

Town of Trumbull

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Town Council Minutes

Revised

September 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. All present joined in a moment of silence and the Pledge of Allegiance. The Chair asked all those present to remember two public servants, Brian Casey who succumbed to his courageous battle with cancer on August 14, 2012 and Ian McMillan who passed away suddenly this week. Ian McMillan served two full six year terms as a member of the Board of Assessment Appeals and was a champion of Trumbull's Little League for many years.

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

PRESENT

Suzanne S. Testani	Jane Deyoe	Vicki Tesoro
Ann Marie Evangelista	James Blose	John A. DeVecchio, Jr.
Kristy Waizenegger	Martha A. Jankovic-Mark	Debra A. Lamberti
Chadwick Ciocci	Carl A. Massaro, Jr.	Thomas Whitmoyer
James F. Meisner	Tony J. Scinto	
Jeffrey Donofrio	Mark LeClair	
Gregg Basbagill	Fred Palmieri, Jr.	

ABSENT: David R. Pia, Jeff S. Jenkins and Michael J. London.

ALSO PRESENT: First Selectman Timothy Herbst (arrived at 8 :07 p.m.), Chief of Staff Daniel Nelson, Director of Finance Maria Pires, Town Attorney Edward Walsh, Chief Thomas Kiely, Deputy Chief Kiely Michael Harry, Chairman of the Police Commission Jack Testani, Mr. Alfonso Barbarotta of AFB Construction Management and Brian Holmes of O&G Industries.

DISCUSSION ITEMS:

- *Trumbull High School Building Committee Update:*
Owner's Rep Update - Mr. A. Barbarotta reported that the high school is safe, clean and occupiable and opened on time. The air conditioning is currently going through commissioning all 26 units are operating. They will be working this weekend to clean and ready the floors for the open house. There are many items on the punch list. All of the major elements to occupy the building are completed, the Media Center is finished. The computer labs still have to be wired and are awaiting delivery of some of the furniture. They will now go through all of the systems to make sure the wiring is tied in properly and that all mechanical systems are working properly. In the next three weeks they will be finishing the

classrooms (the old boiler room area). The parking lots are striped; 95% of the sidewalks are installed. While the school is closed for the holiday next week the paving and sidewalks will be finished. There is still some exterior painting to be done but they will wait for the roof work to be completed before the finish work is done. They expect to be working on the punch list at the high school through December 2012 or January 2013 and are in the process of negotiating PCO's and charge-backs.

Updated Cost Summary Report - Had been distributed prior to this meeting. They are confident that the CM's contingency (\$1.6 million) and the Owner's Contingency (\$2.1 million) will remain. Parking lot, doors (\$170,000) and the regrinding of the terrazzo floors are included in the Owner's Cost Committed line item. The change orders are at 5.52%, this includes items that are scope changes which may be able to be removed from this category. This will be discussed with the State. They will try to get the percentage to as close to 5% as possible. The concession stand at \$465,000 is included in the 5.52%. It is still unknown whether the concession stand will move forward. The Cost Summary Reports from this point forward will have more information on all costs associated with the project. September 12, 2012 is the next regularly scheduled THSBC meeting, an up to date list of change orders, PCO's and charge backs will be available for that meeting.

Channel 17 had been relocated to the front of the high school, the cable was designed to run from the old location to new, the contractor ran the cable as designed, the cable company refused to hook it up. A new single strand wire is being run underground; hopefully channel 17 will be operational soon.

Mr. A. Barbarotta confirmed for the Chair that all of the heavy construction and demo is complete and are now working on finish work, fixtures and equipment. All equipment on the roof is operational; the boilers and controls are installed. The commissioning and balancing of the system has begun. They have been informed that this will take 9 weeks; this is a concern and has called a meeting for tomorrow on this issue.

In response to Mr. Scinto, Mr. Holmes indicated that the pending change orders are included in the Cost Summary Report distributed prior to this meeting. The disputed change orders are included in the pending change orders on the first page of the report and are currently being negotiated. There is a change order with regard to a poor design, that amount is in dispute and is a significant number. That will be negotiated before the project is closed out. Mr. Holmes stated there are no plans to screen the equipment on the roof. Mr. A. Barbarotta indicated that this could be looked into but this would be an additional and significant cost to the project.

In response to Mr. Basbagill, Mr. A. Barbarotta explained that there is enough electricity available to run the a/c. All of the units are installed; the issue is a control issue. They are currently having meetings regarding the commissioning and balancing of the system. There is a/c available to entire school, but it is not flowing through the school they way they would want it to. The system will be balanced but at this time they are being told the commissioning/balancing of the system will take nine (9) weeks.

In response to Mr. Whitmoyer, Mr. A. Barbarotta stated that they have schedules for all of the workers on site. They have their final punch lists and will work the second shift. There

are very few people at the school while it is in session; the only exception is the old boiler room area. The computers are a priority at this time, the wiring for the three (3) computer labs is being finished making the student computers operational. Mr. Hackett has been involved everyday in the process. The system is up and running, although there are isolated areas that still have issues. It is the superintendent's priority to have all of the student computers operational. The administrators' and the cafeteria's computers are running at 100%. The locks on the doors still have areas with a combination of the old and new hardware. There is still a construction key that operates all of the locks, this issue is on the punch list and will be addressed.

Mr. A. Barbarotta explained for Mr. Scinto that Channel 17 had moved to the front of the high school, the cable will be run underground, the cable company is running it now. The contractor ran the wire through the building, the cable company changed it to a single wire (co-ax) and this resulted in a dispute. To run the wire through the whole building would have resulted in more issues with regards to whose work it would be. They will establish who is responsible for the work with the attorney at a later date. Mr. Scinto questioned the use of cable v. fiber.

In response to Ms. Tesoro Mr. A. Barbarotta indicated that he had gone to the State regarding the like-new-renovation status. As of last week the package had been classified as complete, it is now just a matter of the commissioner signing off on the package. The issue is, without the sign off the reimbursement amount is less? He has complained to the appropriate persons at the state level and to the governor. The project has been officially accepted by the State as a like-new-renovation. What they do not have is the change in the ineligible worksheet. The State is still looking at the project as a renovation project with certain work classified as ineligible. He believes this has been resolved. If he needs to he will go back to the State on Monday, September 10, 2012. Ms. Tesoro asked that the Town Council be notified and offered the Town Council's and Town's assistance in the matter. First Selectman Herbst stated that he would personally call Commissioner Pryor if necessary and is committed to seeing this through.

Mr. A. Barbarotta indicated for Ms. Tesoro that the regrinding of the terrazzo floors has not been scheduled to date; they are awaiting all work to be completed before they do so. This is included in the budget as well as the new doors.

In response to Mr. Meisner, Mr. A. Barbarotta indicated that they are looking for reimbursement for the high school shelter generator piece of the project; whether it be a fuel cell or not he believes the state will support the reimbursement.

Mr. Holmes confirmed for the Chair that the line item entitled Total Project Cost (\$64,479,545) is what the project is expected to come in at if nothing more is added to the project. The Chair noted that the additional scope items, (i.e. concession stand) are not included in that amount. Mr. Holmes confirmed for the Chair that the GMP is in the \$54 million range, the original GMP was approximately \$51 million, change orders do add to the GMP. There will be an adjustment when the contingency goes back. The CM contingency is approximately \$1.6 million. The Cost Summary Update assumes all contingencies are spent, although probably a large portion will be returned to the Town. The

CM is at risk for claims. They do hold the contingency until those are taken care of. They do not foresee any major claims coming.

The Chair extended his gratitude to the Building Committee, the professionals, workers and the school staff for getting the building opened in time and specifically thanked the Public Works Director, John Marsilio and the Department of Public works for an excellent job on the sidewalks and parking lot. It was good teamwork which resulted in significant savings, over \$1 million.

In response to Mr. Meisner, Mr. A. Barbarotta stated that he believes the contingencies need to be left as they are now. The legal team is looking at the charge backs and the PCO's. There may be possible late claims to still come. Until that is sorted out, the contingencies should be left as they are.

BUSINESS:

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

Moved by Ms. Testani, seconded by Ms. Deyoe to take item #11 out of order.

VOTE: Motion CARRIED unanimously.

1. RESOLUTION TC24-70: Moved by Ms. Deyoe, seconded by Ms. Testani.
BE IT RESOLVED, That Timothy M. Herbst, First Selectman of the Town of Trumbull, be and the same, is hereby authorized to apply for the Comprehensive Driving Under the Influence (DUI) Enforcement Program, to sign and execute agreement and all documents between the Town of Trumbull and the State of Connecticut Department of Transportation for the Federal Highway Safety Program.

Committee Report: The L&A Committee met on 8-27-12 and voted 5-0-1 (Abstention: Ciocci)

VOTE: ADOPTED 16-0-1 (ABSTENTION: Ciocci)

2. RESOLUTION TC24-61: Moved by Mr. Palmieri, seconded by Mr. Basbagill.

BE IT RESOLVED, That Richard Bellows of 4918 Madison Avenue, be and the same, is hereby appointed to the Trumbull-Monroe Health Board for a term extending from March 5, 2013 until March 7, 2016.

Committee Report: The R&R Committee met on 08-28-12 and voted to amend the resolution to read as: BE IT RESOLVED, That Richard Bellows of 4918 Madison Avenue, be and the same, is hereby appointed to the Trumbull-Monroe Health Board for a term extending from March 5, 2012 until March 7, 2016.

Moved by Ms. Deyoe to amend as in committee, seconded by Ms. Lamberti.

VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended unanimously.

3. RESOLUTION TC24-62: Moved by Ms. Jankovic-Mark, seconded Ms. Testani.

BE IT RESOLVED, That Eileen Pannese of 10 Lafayette Drive, be and the same, is hereby appointed to the Trumbull-Monroe Health Board to fill the term created by the resignation of Dr. Adolfo Luciano for a term that began on March 3, 2011, extending to March 3, 2014.

Committee Report: The R&R Committee met on 08-28-12 and voted 5-0-1 (abstention: Tesoro).

VOTE: ADOPTED unanimously.

4. RESOLUTION TC24-63: Moved by Ms. Evangelista, seconded by Mr. Palmieri.

BE IT RESOLVED, That Jeffrey Wright of 1925 Huntington Turnpike, be and the same, is hereby appointed to the Inland Wetland Watercourse Commission for a term that began on December 6, 2010, extending until December 2, 2013.

Committee Report: The R&R Committee met on 08-28-12 and voted 5-0-1 (abstention: Tesoro).

In response to Ms. Testani, First Selectman Herbst indicated the appointment is to replace a commissioner and the next appointment on the agenda is to fill a vacancy. This commission has been difficult to get qualified people to serve. There are important items of business to come before the commission, there have been quorum issues and asked the council to consider emergency legislation on these appointments to insure a quorum. The two (2) alternate positions are still vacant; the seats being filled are full commissioner seats. The next regularly scheduled IWWC meeting is October 2, 2012 although a special meeting may be necessary in the interim.

In response to Ms. Jankovic-Mark First Selectman Herbst indicated that there is an application on file for a Bridgeport Hospital's Cancer facility on Park Avenue. It is critical that the commission is properly seated, there could be other matters coming to the commission as well.

VOTE: ADOPTED unanimously.

Moved by Ms. Deyoe, seconded by Ms. Waizenegger to make Resolution TC24-63 Emergency Legislation.

VOTE: Motion CARRIED unanimously.

5. RESOLUTION TC24-64: Moved by Ms. Waizenegger, seconded by Ms. Evangelista.

BE IT RESOLVED, That Elaine Wang of 130 Driftwood Lane, be and the same, is hereby appointed to the Inland Wetland Watercourse Commission for a term that began on December 5, 2011, extending until December 1, 2014.

Committee Report: The R&R Committee met on 08-28-12 and voted 5-0-1 (abstention: Tesoro).

ADOPTED unanimously.

Moved by Ms. Deyoe, seconded by Mr. Ciocci to make Resolution TC24-64 Emergency Legislation.

VOTE: Motion CARRIED unanimously.

6. RESOLUTION TC24-65: Moved by Mr. Scinto, seconded by Mr. LeClair.
BE IT RESOLVED, That \$64,134 is hereby appropriated from Town Hall-Contingency 01013800-501116 (Fiscal Year 2011-2012) to various accounts.

Committee Report: the Finance Committee met on 08-28-12 and voted 5-0-1 (Abstention: Scinto).

Moved by Mr. DeIVecchio, seconded by Ms. Jankovic-Mark to enter into Executive Session to discuss personnel issues.

VOTE: Motion Carried unanimously.

The Trumbull Town Council entered into Executive Session at 9:06 p.m. with the Director of Finance Maria Pires, Town Attorney Edward Walsh and First Selectman Timothy Herbst present.

Moved by Mr. DeVecchio, seconded by Ms. Jankovic-Mark to end Executive Session.
VOTE: Motion CARRIED unanimously.

The Trumbull Town Council ended Executive Session at 9:21 p.m.

VOTE: ADOPTED 13-1-3 (AGAINST: Scinto) (Abstention: Palmieri, Mark and Tesoro)

7. RESOLUTION TC24-66: Moved by Mr. LeClair, seconded by Mr. Blose.
BE IT RESOLVED, That \$853,300 is hereby appropriated (Fiscal Year 2011-2012) from the Available General Fund to various accounts.

Committee Report: the Finance Committee met on 08-28-12 and voted unanimously.

Ms. Pires stated that there were corrections that needed to be made to specific account numbers they are as follows:

01030200-56701 should be amended to 01030300-567701 and 01030500-522204 to 01030400-522204, the amounts remain the same.

Moved by Mr. DeVecchio, seconded by Mr. Basbagill to amend the account numbers as indicate by Ms. Pires.

In response to Mr. DeVecchio, Ms. Pires explained that the Town is self insured up to \$500,000 and has been as long as she has been employed with the Town.

Mr. Meisner called point of order the account numbers are not written as part of the resolution, therefore an amendment is not necessary. Mr. DeVecchio withdrew his motion. The corrections were noted for the record.

VOTE: ADOPTED unanimously.

In response to a question from Mr. Meisner, Ms. Pires indicated that the General Fund has increased by \$1.2 million from last year with these amounts already deducted. The revenues increased substantially.

8. RESOLUTION TC24-67: Moved by Mr. Donofrio seconded by Mr. Palmieri.

BE IT RESOLVED, WHEREAS, Trumbull High School has historically served as the Town's emergency shelter for Emergency Management purposes, and;

WHEREAS, Trumbull High School has been undergoing renovations which do not maintain emergency management standards for emergency shelter purposes, and;

WHEREAS, the Town of Trumbull is required by law to provide emergency plans and procedures, including shelter, and;

WHEREAS, it is in the best interest of the of the residents of Trumbull for emergency services to include a shelter in the event of widespread emergency conditions in the Town;

NOW, THEREFORE, BE IT RESOLVED, that Trumbull High School shall be designated the emergency shelter for the Town of Trumbull and that a plan and design shall be developed and constructed to meet all governmental standards to establish the same, and;

BE IT FURTHER RESOLVED, That The Emergency Management Shelter Building Committee is hereby formed to plan, design and construct the improvements necessary to establish Trumbull High School as the Emergency Management Shelter for the Town of Trumbull, and;

BE IT FURTHER RESOLVED, That the plan, design and construction of improvements shall be included in the scope of the renovations of the ongoing project at Trumbull High School and the cost of the same shall be paid from the bonding authorization for renovations to the Trumbull High School, and;

BE IT FURTHER RESOLVED, That the membership of the Emergency Management Shelter Committee shall consist of the Two Town Council Members of the Trumbull High School Building Committee, Emergency Management Director Lieutenant Ronald Kirby, two members of the Trumbull Police Commission and two members of the Trumbull Board of Education.

(Mr. Ciocci left the meeting at 9:32 p.m.)

Committee Report: The L&A Committee met on August 27, 2012 and voted 5-1 (Against: Jankovic-Mark).

(Mr. Ciocci returned to the meeting at 9:34 p.m.)

Mr. Barbarotta corrected the committee minutes stating that they should read that the fuel cell generator would cost 2-3 cents less per kwh than what we pay now. The estimates that Mr. Barbarotta has received from Central Electric for a generator the size that is currently at the high school would be \$500,000 and \$750,000 for a generator that would power the whole school. There are different options for this new committee to explore. The generator that is at the high school could be used somewhere else and it does have a resale value of close to what they had paid for it. Moving forward with the new generator would not delay getting the commissioner's signature on the like-new-renovation. The THS project will not close for approximately a year. As long as they do not go over the original \$68 million that the State approved for the project there should not be a reimbursement issue. There had been communication from Chief Kiely and the Emergency Management team over the last year and half. They received the list of what would need to be powered up at the high school a month and half ago.

Emergency Management requirements have changed dramatically in the last eight years. Mr. Palmieri stated that the architect should have apprized them of this. Mr. Barbarotta stated that there are many shelters set up in schools throughout the state. Chief Kiely stated that they were operating under the assumption that they would have a shelter and all of this would be in effect. December 3, 2011 he was informed by the Deputy Director of Emergency Management that the generator would not power the school. Throughout the construction process they thought the school would be a shelter, they had not been consulted and were surprised to find it would not. Chief Kiely stated we have a responsibility in an emergency to house the citizens of Trumbull, this is not an option. Emergency Management has registered THS with the federal government as a shelter. Chief Kiely stated the following areas are what need to be powered: office area, the gym, cafeteria and kitchen, showers and heat in the building. The last time the THS shelter was opened was during hurricane Gloria.

The Chair explained that they are discussing a shelter status not constructing a shelter. They will need to use certain facilities within the school and will need to be able to power these areas for 90 days. What is there now is enough generator power to evacuate the building, not to occupy and use it. Mr. Whitmoyer believes there will be more costs than just the generator; the committee will have to research those costs. Chief Kiely stated the shelter is expected to serve 1,500 people. Chief Kiely explained at this time that they would use Madison as a shelter in lieu of the high school and would have limited use at Hillcrest; they could also use the Senior Center.

First Selectman Herbst stated that Mr. Whitmoyer had brought up valid issues, the committee needs to explore those and would come back to this body with a formal recommendation based on the Chief's and the Emergency Management's needs, in the most cost effective manor.

Chief Kiely indicated for Ms. Tesoro that they need to focus on what needs to be powered at the high school and what it will cost to do so not whether it will be a shelter or a Ppoint of Distribution Center (POD).

(Mr. Whitmoyer left the meeting at 9:58 p.m.)

A POD would need refrigeration; a plan has been developed. Ms. Tesoro suggested that the committee have a member from Monroe since we are a district.

Mr. Barbarotta explained to Mr. Basbagill that if this is presented in the proper form and does not exceed the amount that was originally approved by the state; the state would most likely support the reimbursement.

(Mr. Whitmoyer returned to the meeting at 10:00 p.m.)

Mr. Barbarotta speaking as a taxpayer and citizen of Trumbull noted that their goal is to get everything done at the high school and not to exceed what was approved for the budget. Mr. Holmes indicated that they believe they will return the CM Contingency at the end of

the project. It is their hope there will be enough to pay for the generator. The committee has to finish the project and can not speak for the committee.

Mr. Meisner's concern is the uncertainty of the funding for the generator, the building committee has a budget to work within, it is not known what the new committee will recommend. To put that uncertainty on the building committee is inappropriate and suggested that the phrase "School and the cost of the same shall be paid from the bonding authorization for renovations to the Trumbull High School.", be removed from the second to last paragraph of the resolution. Mr. Donofrio indicated that the state over the past 5 years has passed legislation that limit reimbursement on public school building projects. Year after year more legislation comes through from the state looking for additional ways to not reimburse these projects. BSF and DCS would definitely consider it a red flag if this was treated as a separate project.

Mr. Meisner stated for the record that when last year \$4 million was cut from the THSBC budget it was implied that if more money was needed they could come back and reinstate the money if it is needed, but it turned into something that was more difficult. Mr. Meisner wanted to make it clear for the record that this will not affect the budget that the building committee is currently working with, and to have it understood that the money that is in the budget is for the current scope of the project, the building committee can spend that money accordingly. If additional bonding authorization is needed for this additional scope item then that would be incumbent upon this body to approve the additional amounts. The building committee needs clarity as to what its budget is. He requested this could be stated for the record. The Chair stated he understood Mr. Meisner's comments, he will make it clear, if the resolution passes, that there is an additional aspect to the design that this school will be equipped to be the Town's shelter, as it once was and that the cost will come from the current bonding. Based on the numbers presented at this meeting there is room for all. It remains to be seen if the new committee comes up with costs that challenge what the building committee is doing to finish the school. In that case, we will have other resolutions and considerations for other funding. He would be willing to come to the building committee and explain, although believes the building committee is aware of the need for the shelter status and that this was coming whether the charge was given to the building committee directly or another committee was formed. It remains to be seen what the cost is going to be.

Ms. Tesoro wanted to be on the record that she is concerned about the project being finished properly, based on two months ago the vote to put \$2 million dollars back into this project. We are caught in a place we do not want to be, she does not want to take money away from the project again. The Chair stated that he has no doubt that the project will be finished properly, he stated as much in committee.

Ms. Jankovic-Mark spoke in favor of the new committee being separate from the building committee. In response to a question from Ms. Jankovic-Mark, Mr. Donofrio explained that it will be an uphill battle to be able to get the reimbursement, and that that we should not make it any more difficult than it will already be. Mr. Donofrio stated that they should not make it a separate project, explaining that the project has been approved by BSF, the only chance of getting this equipment reimbursed is to be part of a BSF approved project, and being part of the bonding authorization of a BSF approved project. Applying for

reimbursement for this piece of equipment does not jeopardize reimbursement for the rest of the project or cause eligible expenses under the formula to become ineligible.

Ms. Jankovic-Mark stated for the record that she is uncomfortable jeopardizing any possible budget that has been allocated for the high school, she is in favor of getting the new generator and forming a committee but just does not want to see any of the current budget jeopardized in any way. There is plenty of the project to be completed and a lot of unknown expenditures and elements out there.

Mr. Meisner indicated that the concession stand/ bathroom facility will probably be kept on long term hold and had been getting to the point where they felt that could start that project, he does not know if that will be the building committee's decision but suggested that the Town Council have a sense of whether that should stay on hold until the generator issue is resolved. The contingencies should stay as contingencies. The only part in the budget that is available is what has been allocated for the concession stand. It has been stated that the generator should take priority over the concession stand. This may be something that should be made as a sense of the council, what the council's priorities are. Mr. Palmieri stated that there should be no discussion on whether there should be a concession stand or a shelter; he does not think there would be a need for any discussion on the matter.

The Chair stated that it is premature to come to any conclusions of what money is available or what remaining items, the school is largely done, it is being cleaned, the punch list has been developed. This will all work together. Ms. Testani stated that there has been discussion with regard to selling the existing generator and that it has good resale value. These are all unknowns; it is possible both could be done, that is why the committee needs to be formed so this could be researched properly.

Moved by Mr. Whitmoyer, seconded by Mr. Meisner to amend the resolution by striking paragraph #7 in its entirety, "BE IT FURTHER RESOLVED, That the plan, design and construction of improvements shall be included in the scope of the renovations of the ongoing project at Trumbull High School and the cost of the same shall be paid from the bonding authorization for renovations to the Trumbull High School, and;" and would then like to make a second motion to make the resolution emergency legislation. VOTE: Motion FAILED 5-11-1 (AGAINST: Testani, Deyoe, Evangelista, James Blöse, Waizenegger, Lamberti, Ciocci, Scinto, Donofrio, LeClair, Palmieri) (ABSTENTION: DeVecchio)

VOTE: Adopted 12-1-4 (AGAINST: Basbagill) (ABSTENTION: Meisner, Mark, Whitmoyer and Tesoro)

Moved by Mr. Donofrio, seconded by Mr. Ciocci to make Resolution TC24-67 Emergency Legislation.

VOTE: Motion CARRIED 12-0-5 (ABSTENTION: Meisner, Tesoro, Basbagill, Whitmoyer and Jankovic-Mark)

(Mr. Blöse left the meeting at 10:23 p.m.)

9. RESOLUTION TC24-34: Moved by Mr. DeVecchio, seconded by Mr. LeClair.
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.

(Mr. Blose returned to the meeting at 10:26 p.m.)

Committee Report: The L&A Committee met on 8-27-12 and voted 5-0-1 to amend in committee and unanimously as amended.

Moved Ms. Testani, seconded by Mr. Palmieri to accept the amendments in committee. The full corrected copy had been distributed to the council prior to this meeting. Attorney Walsh stated that there is one additional amendment which would need to be made to paragraph 7a. Atty. Walsh confirmed the committee amendments are reflected in the draft distributed to the council prior to this meeting.

(Ms. Lamberti left the meeting at 10:29 p.m.)

(Ms. Lamberti returned to the meeting at 10:31 p.m.)

VOTE: Motion CARRIED unanimously.

Moved by Mr. Ciocci, seconded by Ms. Testani to amend page 5, Sec. 7(a) to read as Town striking the word state.

VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended 16-1 (AGAINST: DeVecchio)

10. RESOLUTION TC24-68: Moved by Mr. Basbagill, seconded by Ms. Tesoro.
BE IT RESOLVED, WHEREAS, the Town of Trumbull, the Landlord, entered into a lease agreement known as "Communications Facility Management And Lease Agreement" with Candid Communications of Trumbull, LLC, the Tenant, on March 21, 2001; and

WHEREAS, the Landlord and Tenant agree to amend the terms of the lease agreement;

NOW THEREFORE, BE IT RESOLVED, That First Selectman Timothy M. Herbst, be and the same is hereby authorized to sign and execute an amendment known as "First Amendment To Communications Facility Management Lease Agreement," to a lease agreement known as "Communications Facility Management And Lease Agreement" between the Town of Trumbull and Global Signal Acquisitions IV, LLC.

Mr. Scinto recused himself at 10:38 a.m. as he works for a telecommunication company.

(Mr. Ciocci left the meeting at 10:40 p.m.)

Committee Report: The L&A Committee met 08-27-12 and voted to amend in committee and as amended in committee unanimously.

By unanimous consent the Town Council accepted the amendments made in committee as follows:

Item #2 at the bottom of page 2 of the lease amendment to read as: extending to January 31, 2052.

Atty. Walsh explained the benefits to the Town for Mr. Meisner as follows: It will provide on average approximately \$163,000 per year in income to the Town; the projected income to the town for 2012-2013 is \$150,000. The amendment to the lease will provide a \$50,000 sign on bonus to the Town, there will be 5 additional antennas for the Town at no charge for the Town's use. The lease is a series of five year extensions that could be possibly terminated depending on the terms and conditions of the lease. This is the best deal the Town can get. The tower is located at 425 Indian Ledge in Trumbull.

In response to Ms. Deyoe, Mr. Nelson indicated that if there were to be extensions to the tower itself they would need to go before the Citing Council.

Ms. Jankovic-Mark spoke in favor of this resolution.

In response to the Chair, Mr. Nelson confirmed that the lease will be changed to the January 31, 2052 all parties are amendable to the change.

VOTE: ADOPTED as amended unanimously.

(Mr. Ciocci and Mr. Scinto returned to the meeting at 10:47 p.m.)

11. RESOLUTION TC24-69: Moved Mr. Blose, seconded by Mr. Palmieri.

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

WHEREAS, it is desirable and in the public interest that the Town of Trumbull make an application to the State for \$93,970 in order to undertake the Nichols Fire District Generator Project and to execute an Assistance Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE Trumbull Town Council,

That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by C.G.S. Sec. 4-66c that the filing of an application for State financial assistance by the Town of Trumbull in an amount not to exceed \$93,970 is hereby approved and that First Selectman, Timothy M. Herbst, be and the same is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of Town of Trumbull.

Committee Report: The L&A Committee met on 8-27-12 and voted unanimously.

VOTE: ADOPTED unanimously.

12. RESOLUTION TC24-71: Moved by Mr. Whitmoyer, seconded by Mr. LeClair.
BE IT RESOLVED, That First Selectman Timothy M. Herbst, be and the same, is hereby authorized to sign and execute a lease agreement between the Town of Trumbull and the Richard Aiello Charitable Foundation for property and premises known as 579 Church Hill Road located in the Town of Trumbull.

Committee Report: The L&A Committee met on 08-27-12 and voted to amend and as amended 5-0-1. Amendments in committee are as follows: To amend Article 6(a) of the lease to read as ...requires the landlord to provide the tenant with fifteen (15) days written notice, certified mail-return receipt requested and a section identifying someone, whether it be a title or an individual, (Mr. Donofrio recommends a title), from both the landlord or the tenant to be the recipient of any notices required on the lease.

First Selectman Herbst extended his gratitude to the Aiello Charitable Foundation and the Dinardo family for their generosity for their model public private partnership which will allow the Town to pursue additional economic development. The property is adjacent to the old Town Hall which is a historically significant portion of town. It is a critical connector between the trail and downtown. The Dinardo family has made significant improvements to the revitalization of Trumbull Center; to date they have spent \$3 million. Allowing this facility to be used as a tourist/visitor center for the Pequonnock River Trail will improve the aesthetic appearance of the area; by leasing the property for \$1.00 per year and seeking alternate options of funding to rehab the property mitigates the costs to the taxpayers of Trumbull. The property will also be used as a museum for the 1989 Little League World Series. They have been in touch with Sean Carroll who is the Town's insurance broker and has informed them that it will cost the Town an additional \$550 per year to insure the building. This is a good project for the Town.

Ms. Jankovic Mark state that she was on the council when they had voted against purchasing this property, it is a severe blight, and will be expensive to renovate. Ms. Jankovic-Mark stated she would vote against the Town funding the renovations, and moved to table this resolution until the sources of funding are found to renovate the property. First Selectman Herbst reiterated that they would be working for alternate sources of funding to rehabilitate the building. If there is not a certain degree of certainty applying for grant or alternate sources of funding would not be looked on favorably. The Town would likely not be awarded the grant if a lease is not in place. A lease agreement shows good faith on the part of the Town. Ms. Jankovic-Mark stated she did not want to vote against the resolution but wished to table it and would make the motion at the appropriate time.

Ms. Testani stated this would not be the first time the council has heard that there are possible grant monies available for this property.

(Mr. LeClair left the meeting at 11:04 p.m.)

First Selectman Herbst stated that the council was against purchasing the property because their was the cost of purchasing and renovating, in this instance they have taken the cost of

purchasing the property off the table and hopefully will be able to obtain alternate sources of funding the renovations. The back taxes owed on the property have been reconciled.

(Mr. LeClair returned to the meeting at 11:06 p.m.)

Mr. Meisner spoke in favor of the resolution and supports what the First Selectman is trying to do. He thinks it is great that the First Selectman is putting the energy and effort into finding alternate sources of funding.

In response to Ms. Tesoro, First Selectman Herbst stated that once the building is renovated it would fall under the Parks jurisdiction and would be monitored and maintained by the Parks Rangers similar to how the other bathrooms in the Parks system are maintained.

First Selectman Herbst indicated to Mr. Whitmoyer that the goal is to have this building completed within the year. They would like to avoid at all costs coming to the council for funding. Utilizing grant monies is the intent and the goal.

First Selectman Herbst confirmed for Ms. Jankovic-Mark that the lease does not provide for leveling the building and maintaining the property as a grass area if alternate funding is not secured. Mr. Nelson indicated that he has been in contact with the GBRC and they had confirmed there are other grants available for trail signage, and there are other improvements grants coming, they are aware of this project, they believe this is a good idea. It does help and provides certainty having the lease in place before applying for the grants.

Ms. Jankovic-Mark moved to table the resolution for two months in order to secure grant money. No second was heard.

In response to the Chair, First Selectman Herbst stated that after the L&A Committee meeting, Mr. Dinardo tentatively agreed to the changes to the lease as recommended in committee. Mr. Dinardo's attorney and the Town attorney are fine tuning the lease based on those changes.

Moved by Ms Tesoro, seconded by Ms. Deyoe to approve the lease with the recommended changes in committee:

VOTE: Motion CARRIED 16-1 (AGAINST: Jankovic-Mark)

ADOPTED as amended 16-1 (AGAINST: Jankovic-Mark)

13. RESOLUTION TC24-72: Moved by Ms. Lamberti, seconded by Mr. Palmieri.
NOW, THEREFORE BE IT RESOLVED, the Trumbull Town Council, acting as the Town's Governing Body, approves the Long Hill Green Enhancement Initiative Plan; and

FURTHER BE IT RESOLVED, the Trumbull Town Council:
Authorizes submission of the funding application for the Long Hill Green Enhancement Initiative under the Main Street Investment Fund Program referenced in Section 78 and 79 of the PA 11-1; and

Designates the Town of Trumbull First Selectman as the individual authorized to sign the Main Street Investment Fund application for the Long Hill Green Enhancement Initiative, and administer the project should it receive funding.

Committee Report: the L&A Committee met on 08-27-12 and voted 4-0-2 (Against: Waizenegger and Ciocci).

First Selectman Herbst stated that applying for this grant money is a way to get some of sales, income; federal tax increases back and allows us to make enhancements that will allow the Town to compete with other communities to attract sound economic development for our community. The Town needs to come up with a comprehensive plan for this area. Given its proximity to the Pequonnock River Trail, it makes sense to tie the area together. We are taking advantage of our best natural resource. Director of Planning, Jamie Bratt and Ed Laironovich Director of Economic Development are doing an incredible job working to secure these grants and moving the plan of Conservation and Development forward.

VOTE: ADOPTED 15-0-2 (ABSTENTION: Waizenegger and Ciocci)

14. RESOLUTION TC24-73: Moved by Mr. Ciocci, seconded by Mr. Whitmoyer.
BE IT RESOLVED, WHEREAS, The residents of Trumbull, especially those living directly on and immediately off of White Plains Road, have a vested interest in any significant construction or redesigning of said road, and

WHEREAS, The safety, convenience and home values of residents must be our primary concern, and

WHEREAS, The plans currently being proposed by the Department of Transportation to redesign and reconstruct the area of White Plains Road near town center are insufficient, therefore,

BE IT RESOLVED, That the Trumbull Town Council hereby expresses the desire that said plans be reworked in conjunction with residents, The Department of Transportation and decision makers here in Trumbull in order to create a safer, less intrusive and all around more congenial solution to the issue of traffic and speeding on White Plains Road.

Committee Report: The reading of the committee minutes were waived by unanimous consent.

Mr. Ciocci stated that he and Mr. Whitmoyer had proposed this resolution in a bipartisan fashion because they believe the situation their constituents are facing on White Plains Road requires action. There are a number of issues that will not be resolved currently

proposed by the DOT plan, such as speeding and there are a number of additional problems which will be created by the current plan especially for the Fire Department.

Mr. Ciocchi extended his gratitude to Mr. Whitmoyer for working with him on this resolution and hopes the council will support this resolution unanimously.

Mr. Whitmoyer indicated that the ZBA had reviewed 6 applications on Feb. 1, 2012 from the DOT requesting variances to take front setbacks along White Plains Road (#'s 811, 814, 815, 831, 860, 4 & 5 Alice Place) all were interrelated and heard concurrently. All motions were denied for the following reasons as cited from the Feb. 1, 2012 ZBA minutes: *Though the state's hardship was satisfactorily identified under CGS 48-24 the traffic issues were not adequately addressed.*

Moved by Mr. Whitmoyer, seconded by Mr. Ciocchi to amend Resolution TC24-73 to read as: RESOLUTION TC24-73: BE IT RESOLVED, WHEREAS, The residents of Trumbull, especially those living directly on and immediately off of White Plains Road, have a vested interest in any significant construction or redesigning of said road, and;

WHEREAS, The safety, convenience and home values of residents must be our primary concern, and;

WHEREAS, The plans currently being proposed by the Department of Transportation to redesign and reconstruct the area of White Plains Road near town center are insufficient, and;

WHEREAS, The current plan to widen White Plains Road will most likely pose a detrimental effect to the operations of the Trumbull Center Fire District (860 White Plains Road), in regards to the station access and response time in emergencies, and

WHEREAS, A viable option alternative to road construction would be additional signage, additional traffic lights and continued police presence to enforce speed limits in the area, and;

WHEREAS, There are additional concerns beyond traffic accidents and public safety which include but are not limited to economic interests in Trumbull Town Center and therefore, and:

WHEREAS, The Trumbull Zoning Board of Appeals on February 1, 2012 denied the CT Department of Transportation variance to local property, therefore;

BE IT RESOLVED, That the Trumbull Town Council hereby expresses the desire that said plans be reworked in conjunction with residents, The Department of Transportation and decision makers here in Trumbull in order to create a safer, less intrusive and all around more congenial solution to the issue of traffic and speeding on White Plains Road.

VOTE: Motion CARRIED unanimously.

The Chair stated that this is an advisory vote of the council it is non-binding and does not have jurisdiction over it.

Mr. Ciocchi stated that it was his and Mr. Whitmoyer's intent to have the Chairman of the Town Council send this resolution to the DOT.

VOTE: ADOPTED as amended unanimously

There being no further business to discuss and upon motion made by Mr. DeVecchio, seconded by Mr. Palmieri the Trumbull Town Council adjourned by unanimous consent at 11:28 p.m.

Respectfully Submitted,

Margaret D. Mastroni
Town Council Clerk