

Town of Trumbull

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TOWN HALL
Trumbull

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MINUTES

December 3, 2012

CALL TO ORDER: Chairman Carl A. Massaro, Jr. called the regular meeting to order at 8:07 p.m. at the Trumbull Town Hall. All present joined in a moment of silence and the Pledge of Allegiance. The Chair asked all present to remember the mother of Councilwoman Vicki Tesoro who passed away last week.

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

PRESENT:

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

ABSENT: Vicki Tesoro.

ALSO PRESENT: First Selectman Timothy M. Herbst, Chief of Staff Dan Nelson, Chairman of the Trumbull High School Building Committee James Nugent, Mr. Al Barbarotta of AFB Construction Management and Owner's Rep for the THSBC and John Barbarotta of AFB Construction Management, Labor Counsel Jeffrey P. Mogan Esq., Brian Bidolli Executive Director of the Greater Bridgeport Regional Council and Don Watson Conservation Commission member.

APPROVAL OF MINUTES :

The November 8, 2012 regular meeting minutes were approved as submitted 18-0-1 (ABSTENTION : Pia).

The November 8, 2012 special Tri-Board meeting minutes were approved as submitted 17-0-2 (ABSTENTION : Donofrio and Pia).

DISCUSSION ITEMS :

Veteran's Memorial Recognition - Postponed to the January 2013 meeting.

Education Committee Report - The Education Committee met on Tuesday November 27, 2012 to discuss the TNAC. The minutes are available at the Trumbull Town Clerk's office and on the Trumbull website, www.trumbull-ct.gov

Trumbull High School Building Committee Update:

Chairman Update: Mr. James Nugent reported that there a punch list of work throughout the school. O&G is looking to conclude their responsibilities on the project. There are a number of things that they owe the project; there are other items where they would rather leave the money in the contract. The project could sub-contract that work out, (i.e. terrazzo floors). There are options available to refinishing the terrazzo that could potentially save the project money. They have looked at several options and there does not seem to be an astounding difference between regrinding the floors and refinishing them, they may decide not to regrind the floors. The budget has not changed and are expecting there to be \$2.5 million in contingencies accounts. O&G will have an updated budget before the THSBC's 12-12-12 meeting.

Mr. A. Barbarotta reported that the Town will receive from the U.I. \$150,000 in incentives earned during the project.

Mr. Nugent explained that JCJ was to informally ask contractors to supply them with numbers for the concession stand. Mr. A. Barbarotta explained that Greg Smolley of JCJ felt they could get closer to the budgeted numbers, and had called in three contractors. Each was given a set of plans and specifications. The original bid title and page was included in the packet. One of the contractors sought bids. Mr. A. Barbarotta made sure the bid was officially rescinded in writing. The committee has not made a decision to date on the concession; they planned to finish what still needs to be done to finish the project and would make a decision on the concession stand afterwards. The punch list throughout the school is 39 pages (2-sided). There are approximately 30 items that they want O&G to finish before they leave the job. Items that they have not made a commitment on, but have been approved by the THSBC are as follows:

Terrazzo floors, concession stand and bathrooms, doors (not in the contract), motorizing the gym back boards, padding for the bleachers, window tinting for the gym windows, smart boards (5 more needed) white boards, tack boards, acoustical doors, finish the transcript room to making secure and fire proof and another half dozen items on that list.

The commissioning agent is currently working with M.J. Daley on balancing the heating system, which is operational. It will take approximately 1-2 months to complete the punch list and will report to the THSBC at their next meeting on the non-contracted dollar items and will then be able to give a bottom line number after review by O&G. Channel 17 is operational at this time; after Channel 17 finished their work it was found that there was too much power to the signal which took an additional month to solve.

Mr. A. Babarotta indicated for the Chair that the simplest option for the concession stand was a new building with bathrooms; they had met today with representatives from the Town and Bismark Construction to see if there is a less expensive option. They have not presented an option to the building committee and are now trying to put a plan together as the Owner's Rep. The existing concession stand can be renovated but they do need to build bathrooms. The bathrooms may be in their own separate building and the combination may be within budget and can be completed by the next football season. With regard to the terrazzo floors, areas of the floor have been stripped, polished and sealed with a finish, at an area next to it they used a diamond tip grinding pad, (this option represents a cost of \$171,000). After comparing the two

(2) options, a clear choice between the two options could not be seen. They are waiting for the heavy work to be completed at the high school before refinishing the floors. He believes they will be able to do the less expensive option and it will be come in at substantially less than the \$171,000 option. The commissioning agent has been working closely with M.J. Daley and the engineer. There were major items outstanding; the heat was put on in the last month. Until the heat was put on, they were not able to balance the system. All of the controls are in. They are finishing installations and the punch list items. Therefore, the commissioning agent is just starting to do his review. Mr. A. Barbarotta indicated that the committee would be working through the spring and would expect the commissioning agent to work through the a/c season, with a close-out in June 2013. The punch list of the floors, doors etc. should e completed in 2-3 months.

Mr. A. Barbarotta indicated for the Chair that he would work with the Town Treasurer with regard to the State's unpaid reimbursement to the Town of \$9 million.

The Chair opened the floor to Town Council for questions as a result of this discussion the following points were discussed:

Mr. Barbarotta confirmed that the floors will be refinished in some way and they are responding to the heating issues everyday- it is a matter of balancing the system with 99% of the equipment installed. The acoustical doors have been ordered which were not on the contract list; AFB will take care of this item. Any money not expended at the completion of the project will go back to the Town i.e it will not be spent. There is money in the budget allocated for the concession stand and bathrooms and so it is still expected the balance of the contingency funds as reported would remain unspent.

Ms. Evangelista commended the students, administration and teachers for working in this environment for so long.

Mr. A. Barbarotta indicated that there is some contracted screening for the mechanicals on the roof but they will be looking at this further at the time of installation and will have to determine the cost if more is needed and or wanted.

Mr. A. Barbarotta stated the change order list is still consistent with what had been presented and confirmed that he would forward the list of change orders and punch list to Mr. Scinto after this meeting.

The Chair requested an updated budget.

Mr. J. Barbarotta confirmed that the auditorium roof had been completed; they believe that roof hatch issue has been resolved; they have not had an issue with leaking in the most recent storms. All of the re-roofing has been completed as well. The micro-burst over the wood shop area (a separate issue) has been resolved, they have met with the insurance agent, and this area of the roof will be re-done. A warranty for the entire roof will not be received until this section is fixed. The product used on the roof is an EPTM and has a twenty year warranty; this is a product that they have used on many roofs.

The lighting issue is a ballast issue, the manufacturer has confirmed that it is a manufacturer issue but has not given them a solution to date. They will have to go to each light to identify if it

had been wired correctly, it will be time consuming, the manufacturer has not agreed to use the project's electrician and may bring their own in instead. The school understands the issue and has been cooperative. They have had meeting with the engineer with regard to the roof top work that had to be redone and this issue has been turned over to the project's Town attorney who is pursuing avenues to collect that money.

The Chair congratulated Cheryl Bieling, President of the Nichols Improvement Association for the Jingle Bell Run an event that took place this past Saturday. Councilman Fred Palmieri chaired the event. The great community event was very well attended. There was a Kid's Race followed by the 5K race in which many youths participated.

BUSINESS:

*The Chair reserves the right not to vote unless otherwise noted.

1. RESOLUTION TC24-85: HELD IN COMMITTEE
2. RESOLUTION TC24-86: HELD IN COMMITTEE
3. RESOLUTION TC24-87: HELD IN COMMITTEE
4. RESOLUTION TC24-89: HELD IN COMMITTEE
5. RESOLUTION TC24-92: Moved by Mr. Pia, seconded by Mr. Palmieri.

BE IT RESOLVED AND ORDAINED, That Chapter 11 Licenses and Business Regulations, Article III Transient Merchants, Section 11-88 of the Trumbull Municipal Code is amended as follows:

On all solicitation to sell, whether made in person, by telephone or otherwise, the permittee shall state his name, his principal's name and his permit number upon request. The permit is valid only between the hours of 10:00 a.m. to 5:00 p.m.

Committee Report: The Legislation & Administration Committee met on 11-26-12 a Public Hearing was held and voted unanimously.

Mr. Nelson indicated for Ms. Evangelista that if the ordinance were to be amended to disallow any solicitation in Town, the previous section of the code would need to be amended as well. The Chair indicated that it would be a first amendment legal issue to prohibit solicitation. Mr. Ciocci confirmed and noted that it is unconstitutional to ban door to door solicitation. Mr. Nelson explained political campaigning door to door is exempted from regulation but the ordinance specifically limits door to door solicitation by salesman. The purpose of the resolution is to amend the code so that it agrees with itself; there is currently a discrepancy in the code as to allowable solicitation hours.

If passed, the resolution would be in effect fifteen business days after publication of its adoption unless the Town Council passed it as Emergency Legislation

VOTE: ADOPTED unanimously.

Moved by Mr. London, seconded by Ms. Evangelista to pass RESOLUTION TC24-92 as Emergency Legislation.

VOTE: Motion FAILED 11-8 (Against: Palmieri, DelVecchio, Meisner, Basbagill, Whitmoyer, Waizenegger, Ciocci and Pia) *(2/3 vote of the entire membership required)*

6. RESOLUTION TC24-93: Moved by Mr. DelVecchio, seconded by Mr. London.
BE IT RESOLVED, That funding for a labor contract between the Town of Trumbull and AFSCME AFL-CIO, Local 1745 - Council 15 (Trumbull Police Union) beginning July 1, 2011 and ending June 30, 2015 is hereby approved.

Committee Report: The Legislation & Administration Committee met on November 26, 2012 and voted unanimously.

First Selectman Herbst stated that the negotiation went well and extended his gratitude to the leadership of the Police Union President Robert Coppola and the Executive Board. This negotiation was truly a coming together where they determined the needs of the community while making sure we properly compensate those who risk their lives on a daily basis. One of the key elements of this contract that is critical to the long term financial standing of the Town of Trumbull is the provision for the Town's Defined Contribution Retirement Plan to replace the Town's Pension Plan which the Police Union voluntarily agreed to change for all new hires effective July 1, 2014. This will reduce the Town's long term unfunded liability. The largest bargaining unit agreeing to this will make it easier for other bargaining units to similarly agree in their labor negotiations. This is a credit to the members of the Police Union for voluntarily agreeing to this provision, while at the same time, the Town made sure the contractual wage increases fairly compensate the officers. It is significant to point out that the agreement on the Comp Mix component of the health care plan is good for the Town from a cost perspective and still makes sure that the employees receive quality health care.

Mr. London commended those involved in negotiation; he spoke in favor of the 0% wage increase in the first year that special detail is no longer included in their pension and the change in college reimbursement.

Atty. Mogan indicated for Mr. Basbagill that this contract as compared to other police contracts in the region is very favorable and that the Town remains competitive and attractive to recruits. First Selectman Herbst indicated the wage increases in the years two and three are generous and was a fair trade off for the concessions made, this maintains the Town's competitive edge.

Atty. Mogan confirmed for Mr. Pia that nothing changes regarding the current Town Pension Plan until 7-1-2014- anyone hired after that date will participate solely in the Defined Contribution Plan. This provision, as all, is subject to negotiation in subsequent contracts. There is no intention to remove current participants from the current pension plan. First

Selectman Herbst added that it was not his or the administration's intention to strip a pension benefit from existing personnel by perpetuity. It is not right to go into a position with the expectation that they are going to receive a pension after a time served, and then 30- 35 years later be told there is no longer a pension. During negotiations one of the items that were discussed was whether they would protect pensions in perpetuity; it is difficult for an administration in 2012 to obligate an administration in the year 2032 or 2040. No one knows what the future holds; First Selectman Herbst indicated that the goal of implementing a Defined Contribution Plan is a long term goal to reduce the unfunded pension liability. Over a period of 20-30 years as more new hires come onto the force the unfunded liability will shrink. The pension accruals will be higher 20-30 years from now assuming that Town continues to make appropriate investments. They have gotten cooperation from Town Hall employees because those that had come here 20-30 years ago are expecting a pension, looking at the 30% funded pension plan they recognize that the Town in the short term is aggressively increasing the annual contributions but in the long term by getting the new hires on the Defined Contribution Plan the unfunded liability will shrink. This protects the people's pensions. Mr. Pia spoke in favor this agreement. Atty. Mogan clarified for Mr. Pia that it is not uncommon to have a one-time signing bonus, and would not be something that would be included with the other bargaining units.

VOTE: ADOPTED unanimously

ADDENDUM ITEM:

1. RESOLUTION TC24-94: Moved by Mr. Ciocci, seconded by Mr. Palmieri.
BE IT RESOLVED, That the *Town Council of the Town of Trumbull* approves and endorses the ***Regional Performance Incentive Program*** grant application by the Greater Bridgeport Regional Council to be approved by the Connecticut Office of Policy and Management and certifies that pursuant to Section 8 of Public Act 02-239 that there are no legal obstacles to the provision of the services as outlined in the ***RPIP*** project. (Full Resolution Attached).

The Legislation & Administration Committee met on November 26, 2012 and voted unanimously to send without recommendation.

Mr. Bidolli explained that the grant funds are comprised of the proceeds from State's taxes on rental cars and hotels. The program was broken into three (3) target areas: Natural Hazards Mitigation; Brownfield Development and Open Space & Watershed Management.

One of the most significant pieces of this project is regionalized enrollment in FEMA's community rating system. This will cut the administrative costs in enrolling in the program for many towns in CT. If this could be done on shared cost basis at the regional level, the cost could be shared by six (6) towns. This will allow homeowners' to receive discounts on their flood insurance; this could range from 5% to 45% depending on certain activities conducted. The second piece is the inland flooding assessment, they will look at all of the parcels to see their exposure to flooding and what can be done by that with regard to natural hazard mitigation. Another component of this came directly from the Town of Trumbull is to implement the GIS program during an emergency event. It is not available in the field at this

time. In order to do that, the Town needs to acquire tablets and smart boards to be able to communicate during the event. This program would allow the Town to purchase these items and provide all of the training, development and deployment of this system. Field crews would no longer depend on paper maps when there is a tree down with electrical wire. They would be able to use an iPad and update the information in real time. This allows better coordination of efforts during an emergency event and improved monitoring of performance after the event. The grant will also allow the GBRC to develop a living shoreline plan which will include more natural improvements along the shores for flood mitigation. It will expand municipal mapping inventories to include all of the conservation easements for the Town. The grant will be \$1.6 million without any local match necessary. The resolution is an endorsement of the application which is required for the Towns that will participate in the program. Mr. Bidolli indicated for the Chair that there are six (6) Towns who may participate in the program: Bridgeport, Easton, Fairfield, Trumbull, Stratford and Monroe. The other Towns have not voted yet.

Mr. Bidolli indicated that if Trumbull did not approve this resolution, the GBRC would apply with five (5) municipalities without Trumbull's participation.

Mr. DelVecchio spoke against the resolution because the State is broke and that people say that it is free money when it is not.

Mr. Bidolli indicated for Ms. Deyoe that there would be no administrative costs to the Town for this program.

The region is going through weather related emergencies that not one of us has experienced before and seems to be becoming the new norm. The first 48 hours after a hurricane are the most critical in terms to emergency response. There is currently an archaic system in the EOC which consists of whiteboards, magic markers and paper notes passed to communication centers within the police department. It is critical to have the proper technological resources to allow those in the field to assess the danger and to be able to report back in real time to the EOC. The quicker the Town's response time, the quicker the power companies can restore power. In the interest in public safety the First Selectman asked all to keep this in mind when considering this application. Protecting the people of this Town is our number one priority. Technology allows the Town to respond to emergencies in a much faster and efficient way and can not emphasize that enough.

Mr. Watson is a resident of the Twin Brooks area and a member of the Conservation Commission. He stated all present at this meeting represent some form of government and are pledged to protect the public safety and welfare. This discussion is very important to town wide responses to reduce risk. Mr. Watson pays \$3,000 in the flood insurance each year this grant would allow for a reduction in that rate. The FEMA Community Rating System, (CRS) allows for that. If the Town takes certain steps the savings could be more, there are ten (10) steps. There is an economic benefit to this grant. Mr. Bidolli indicated that most communities could achieve 4-5 steps which would result in a 25% reduction in flood insurance, which averages out to \$186 per policy. It is significant when you look at it collectively. As long as someone pays flood insurance they would benefit from this, depending on how active one town was to get with this there is a potential of 45% savings in flood insurance.

Mr. Bidolli clarified that the smart board, iPad and flood insurance are all included in this grant. They are not limited to just public safety, the technology will be linked and available to the GIS system, the Town Assessor, Town Clerk or any Building Department could use them when not in use for the emergency events. The entire GIS could be deployed into the field. Mr. Meisner spoke in favor of the expanded use of the iPads etc. Mr. Bidolli indicated for Ms. Jankovic-Mark that they will set up global deployment of the GIS, Trumbull wants to use it in the field, and many towns are moving towards field use. This would cost each town approximately \$300,000 if they were to do it without the program.

Mr. Ciocci stated that it is the core function of local government to protect the interests of their residents during any disaster and should set up the system to do so regardless of the outcome of this grant. Mr. Bidolli explained that the program eliminates the redundant costs such as buying one GIS license v. buying six (6) licenses for six (6) towns. Mr. Ciocci spoke against potentially spending \$1.6 million in a grant to, in part lower the flood insurance. In effect this will subsidize the cost of living for the rich of Fairfield County at the expense of all taxpayers. Mr. Bidolli pointed out that there are many residents living in other areas who pay for flood insurance who are having a hard time making those payments; this will help those people as well protect their assets, in some cases this may be their only asset. This is a benefit that spans our entire region, which is a very diverse region.

Ms. Evangelista spoke in favor of their core responsibility of representing their residents and the grant helping those residents. Mr. Ciocci stated that the grant is not free; it is part of a system that is bankrupting the State. Mr. London agreed with Mr. Ciocci that the State is going down the wrong path with how it manages our finances, but the grant money is already allocated and is already spent and will go to our neighboring towns if Trumbull does participate. This is a logical way to get improvements for our community. It is our responsibility to address concerns with the State with our State legislators, suggesting that in the future the council draft a statement that would go to the appropriate State and/or Federal officials expressing concern and displeasure with spending priorities that are misguided.

Mr. London called the question, seconded by Ms. Lamberti. VOTE: Motion FAILED.

Mr. Pia spoke against accepting the money and then writing the letter expressing displeasure with spending priorities. He spoke in favor of spending our own funds. Mr. Bidolli clarified that their program eliminates redundancy, it represents a regionalized approach.

Ms. Waizenegger stated, that everyone is here is concerned for the residents of the Town, the \$1.6 million does not exist, the State has to either borrow it or get it from somewhere else that is her issue with this grant.

First Selectman Herbst there is an argument that this not free money, it comes from the retroactive taxes just paid, income tax, the increases just paid in the gas tax, the increases in sales taxes and twenty four new taxes on top of those. The Federal government is flawed in how it spends money as is the State government. The only control he has is over the Town's budget and how it affects the Town's property taxes. The Town controls local property taxes, we pay a large amount of income, sales and gas taxes to the State of CT and Federal income

tax every year, and takes the position that if the Town can get some of the money already paid to the State and Federal government back for the benefit of our Town and our taxpayers to ease the burden of our property taxes then we should do it. If we do not have the ECS money, LOCIP money and alternate sources of money we are going to have to raise property taxes a lot. If this were not in the best interests of the Town and public safety this would not be before the council tonight.

Ms. Jankovic-Mark agreed with most of First Selectman's statement and spoke in favor of the economies of scale and this resolution.

Mr. London agreed with Ms. Jankovic- Mark.

Mr. DelVecchio agreed with most everyone's points, but noted his philosophy disagrees and spoke against the grant.

Mr. Jenkins commended all present that the question was called and was turned down. He spoke against spending dollars the state does not have.

Mr. Pia agreed with Mr. Jenkins and noted that this was not about public safety this is about people saying that the State of CT is spending money it does not have.

Mr. Bidolli stated that he was here to make sure that this was offered to one of his towns that they care about.

Mr. Meisner spoke in favor of the resolution; it is money well spent and believes that the GIS should be better implemented. It is a very rational use of money and there are economies of scale. Our First Selectman has worked hard in evaluating depth of the project and should go with the advice of our First Selectman and his administration in this case; this is in the best interest of the Town. The other issues that were discussed would be making a political gesture instead of doing what is right for the Town.

VOTE: ADOPTED 14-5 (Against: Jenkins, Ciocci, Waizenegger, Pia and DelVecchio)

Mr. DelVecchio extended his gratitude to Daniel Nelson who has been a friend to himself and his father and commended him for a job well done. No one knows the amount of hours he has worked for this Town. Mr. DelVecchio wanted to publically thank him and wished him well in his future endeavors.

First Selectman Timothy M. Herbst stated that he has known Dan Nelson for twenty two years; he has been a good friend and a huge asset to him in the last three years noting that he could not have done this job without him. Dan has worked very hard for our Town; he has been able to accomplish so much during his tenure such as the collective bargaining agreements. What the council has seen has been because, in large measure due to Dan's efforts, including what he has done in obtaining grant money, both federal and state money to improve parks and roads. He has done a tremendous job and will be very missed by all who worked with him. First Selectman Herbst wished him well.

The Chair spoke on behalf of the council members. Dan Nelson had an open door to all and was always willing to get all of the information necessary for them to make their judgments

and votes on all of the resolutions, labor negotiations and grant applications. He researched the Municipal Code, got answers for anyone of the council members at anytime promptly so they could diligently pursue their judgments. The Chair commended Dan Nelson for a job well done; both he and the council clerk will surely miss working with him. It has been more than a pleasure; it has been a great learning experience and a great effort on Dan's part for the people of our Town. We appreciate everything Dan Nelson did for us.

The Chair wished Martha Jankovic-Mark a Happy Birthday and announced that the Town's Tree Lighting is on Friday, December 7, 2012 at 7:00 p.m.

There being no further business to discuss the Trumbull Town Council adjourned by unanimous consent at 10:04 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

FULL RESOLUTION

RESOLUTION TC24-94: BE IT RESOLVED, **WHEREAS**, the Greater Bridgeport Regional Council (GBRC) intends to apply for grant funds under the ***Regional Performance Incentive Program***, a state-funded program to encourage regional cooperation, referenced in Section 5 of Public 11-61 (An Act Concerning Responsible Growth) and such proposal is attached to and made a part of this record; and

WHEREAS, the proposed project will create and develop a Regional Conservation Services Program for the member communities of the Greater Bridgeport Regional Council and the intent of the project is to jointly and cooperatively establish a regional system to reduce the cost burden associated with the development and implementation of hazard mitigation, brownfield remediation, open space preservation, and watershed management programs;

WHEREAS, the GBRC will work with member communities to prepare and adopt a Memorandum of Understanding for the operations and maintenance of the regional Conservation Services Program;

NOW THEREFORE BE IT RESOLVED, that the *Town Council of the Town of Trumbull* approves and endorses the ***Regional Performance Incentive Program*** grant application by the Greater Bridgeport Regional Council to be approved by the Connecticut Office of Policy and Management and certifies that pursuant to Section 8 of Public Act 02-239 that there are no legal obstacles to the provision of the services as outlined in the ***RPIP*** project.