Section 1-210 including but not limited to Section 1-210 (b) (19).

The Chair had sent the two (2) proposed amendments to the Town Attorney and the Chief of Police for review and is recommending the amendments to the Town Council. It is his opinion that this is confidential information, those individuals and businesses should be protected against the unscrupulous. It is believed that this would be a proper exclusion for the Town under the Freedom of Information Act.

The Chair entertained a motion for the proposed amendment.

Moved by Ms. Jankovic-Mark, seconded by Mr. Ciocci to amend Resolution TC24-48 inserting the following language to Section 2: Alarm Permit on page 3 after subsection (e) of the ordinance as follows:

- (g) **Confidentiality of Records.** Any and all records prepared, created and kept by the Town of Trumbull in compliance with the requirements of this section, shall be confidential and exempt from disclosure under the provisions of the Freedom of Information Act under Connecticut General Statute Section 1-210 including but not limited to Section 1-210 (b) (19).

Attorney Walsh indicated that this is an important amendment to keep the information confidential, if these records were disclosed it would be a public safety issue. There is a provision under the Freedom of Information Act Section 1-210, it provides for the balancing of the public's safety and the right for the public to have this information. Under these circumstances it is important to have the confidentiality. Attorney Walsh indicated for Mr. London that some type of record documenting of the alarm systems would be necessary for the ordinance to have any effect. There will be a record and will need to protect the record. Chief Kiely stated that it is important to have valid information that is up to date when they get to the alarm call, if an open door is found the TPD has to contact someone to secure the door, the registration information facilitates the contact of the proper people. The TPD can not leave the door open which in turn leaves the officer on site until the proper person is contacted and is able to come and secure the door proper record will facilitate with getting the officer back to patrolling the Town sooner. This ordinance is standard around the country.

VOTE: Motion CARRIED 16-1 (AGAINST: London)

The Chair indicated that after he had reviewed the committee's action on the ordinance, he saw that an effective date had not been included, once a resolution is adopted and has been published the legislation is effective upon a specific date, all alarm users would then be subject to prosecution. This would not be fair since the public has not been made aware. Delaying the enforcement provision would allow the Town to give adequate public notice and extend the registration period. The language was provided to the Attorney Walsh, Chief Kiely and Councilman Donofrio.

Moved by Mr. Pia, seconded by Ms. Jankovic-Mark to amend Resolution TC24-48 inserting the following language after Section 6: ENFORCEMENT OF PROVISIONS the following language:

AFTER JANUARY 1, 2013 THE FOLLOWING ENFORCEMENT PROVISIONS SHALL APPLY TO THIS ORDINANCE:

Attorney Walsh stated from a legal perspective a graduated enactment is important so that the public is fully made aware of the terms and conditions of the violations so that they are fully informed before any violations are asserted. Chief Kiely concurred and added that this was important to allow the time necessary for the TPD to make the public aware. In response to Mr. Palmieri, Chief Kiely indicated that they have established the formal process to implement this ordinance; they had a slight setback as Brian Casey was in charge of this. Those duties do have to be reassigned; having this in place for January 1, 2013 is a sufficient amount of time.

Chief Kiely indicated for Ms. Tesoro that the TPD will make the public aware of the ordinance by doing press releases, putting the information on Channel 17 and the Town website. They will also go out in the neighborhoods with the command truck to answer the public's police questions and provide the public with an opportunity to register as alarm users. Ms. Tesoro added that the information could be included in the Town Clerk's newsletter rather than doing a Town mailing which save the Town the cost of mailing. Ms. Tesoro stated that the public has not been made aware as to where they are voting on August 14, 2012. The Chair suggested registration forms should be made available on the website, at the Town Clerk's office, the Police Department. A copy of the ordinance should be made available with the registration,

anyone who records a deed should be given a copy of the ordinance as well. A letter to Trumbull realtors would also be another way to make the public aware. The bigger issue is with businesses since they do not regularly go to the Town Hall. Chief Kiely indicated that they will have to work with the mall management on this. The Chair indicated that if there is not enough public awareness they may need to revisit this and delay it further.

Mr. Pia suggested approaching the Alarm companies. Chief Kiely stated that there are numerous Alarm Companies but there is a limited amount of alarm answering services, they will be reaching out to them. This ordinance was designed with the alarm industry and will be working with them on implementing it.

Ms. Evangelista suggested that since the public gets two free violations, that would suffice as their notification.

VOTE: Motion CARRIED unanimously.

Ms. Tesoro stated that a Public Hearing had been held in committee and noted that the ordinance has changed and suggested that another public hearing should have been conducted. Ms. Tesoro spoke in favor of the resolution.

VOTE: ADOPTED as amended 16-0-1 (ABSTENTION: London)
(Ordinance Attached Hereto)

4. RESOLUTION TC24-54: Moved by Mr. DelVecchio, seconded by Mr. Palmieri.
BE IT RESOLVED, That First Selectman Timothy M. Herbst is hereby authorized to sign on behalf of the Town of Trumbull an application and contract with the State Library for a Historic Preservation Grant.
Committee Report: The Legislation and Administration Committee met on July 30, 2012 and voted unanimously.

Mr. Ciocchi indicated that he would be voting in favor of this resolution. Even though this money is being recuperated from work done by the Town Clerk's office and will be spent in the Town Clerk's office, there is a cost associated with that process and the bureaucracy of it. First Selectman Herbst requested a clarification of the term "recuperate funds". Mr. Ciocchi indicated that when he says "recouping the money", he means that the Town Clerk's office has performed duties mandated by the state, they have been forced to charge for those services, they are then forced to send that up to the state, but the funds are for services that the municipal employed Town Clerk has performed.

VOTE: ADOPTED unanimously.

5. RESOLUTION TC24-55: Moved by Mr. Whitmoyer, seconded by Ms. Tesoro.
BE IT RESOLVED, That First Selectman Timothy M. Herbst, be and the same, is hereby authorized to sign and execute and agreement entitled "Agreement Between the State of Connecticut and the Town of Trumbull for the Construction, Inspection and Maintenance of the Pequonnock River Trail Utilizing Federal Funds From the Urban Component of the Surface

Transportation program” between the State of Connecticut, Department of Transportation and the Town of Trumbull.

Committee Report: The Legislation and Administration Committee met on July 30, 2012 and voted 3-2 (Against: Waizenegger and Ciocci).

Mr. DelVecchio spoke against this resolution. The trail is a nice thing to have, maybe ten years ago it was appropriate but spoke against this due to the economy.

Ms. Waizenegger echoed Mr. DelVecchio’s comments. We are a country that is in debt. Ms. Waizenegger bases each of these projects on its needs. We have acres of park land and trails available to the Town and have an abundance of these types of activities available and spoke to how it is irresponsible to use tax dollars for this. Ms. Waizenegger spoke against this resolution.

Mr. London commended the administration for going after any grant money that they see as a potential for the Town. Mr. London spoke against this particular project and recommended that the council direct the Chairman to send a letter to our congressional delegation asking them to cut projects such as this at every opportunity. Mr. London echoed Mr. DelVecchio’s and Ms. Waizenegger’s comments. People at the municipal level should say enough is enough.

Mr. Palmieri echoed the previous comments made and added that the Town Council is voting to authorize the First Selectman to apply for the grant for this particular purpose. You do have to partially look at it in the vein that if we don’t use the money another community will take the money and use it for a purpose which will not benefit the residents of the Town of Trumbull. The Town Council does not have the authority to decide how that money is allocated from the federal level. The tax dollars have already been collected and the money has been spent.

Mr. Basbagill spoke in favor of the resolution and how this resolution will make the current route safer. This is our money, the deficit has already been made, not taking this money is an anti-refund position. Mr. Basbagill spoke in favor of this project, when he ran for the Town Council he had hoped he could be part of extending this trail system.

First Selectman Herbst stated that everybody at this meeting has a very specific charge by way of roles and responsibilities as carried out by the Charter. We do not have direct control by our vote over the federal deficit. We do not vote on the state income tax or the state budget. We vote on the local budget that does have a direct effect on the local property taxes. By not using alternate state or federal sources of revenue will ultimately affect local property taxes in Trumbull. Everyone needs to acknowledge that when we debate on an Education budget, included in that number, is federal and state aide. If the federal and state aide is not there for the Town’s use, then local property taxes will go up even higher than they have been over the last ten years. If you have a problem with the deficit and the spending then let your voice be heard on August 14, 2012 in the democratic and republican primary for the state senate. If you want to change Washington and the money being spent, then you have to change the people that you send there. This trail is an investment and is critical to our economic priorities in Town; the trail goes through Trumbull Center and is an extension of the center. We want to bring businesses to Town. This will encourage people to come and invest in our Town. Our quality of life and the trail is integral to doing that.

Mr. Basbagill stated that they had not been elected to turn down money that is for such a positive project. Mr. Basbagill spoke in favor of this resolution and grant money.

Ms. Jankovic-Mark has supported this project over her four terms. This will be the last piece of the trail for Trumbull. She uses the trails often and sees many people doing the same; this will be a very well utilized portion of the trail.

Mr. Pia respectfully disagreed with Mr. Basbagill, this is not free money. The money is contributed by all of us, the government has no money. Mr. Pia spoke against this resolution.

Mr. DelVecchio spoke against the resolution.

Mr. Ciocci stated that he supports the Rails to Trails project, if this resolution were defeated that would not mean the end to the Rails to Trails project it would just not be improved as much as one might like.

Ms. Tesoro stated that she agreed with much of what First Selectman Herbst had stated but does has a problem with making political statements with regard to candidates and the same for Mr. Ciocci's comment. 6,200 people use the trails per week, this is a very important project especially in an economy that we have today. Ms. Tesoro spoke in favor of this resolution.

VOTE: ADOPTED 9-7-1 (AGAINST: DelVecchio, Pia, Deyoe, Ciocci, Waizenegger, Evangelista and LeClair) (ABSTENTION: London)

6. RESOLUTION TC24-56: Moved by Ms. Deyoe, seconded by Mr. LeClair.
BE IT RESOLVED, That the Town Attorney is hereby authorized to settle a claim known as Lawrence Macilvain vs. the Town of Trumbull.

Committee Report: The Legislation and Administration Committee met on July 30, 2012 and entered into Executive Session unanimously to discuss pending litigation and voted unanimously.

The Chair indicated that the Town Council members present are aware of the settlement terms, if there are any further questions they would need to enter into Executive Session.
Hearing no other questions or discussion.

VOTE: ADOPTED unanimously.

7. RESOLUTION TC24-57: Moved by Mr. Scinto, seconded by Ms. Lamberti.
BE IT RESOLVED, That \$3,978 is hereby appropriated from the Fund Balance, \$2,016 to Charter Revision-01010300-545502 Communication-Public Reports and \$1,962 to Charter Revision-01010300-522202 Professional Services.

The Finance Committee met on July 31, 2012 and voted unanimously to pass to the Town Council without recommendation.

The Chair indicated that the Director of Finance did provide the Town Council with the Charter Revision expense spreadsheet.

In response to Ms. Tesoro, Ms. Pires indicated the amounts in the resolution cover the shortfall. Under Communications-Public Reports section of the spreadsheet, the \$4,515.26 is made up of \$1,090 for the printing of the Charter, the remaining amount (\$3,400) was for the prior printing of the earlier versions of the Charter. Ms. Pires confirmed that the \$2,898 was the balance owed to Maslan Associates; the bill had to be paid to finish/release the Charter. The interest charge was not paid. Ms. Tesoro stated the total fees for the Charter Revision is a lot of money incurred for the changes that were made and for the end product.

Ms. Pires clarified for Mr. Whitmoyer that the expense had taken place in the 2011-2012 fiscal year (prior to June 30, 2012).

Ms. Jankovic-Mark stated that the Charter revision was an enormous undertaking and questioned if the Town is done receiving bills. Ms. Pires indicated that there were two (2) bills one was for \$2,880 and another for \$2,898, there was confusion it appeared as if it were the same bill which is why one was not paid. Ms. Jankovic-Mark stated that this was an expensive process.

Ms. Evangelista stated that the Charter was passed by the public overwhelmingly, noting that this was something the public clearly wanted and was happy about.

The Chair spoke to the amount of time put into the document by the many people involved, the Charter had been reviewed cover to cover, it had been brought up to date, which is something that had never been done. We have greater notice and now have a referendum provision which is what the public deserves. The document was brought up to the 21st century, \$30,000 is a very small amount to spend given all the man hours that went into it.

VOTE: ADOPTED 12-5 (AGAINST: Pia, Jankovic-Mark, Whitmoyer, DelVecchio and Tesoro)

8. RESOLUTION TC24-58: Moved by Ms. Evangelista, seconded by Mr. Palmieri.
BE IT RESOLVED, That \$21,750 is hereby appropriated from the Fund Balance to Emergency Medical Services-01022600-522202 Professional Services.
Committee Report: The Finance Committee met on July 31, 2012 and voted unanimously.

Ms. Jankovic-Mark spoke against this as a supplemental and would have rather had seen it included in the budget.

First Selectman Herbst stated the EMS Commission is the only commission in town with a seven (7) year term, turnover of the commission does take time. There was a need to make changes to provide greater oversight and to make sure the organization is self sustaining, it is a revenue generating department. As indicated in the committee report it is important to get a handle on the billing and receivables and to understand why they are outsourcing a significant number of calls. A determination was made (in the last two months) post the budget approval process that in the interest of public safety there was an immediate need for this, specifically

in the response to calls and public safety issue. It is not always possible to budget for unforeseen issues that arise, which is why there is a supplemental process. Over the last two months situations have developed which have provided an exigent need to expedite this audit process.

First Selectman Herbst indicated for Mr. Whitmoyer that changes have been made and the conversation has taken place within departments. The reason there is a need to have a qualified third party to come in and assess the department is based upon those conversations. EMS provides a very specialized medical services to our residents, the police are the first responders we want to avoid the situation where the police officers become the EMT's. Based upon conversations in the last two months with other municipal chief elected officials, specifically Mayor Hartman who did a similar review of Stratford and Wilton's First Selectman, Bill Brennan who also did an independent review, came to the conclusion that it is critical that someone who is a trained professional in the service who is disinterested and objective would need to look at the whole operation and determine what is working and what is not working and to make professional recommendations. This will improve call response and call volume, make sure our receivables and invoicing are doing well, to make sure we are not outsourcing too many calls and to simply make sure that when someone picks up the phone and dials 911 that there is a quick response. From an initial review standpoint the issues seem to point to a myriad of factors, in 1976 when EMS was formed it was formed as a true volunteer system, over time it has developed into a hybrid service made up of partial volunteer and a partial paid service. The question has arisen are we paying staff enough and if you are paying staff are you discouraging volunteers? As a result our volunteer numbers have dropped off which may be due the hybrid model and the fact that other towns pay a higher rate to their paid staff than we do here in Trumbull. Other Towns that have a full paid service have a clear organizational structure, Trumbull does not have Director of EMS they have an office manager of EMS. The delineation of duties, responsibility and roles has not evolved because we had a volunteer service that has grown into a hybrid model without any top to bottom review of how it is running.

VOTE: Adopted unanimously.

9. RESOLUTION TC24-59: Moved by Mr. Donofrio, seconded by Mr. Pia.

BE IT RESOLVED, That the Beautification Commission is hereby disbanded for a job well done.

Committee Report: The Legislation and Administration Committee met on July 30, 2012 and voted unanimously.

Mr. London extended his gratitude to the unknown individual who has taken care of the Vietnam Memorial on White Plains Road for many years.

The Chair stated that the Town of Trumbull looks beautiful and we can thank Dmitri Paris, Parks Director who does unbelievable work and gets a compliment everyday. "Tip of the Cap" to him.

VOTE: ADOPTED unanimously.

Mr. DelVecchio asked the Trumbull Patch to include an advertisement of Brian Casey's Testimonial Dinner and all those present to do what they can to support Brian Casey during his courageous battle, noting he is a good man.

Ms. Deyoe extended her gratitude to the Beautification Commission for all of their work they have done in the past.

By unanimous consent the Town Council agreed to consider the approval of the regular July 2, 2012 meeting minutes.

VOTE: APPROVED 16-0-1 (Abstention: Pia)

Moved by Ms. Jankovic-Mark moved seconded by Mr. Palmieri to amend the July 12, 2012 special meeting minutes to read as on page 4, the last paragraph before the BoF Vote as follows:

Ms. Jankovic-Mark suggested ~~entering to go into executive session to discuss who the Town is currently in contract negotiations with and for the council to pick the entertainer.~~ to have the additional information when deciding to vote for or against the planning of the concert.

VOTE: Motion CARRIED 10-5-2 (AGAINST: Evangelista, Waizenegger, Ciocci, Lamberti, and London) (Abstention Pia and Basbagill)

VOTE: Motion CARRIED as amended 15-0-2 (ABSTENTION: Basbagill and Pia)

There being no further business to discuss and upon motion made by Mr. DelVecchio, seconded by Mr. Pia the Town Council adjourned at 10:19 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

TOWN OF TRUMBULL, CONNECTICUT

FALSE ALARM ABATEMENT ORDINANCE

WHEREAS, the purpose of this ordinance, finds that excessive false alarms unduly burden the Trumbull Police Department's limited law enforcement resources. The purpose of this ordinance is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

SECTION 1: DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm Administrator means a person or persons designated by the Town to administer, control and review false alarm reduction efforts and administers the provisions of this ordinance.

Alarm Company means a person or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with State laws.

Alarm permit means a permit issued by the Town allowing the operation of an alarm system within the Town.

Alarm signal means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement is, requested to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

Alarm user means any person, corporation, partnership, proprietorship or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm User Awareness Class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Authenticate means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Cancellation means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Trumbull Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

Town means the Town of Trumbull or its agent.

False alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Trumbull Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Permit year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Trumbull Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

SIA Control Panel Standard CP-01 means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

SECTION 2: ALARM PERMIT

- (a) **Permit required.** No alarm user as defined in Section 1 shall use an alarm system without first obtaining a permit for such alarm system from the Town. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company.
- (b) **Application.** The permit shall be requested on an application form provided by the Town. An alarm user has the duty to obtain an application from the Town.
- (c) **Transfer of possession.** When the possession of the premises at which an alarm system is maintained is transferred, the alarm user obtaining possession of the property shall file an application for an alarm permit within 60 days of obtaining possession of the property. Alarm permits are not transferable.

- (d) **Reporting updated information.** Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the Town within 60 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the Town a form requesting updated information. The permit holder shall complete and return this form to the Town when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.
- (e) **Multiple alarm systems.** If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.
- (f) **Confidentiality of Records.** Any and all records prepared, created and kept by the Town of Trumbull in compliance with the requirements of this section, shall be confidential and exempt from disclosure under the provisions of the Freedom of Information Act under Connecticut General Statute Section 1-210 including but not limited to Section 1-210 (b) (19).

SECTION 3: DUTIES OF THE ALARM USER

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms; and
- (b) Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to insure dispatch).
- (c) Must respond or cause a representative to respond to the alarm system's location and/or deactivate a malfunctioning alarm within thirty (30) minutes when notified by the Police Department directly or via the user's monitoring service.
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider.
- (e) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

SECTION 4: DUTIES OF THE ALARM COMPANY

- (a) Any person engaged in the alarm business in the Town, shall comply with the following:
 - 1) Obtain and maintain the required state license(s).
 - 2) Be able to provide name, address, and telephone number of the alarm user or a designee, who can be called in an emergency or to effect repairs 24 hours a day.
 - 3) Be able to provide the most current contact information for the alarm user.
- (b) Ninety (90) days after enactment of this Ordinance the alarm installation companies shall, on all new and upgraded installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.
- (c) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.
- (d) Provide written information of how to obtain service from the alarm company for the alarm system
- (e) An alarm company performing monitoring services shall:

- 1) Attempt to authenticate, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been authenticated and confirmed by video and/or audible means.
- 2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
- 3) Communicate any available information about the alarm.
- 4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

SECTION 5: PROHIBITED ACTS

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes and is deemed to be a runaway alarm as defined under Section 1 entitled "Definitions."

SECTION 6: ENFORCEMENT OF PROVISIONS

AFTER JANUARY 1, 2013 THE FOLLOWING ENFORCEMENT PROVISIONS SHALL APPLY TO THIS ORDINANCE:

- (a) **Failure to register.** Any alarm user as defined in Section 1 herein, who fails to register their alarm system, will be charged \$100.00 for each year said alarm system is not registered. If an alarm user is notified of a failure to register, then in addition to the \$100.00 charge provided for herein, the alarm user shall pay \$50.00 for each false alarm until the alarm system is registered in accordance with the provisions of this ordinance.
- (b) **Excessive false alarms.** It is hereby found and determined that three or more false alarms within a permit year from the date of the first violation is excessive, constitutes a public nuisance, and shall be unlawful. Costs for excessive false alarms may be assessed against an alarm user as follows:

Third, Fourth, Fifth violation.....	\$100.00
Sixth, Seventh, Eighth violation.....	\$125.00
Ninth & subsequent violations.....	\$150.00
- (c) **Cancellation.** If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm and no fee will be assessed.
- (d) **Multiple activations.** Multiple activations within a twenty-four hour period may be considered as one false alarm for the purpose of charged fees

- (e) **Payment of Fees.** Fees shall be paid within (30) days from the date of the invoice.
- (f) **Failure to Pay Fine.** Any person who fails to pay a fine assessed against them within (30) days from the date of the invoice shall be charged a penalty of 1 ½% interest per month together with costs of collection including attorney's fees.
- (g) **Alarm Awareness Class.** Any alarm user who attends the Alarm Awareness Class as referenced in Section 1 entitled "Definitions" will be entitled to have their first false alarm violation fully dismissed and this violation will not be counted for purposes of assessing violations under Section 6 (b).
- (h) **Violations of Municipal Ordinance.** Any violation of this ordinance which is not specifically addressed under the provisions set forth herein shall be determined under and according to the provisions of Connecticut General Statute Section 7-148 et. seq. entitled "Municipal Powers."

SECTION 7: APPEALS

Appeals process. Assessments of civil penalty (ies) and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Trumbull Police Department within 10 days after the date of notification of the assessment of civil fees or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty (ies) or other enforcement decision. Appeals shall be decided through an administrative process established by the Town in accordance with Connecticut General Statute Section 7-152c.

SECTION 8: CONFIDENTIALITY

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the Town.

SECTION 9: GOVERNMENTAL IMMUNITY AND DISCLAIMER

The provisions of this ordinance do not create a contract, duty or obligation, either expressed, special or implied, upon the Town of Trumbull, Town of Trumbull Police Department its departments, officers, agents and employees to act and/or respond to any alarm and the doctrine of governmental immunity is retained by the Town of Trumbull, Town of Trumbull Police Department, their departments, officers, agents and employees. By applying for an alarm registration/permit the alarm user acknowledges and agrees that the Town of Trumbull and Town of Trumbull Police Department, their departments, officers, agents and employees have not and do not intend to create any type of special relationship and it is further acknowledged and understood that any response to any alarm by the Town of Trumbull, Town of Trumbull Police Department, their departments, officers, agents and employees may be influenced by factors such as the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history and other factors.

Further, except as expressly provided herein, the Town of Trumbull, Town of Trumbull Police Department and its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm system or of the alarm monitoring facilities. No liability whatsoever is assumed for the failure of such alarm systems or monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with such alarm systems. Each alarm user shall be deemed to agree to hold and save harmless and indemnify the Town of Trumbull, Town of Trumbull Police Department, their departments, officers, agents and employees from liability in connection with the user's alarm device.

SECTION 10: SEVERABILITY

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

SECTION 11: EXCEPTIONS

- (a) The provisions of this chapter shall not apply to alarm devices owned and operated by the Town of Trumbull or one of its departments or agencies including the Board of Education, the State of Connecticut or the United States of America, nor to alarm devices installed in motor vehicles or boats, unless said motor vehicles or boats are used as dwellings or businesses.
- (b) The department head having control over the building owned by the Town of Trumbull or one of its agencies, the State of Connecticut or the United States Government shall receive notification of false alarms so that corrective measures may be taken to avoid future unnecessary dispatches.

This ordinance shall take effect on January 1, 2013

08/06/2012 (ADOPTED)