

Town of Trumbull

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TOWN HALL
Trumbull

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Town Council MINUTES March 4, 2013

CALL TO ORDER: Vice-Chairman Suzanne Testani called the regular meeting to order at 8:13 p.m. at the Trumbull Town Hall. 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:

Suzanne S. Testani	Ann Marie Evangelista	Jane Deyoe
James Blose	Debra A. Lamberti	Thomas Whitmoyer
Kristy Waizenegger	Martha A. Jankovic-Mark	Michael J. London
James F. Meisner	John A. DeVecchio, Jr.	Mark LeClair
Tony J. Scinto	Vicki Tesoro	Jeff S. Jenkins
Jeffrey Donofrio	Chadwick Ciocci (Arrived at 9:13 p.m.)	
Gregg Basbagill	Fred Palmieri, Jr.	

ABSENT: Carl A. Massaro, Jr. and David R. Pia.

ALSO PRESENT: First Selectman Timothy Herbst, Chief of Staff Elaine Wang, Director of Finance Maria Pires, Director of public Works John Marsilio, Director of Planning Jamie Brätt, Al Barbarotta and John Barbarotta of AFB Construction Management, Jeff Hackett BOE Director of Technology, Director of Parks Dmitri Paris and Director of Technology William Chin.

APPROVAL OF MINUTES: Moved by Mr. Palmieri, seconded by Ms. Waizenegger to accept the February 4, 2013 minutes as submitted. **VOTE:** Motion CARRIED unanimously.

RECOGNITION:

- Public Works Employees for Work During the Blizzard.

Vice-Chairman Testani recognized the Public Works and Parks Department employees for their exemplary service during the blizzard Nemo.

Mr. Scinto recognized all those for their work during the blizzard but especially those who helped clear the way for the ambulance get to his neighbor, Tom who blew snow for about 100' to let the ambulance in to his neighbor and his neighbor Mike who plowed his street help the group home and all of the people on his street as well.

Mr. London stated that he had the opportunity to ride on one of the snow plows during the storm. Mr. London stated that they have a job that people tend to not recognize how significant it is and how difficult it is. The drivers work very hard and for very long hours. After having sat in the cab next to one of the drivers he can

assure all that this is no easy job, there are hazards he was never aware of such as manhole covers that may not be sitting level with the street, the plows from time to time catch on them and give the driver quite a jolt. He commended them all for a job well done.

Mr. Jenkins extended his gratitude the First Selectman and the Highway Department, his dear friend had a kidney transplant two weeks prior to the blizzard and they had not been plowed out by Saturday and extended his gratitude to all who helped.

Ms. Jankovic-Mark extended her gratitude to the Public Works Department for everything they did during the blizzard.

Ms. Evangelista extended her gratitude to all of the Public Works employees and John Marsilio. Trumbull is lucky to have him as their Director of Public Works she had heard from a number of people who had gone to surrounding towns and were happy to be back in Trumbull because the surrounding towns were not cleared half as well as Trumbull.

Mr. Bruce Pine of the Highway Department, Mr. Thomas Baldwin Highway Supervisor, Director of Parks Dmitri Paris and Director of Public Works John Marsilio were present, all those present applauded their efforts during the blizzard.

DISCUSSION ITEMS:

- Town of Trumbull Audit - Blum Shapiro - Postponed to next month
- Town of Trumbull Pension Annual Report- Postponed to next month

BUSINESS:

1. RESOLUTION TC24-111: Moved by Ms. Evangelista, seconded by Mr. London
BE IT RESOLVED, That the reappointment by the First Selectman of Steven Mahlstedt of 60 Stemway Road, be and the same is hereby appointed as an alternate member of the Planning and Zoning Commission for a term extending until December 7, 2015
Committee Report: The Finance Committee met on Feb. 26, 2013 and voted to send without recommendation unanimously.

VOTE: ADOPTED 14-0-4 (ABSTENTION: Jankovic-Mark, Palmieri, Meisner and Basbagill)

2. RESOLUTION TC24-112: Moved by Mr. Jenkins, seconded Mr. Meisner.
To consider and act upon a resolution which would appoint Michael Reilly of 12 Crocus Lane as a member of the Trumbull Day Commission for a term extending until December 7, 2013.
Committee Report: The L&A Committee met on Feb. 25, 2013 and voted unanimously to amend and voted unanimously as amended.

Moved by Mr. Meisner, seconded by Mr. DeVecchio to amend RESOLUTION TC24-112 to read as:
RESOLUTION TC24-112: BE IT RESOLVED, That Michael Reilly of 12 Crocus Lane, be and the same, is hereby appointed as a member of the Trumbull Day Commission for a term extending until September 1, 2014.

VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended unanimously.

Moved Ms. Tesoro, seconded by Ms. Jankovic-Mark to pass RESOLUTION TC24-112 as Emergency Legislation. VOTE: Motion CARRIED unanimously.

3. RESOLUTION TC24-104: WITHDRAWN

Moved by Mr. DeVecchio, seconded by Mr. London to take items #5, #6 & #8 out of order.
Motion CARRIED unanimously.

4. RESOLUTION TC24-113: Moved by Mr. Basbagill, seconded by Mr. LeClair.
BE IT RESOLVED, That \$2,782 is hereby appropriated from the Fund Balance to Tax Collectors-Salaries-OT 01012000-501105.

Committee Report: The Finance Committee met on February 26, 2013 and voted unanimously.

VOTE: ADOPTED unanimously.

5. RESOLUTION TC24-114: Moved by Mr. Donofrio, seconded by Mr. Palmieri.
BE IT RESOLVED, That \$29,297 is hereby appropriated from the General Fund to Planning and Zoning- Professional Services 01014200-522202.

Committee Report: The Finance Committee met on February 26, 2013 and voted unanimously.

Ms. Brätt explained for Ms. Jankovic-Mark that the original purchase order was issued for the full amount and is now being broken into 3 pieces, a small amount has already been used in 2012, a larger amount is needed in the 2013 fiscal year budget and the remaining amount will be used in the 2014 fiscal year. No additional monies will be spent than was allocated in the original 2012 fiscal year purchase order. Planimetrics is helping the commission rewrite the Town's Plan of Conservation and Development. The plan has a 10-15 year look out and helps prioritize land use positions as well as capital funding and other town-wide and profit initiatives, it also assists us with grant applications. They are in the beginning stages of the process and still have a way to go. The consultant organized a public workshop held in September 2012; they updated and maintain a dedicated website Plan-Trumbull.com. In March six of the other Town commissions that have a land use focus have been invited to provide commentary on an early draft of the plan and bring focused feedback. They have monthly working sessions with the P&Z Commission they are the drivers of the content and tone of the piece, the consultants is the facilitator of the commentary.

VOTE ADOPTED unanimously.

6. RESOLUTION TC24-115: HELD IN COMMITTEE

7. RESOLUTION TC24-116: Moved by Mr. Scinto, seconded by Mr. London.
BE IT RESOLVED, That the Five Year Capital Improvement Plan for the Town of Trumbull is hereby approved.

Mr. London stated that this plan is not a firm list of things that are going to happen, this is a starting point for consideration down the road, this is not a list of things guaranteed to happen.

Moved by Mr. Basbagill, seconded by Ms. Evangelista to waive the reading of the committee minutes.
VOTE: Motion CARRIED 17-1 (AGAINST: Scinto)

Mr. Basbagill noted for the record that he had abstained from the final vote in committee not Jankovic-Mark.

Ms. Lamberti stated that in Committee she had noted that this is a wish list but we need a 5-Year Capital Plan in order to be able to apply for grants and LOCIP monies.

Committee Report: The Finance Committee met on February 26, 2013 and voted 4-0-2 (ABSTENTION: Tesoro and Basbagill)

Ms. Tesoro stated that she had questions with regard to the \$4.6 million in road paving; it was discussed in committee but wanted it discussed before the full council. Mr. Marsilio explained that the Capital Plan is a reflection of all projects in Town. A portion of the \$4.6 million has been authorized in the \$34.5 million for the North Nichols project. The total project when completed will be \$37 million but we don't know what portion will be in the bond cap and what portion will be over the bond cap. This is the iteration of all of the roads that is in the capital program for Contract IV. At some point after the project is complete (Still to be done: Punch-list Army Corps of Engineers work, Restoration and Cross country work still needs to be done to complete the project). After all of those items are completed there will be a net left from the \$34.5 million bond authorization and will be dedicated to paving, once that is amount is identified they will go before the BOF to authorize the bonding for it. This resolution authorizes the program. Mr. Marsilio explained to Ms. Tesoro the project is going to be approximately \$37 million, the only authorization in place is the \$34 million at some point when we know what the prospective cost is going to be they will have to appear before the BOF and ask for authorization to fund that portion of the project. Mr. Marsilio explained for Ms. Tesoro that the road paving is seen in the bond authorization and the capital plan; it is in two places as it should be, and every capital project is in the Capital Plan. The roads in the capital plan of last year were not paved because they discovered defects in the sanitary sewer line, in this capital plan there is money for the WPCA to remediate the sewer lines so that those roads can be paved. The roads that were in last year's capital plan for 2013 will not get done, the reason this happened is because they had to take the North Nichols road paving out of the contract, out of the contractor's scope of services and had to assume the burden of completing the project. Ms Tesoro stated that her road received an overlay 5-6 years ago; the people of North Nichols are going to have the 20-year paving done based on a decision of the Town. Mr. Marsilio agreed. First Selectman Herbst stated it is important if we are going to compare sewer projects to acknowledge the end product. When looking at a capital plan you have to see if the projects contained in the plan can be done in such way that is consistent with the standards for including them in a capital plan. The 75%-25% referred to at the TC special 2-28-13 meeting has never been codified in any municipal code or adopted as policy by Town body, it evolved over time. At that special meeting it was discussed how the residents had to pay twice for the paving of some roads in order to properly correct the defects. When speaking to the roads that were part of the sewer project and are now in the capital plan that underscores the point that we are delineating sewer costs from capital costs. The fact that it is in the capital plan underscores the need to make sure that when assessing the residents that you are assessing them on the costs of providing a benefit by installing a sanitary sewer line and when you are paving a road you do it once, you do it right and are consistent in the road paving policy. It is not consistent for the Public Works Department to earmark a certain amount of roads every year to be repaved that may be done curb to curb and a full reclamation and all of the other roads are put in a sewer project that will get a 2" overlay. That is how it has been done and is not fair to the taxpayers of the Town. Mr. Palmieri stated the roadways in North Nichols have been neglected for a very long time and does not see how the Town is giving short service to any other part of Town by trying to do the roads in North Nichols. The capital plan is blue print and is not something carved in stone. Ms. Jankovic-Mark stated what is not fair is doing the additional work that was in the contract without getting approval for funding WPCA should have come to the BOF and the Town Council for approval first. Ms. Tesoro clarified that she was not commenting on whether the roads were being done properly, they all want the roads to be done properly, a precedent had been set on how other contracts were handled and this has been changed. The information should have been offered when the bonding authorization came before the BOF and Town Council.

VOTE: ADOPTED 12-4-2 (AGAINST: Tesoro, Basbagill, Whitmoyer and Jankovic-Mark)
(ABSTENTION: DeVecchio and Palmieri)

The Vice-Chair called a RECESS at 8:55 p.m.

The Vice-Chair called the meeting BACK TO ORDER at 9:06 p.m.

8. RESOLUTION TC24-108: Moved by Mr. Donofrio, seconded by Mr. Jenkins
BE IT RESOLVED, That the Trumbull High School Building Committee is hereby authorized to execute additional construction items.

Moved by Mr. DelVecchio, seconded by Ms. Waizenegger to waive the reading of the committee minutes. VOTE: Motion CARRIED 17-1 (AGAINST: Scinto).

Committee Report: The Education Committee met on February 27, 2013 and voted to amend 3-2 (against: Tesoro and Ciocci) and 3-2 as amended (against: Tesoro and Ciocci).

The Chair recognized the amendment in Committee.

Moved by Mr. Palmieri, seconded by Ms. Deyoe to amend to read as: RESOLUTION TC24-108: BE IT RESOLVED, That the Trumbull High School Building Committee is hereby authorized to execute additional construction items not to exceed \$1 million in expenses in reference to the Additional Scope List dated 2-27-2013 and to include the soft and hard costs of JCJ Architecture, O&G Industries and AFB Construction Management.

Ms. Jankovic-Mark spoke against the amendment and explained that the resolution in its amended form has not been properly noticed. If the resolution is going to be changed to that extent the council would have to wait until next month. Mr. LeClair stated per Robert's Rules the resolution can be amended at any time by this body. Ms. Jankovic-Mark stated this is changing the resolution to a great extent and that has not been noticed. Mr. London clarified that it is a proper amendment. Mr. Donofrio explained the amendment in committee was not one that removes money from the project, the discussion had to do with the Additional Scope items and whether there was adequate funding in the contingency to fund the Additional Scope Items, The project was substantially complete in September 2012, there is a punch-list that the council is aware and there is an Additional Scope Item List. The list came to be from the discussion of the Building Committee in some cases for months and for other item years to have some of the items addressed at some point. There is no design for the items and there is no BSF approval. There is a recognized contingency that is comprised of two components, an Owner's contingency of roughly \$2 million and a Construction Manager's contingency of approximately \$1 million. The CM contingency by contract is controlled solely by the CM. The discussion at the Education Committee had to do with what funding was to be allocated to complete the Additional Scope Items. The Additional Scope List has two columns, the Owner's column and the CM column. The items being addressed by the \$1 million allocation were the CM column. The items being addressed in the Owner's column were not in the \$1 million. We are not speaking about reducing funding but managing contingency dollars. (Mr. Ciocci arrived at 9:13 p.m.)

Mr. Palmieri withdrew his motion.

Mr. Donofrio further explained contingency dollars are allocated at the beginning of the project for unforeseen conditions, claims and things that are unavoidable. We now have Additional Scope Items and are at the end of the project, we are fortunate that we have contingency funds to deal with some of these items. Mr. London stated the resolution as proposed had no dollar amount, an amendment to include a dollar amount does not require additional notice, as any other amendment to add money or take out money it does not require additional notice automatically. The amendment is in order.

Mr. Meisner stated that there is approximately \$2 million available for these items and later in this meeting \$800,000 of the \$2 million will probably be allocated for the generator, leaving \$1.2 million. With the savings on the concession stand there is approximately \$1.4 million for the items, there will be fees. The list represents approximately \$2.7 million and we have \$1.4 million to work with, whether \$1

million is approved or not there is a shortfall and some items will need to cut. \$4 million was previously reduced from the budget, subsequently \$2 million was restored last September; the project is coming in well under budget (\$2 million). Mr. Meisner would like to see the \$2 million restored given back to the committee and spoke against the \$800,000 be allocated for the generator project. This project is being micromanaged. All of the items have been discussed in great detail by the Building Committee and spoke against having to cut so many of the items since they are coming in well under budget. The amendment amount is too restrictive. Vice-Chairman Testani stated that many of the items on the list are necessities and many items were identified as such in committee and is why the Education Committee recommended the amendment, this will allow the professionals to make the decision as to what is must have and what is a nice to have.

Mr. Jenkins proposed that Mr. Palmieri withdraw his motion and modify the amended amount to \$1.1 million. Objectively difficult decisions will be made, and believes that some money can be cut from some items that are more wants than needs this amount will allow them a complete finished product that they will be proud of. Ms. Tesoro stated that \$2 million was added back to the project last year and does not understand why this project is being micromanaged and questioned why the Town Council is not demanding that the WPCA members appear before them to explain why they are \$2.5 million over budget. Vice-Chairman Testani called point of order, this discussion is on THS Renovation-Like-New. Ms. Tesoro questioned for the record: Why the Town Council is considering cutting a project that is under budget when we don't ask people to come back and explain why a budget is over budget. The recent actions have been very shortsighted, in May and June of 2011 the BOF and the Town Council took \$4 million from this renovation budget, a year later the council voted to restore \$2 million, now we want to fiddle with this project again, this late in the project the THSBC should be allowed to complete their work without micromanaging the project, doing so makes us look reactive and incompetent, these volunteers some of which who are on the council have worked for over 7 years to complete this project. That time and effort demands our respect. Let them finish their work; do not vote to take away what was given to them to finish the project. Ms. Tesoro's concern is where the generator money is coming from before she can vote on this. Mr. Jenkins stated if he can get another \$100,000 for the THSBC to be able to finish the project that is what he wants and respectfully requested that the amendment be revised to reflect the additional \$100,000. Mr. Palmieri stated that he wants to see the project done and in as nice a manner as possible however the council has the fiduciary responsibility to save money wherever possible as long as it does not sacrifice the needs of the children at the high school.

Mr. Palmieri withdrew his motion.

Mr. Jenkins indicated for Mr. Palmieri that he is hopeful that the \$1.1 million will suffice, he has one concern for item 23 (Signage, Lighting, Walkway and Roof). The estimates are reasonably accurate. Overall throughout the project they have been online with the budgeting. He is looking at the \$1.2 being reduced to \$520,000 because \$480,000 of it is soft costs, so the \$100,000 would be added to the \$500,000 for the THSBC. That is really what will be purchased with the additional \$100,000. If the soft costs are reduced then there will be a little more money available to work with.

Mr. Scinto spoke to why the project needs to be micromanaged, the project is at 7%-8% in change-orders and there have been numerous items purchased for the project at high costs, (i.e. \$75,000 for office furniture, \$75,000 for signs, \$37,000 for the sign at the front of the school, a \$27,000 snow plow, \$153,000 for 36 switch routers, \$12,000 for laser printers and \$12,000 for conference room chairs). Noting that none of those items are for the students. There is almost \$3 million in Additional Scope Items. Mr. Jenkins explained to Mr. DelVecchio that if he can get additional funding to finish the job that is what he wants to do. Mr. A. Barbarotta explained for Ms. Tesoro that he believes the THSBC made an excellent decision to purchase the snow plow; it was well used and will help them maintain the

sidewalks at the high school for a long time. He does not agree with Mr. Scinto's numbers and math. They do not know how he has gotten his numbers at 7%. There is still a lot of balancing to be done with the State. What escalated the change-orders is that some items were taken out of a particular phase of the project and put them in a different phase. They will be going to State to have those items considered. The State deems many items as ineligible and have to be resubmitted, it is their job as the Owner's Rep to get the change-orders down to 5%. Vice-Chairman Testani stated that the Additional Scope Items are still to be presented to the State. Mr. A. Barbarotta agreed and stated they will resubmit the items to get them into phase and they will no longer be considered change-orders. Ms. Jankovic-Mark stated it is premature to be discussing taking money out of the project because they have not gone through commissioning and have not attained bids for the Additional Scope Items and spoke in favor of not amending the resolution or amending to a dollar amount that would enable the project to be completed properly.

Moved by Mr. London, seconded by Ms. Evangelista to amend the resolution to read as:
RESOLUTION TC24-108: BE IT RESOLVED, That the Trumbull High School Building Committee is hereby authorized to execute additional construction items not to exceed \$1.1 million in expenses in reference to the Additional Scope List dated 2-27-2013 and to include the soft and hard costs of JCY Architecture, O&G Industries and AFB Construction Management.

Mr. Jenkins called point order Mr. Palmieri had indicated that he would amend his motion. Mr. Palmieri deferred his amendment to Mr. London.

Mr. A. Barbarotta explained for Mr. Ciocci that the change-order thresh-hold set by the State is 5%. The Additional Scope Items would bring that into jeopardy. Mr. Donofrio stated that CGS provides for if the change-orders exceed 5% of the approved project cost the change-orders would then be reimbursable at 50%, (some items reimbursement rates start at 15% and others start at 30%). Mr. A. Barbarotta stated some of the items are on the change-order list because they had to be done, (i.e. Requirements by the Fire Marshal). These types of items come up because it is a renovation and no one knows what is behind the walls or above the ceiling. It is not work that is just chosen to be done because they wanted to, it was done because they had to.

In response to Ms. Tesoro, Mr. A. Barbarotta explained that we as a Town are obligated to do everything we have to do to meet all of the codes; it is not by choice we have to meet code to get reimbursed. He believes there is enough money to meet all of the code requirements, they tried to put a final list together to complete the project, if money is taken out the additional list will not be done in its entirety, cuts will be necessary. It is not prudent to finish a job and not keep a contingency. If we were at the end of the job and could guarantee the Town that there were no legal actions against them that would be different, hopefully there will be more money coming back to the project and they will be able to do more items on the Additional Scope List. They are still trying to determine what the list of items to be done is, then they can come back with identified costs. They have orders to move forward, Mr. Jenkins is trying to get enough money back in so that they can get access to the mechanicals, it was designed incorrectly and they are trying to get the professionals to take responsibility. He hopes to win some of those legal arguments to have more money to put back. We are getting to the end and will have some of those answers soon. He needs to get the project closed out.

Mr. Whitmoyer stated that the intent of the amendment was to protect the contingencies. They have seen the list its final form 4-5 times and every time it comes back there is something added, sometimes without numbers. The point of the amendment is closure, dates have been heard that the project would be finished, they have come and gone and now the list represents work through the end of August 2013. The school will have NEASC at the school in October 2013 to do an assessment of the school. The

school has been preparing for this assessment for two years, the last thing they need is to have a construction crew on-site. It would have been disrespectful to go through the list line item by line item and spoke in favor of setting what needs to be done and with how much it could be done within and spoke in favor of the amendment of the additional \$100,000. Mr. Ciocci indicated that he wants closure and to reign in costs, but is conflicted because he wanted to go line item by line item to determine what is necessary, he disagrees that a number can be determined without doing so. His recommendation is to go through each line item and spoke against an arbitrary number. Mr. London agreed with Mr. Whitmoyer and urged a vote on the amendment; he spoke against going line item by item. Mr. Donofrio explained that there is \$3 million left in contingencies, 1/3 of that is CM contingency which is part of the GMP and under the Owner/CM agreement is controlled by the CM. We will not know until every sub is closed out and every claim resolved how much of the \$1 million is coming back to the Town. There is \$2 million remaining in the Owner's Contingency, other project liabilities is not on the Additional Scope Items List, and is surprised no one has asked about this. There are other project liabilities. There is a sub-contractor claim by a second tier sub for \$144,000, there is a request for additional general conditions by the CM for \$175,000, and there will be requests for equitable adjustments from the architect and the owner's rep for the duration performance in the closeout phase. There are several hundreds of thousands of dollars possibly a half a million dollars of claims that we know of, there will be more claims. That is what the contingency is for, to deal with the unforeseeable and the avoidable. The amendment is not an arbitrary number, they have looked at what the project has, what a reasonable reserve is, based on what is known and the experience of the construction team. Renovation jobs are very difficult, the THSBC has done an outstanding job on this project, the fact that there is contingency money and an Additional Items List 6 months after substantial completion is something to be proud of, but at the same time when looking at the list there are items that are safety related and need to be done, but the lion's share are not code issues and would have not been on the list. If the project does not need a million dollars to close out the project, there are items on the list that could then be done without a CM or an architect, (i.e. motorizing back boards).

Mr. Meisner re-read the amendment as follows:

RESOLUTION TC24-108: BE IT RESOLVED, That the Trumbull High School Building Committee is hereby authorized to execute additional construction items not to exceed \$1.1 million in expenses in reference to the Additional Scope List dated 2-27-2013 and to include the soft and hard costs of JCJ Architecture, O&G Industries and AFB Construction Management.

Mr. Meisner stated that the Additional Scope Item List has two columns, one is the Owner's and the other is the CM, this amendment only limits the CM column and any other associated fees. That column totals \$1.5 million plus there will be soft costs that could be as high as \$500,000 the amendment is \$1.1 million. All present agreed. Vice-Chairman Testani stated that this will put the list into the THSBC's hands to make the determination of which items will be done.

VOTE: Motion CARRIED 13-4-2 (AGAINST: Basbagill, Jankovic-Mark, Tesoro and Meisner)
(ABSTENTION: Ciocci and DelVecchio)

VOTE: ADOPTED as Amended 13-4-2 (AGAINST: Basbagill, Jankovic-Mark, Tesoro and Meisner)
(ABSTENTION: Ciocci and DelVecchio)

9. RESOLUTION TC24-117: Moved by Ms. Deyoe, seconded by Ms. Lamberti.
(Mr. London recused himself at 9:57 p.m. Antinozzi Associates is a client of his.)
BE IT RESOLVED, That Antinozzi Associates is hereby approved as the engineering consultant and architect for the design of the additional generator and related electrical system at Trumbull High School.

Committee Report: The L&A Committee met on February 25, 2013 and voted 3-0-1 (ABSTENTION: Jankovic-Mark).

Mr. Marsilio confirmed for Mr. DeVecchio that the project had not been bid to date, the 8 bids referenced in the L&A minutes were for the design team, the on-call architectural and engineer services, (not the project) and were procured through the RFP process. Everything done has been done on a pro bono basis; they have conceptual estimates, if the project moves forward they will have full estimates of what the design team will be and approximate estimates of what the construction costs would be. When they speak about bid, whether it is for architects, attorneys or a design team they ask for qualifications, when the Town hires on-call firms they hire them on the basis of qualifications and every project that comes up they ask them for a not-to-exceed price associated with and based upon the scope of services. Ms. Jankovic-Mark stated that the committee minutes are not clear. Mr. Marsilio further clarified that 8 responses were received from the advertisement for the on-call architectural services, (not for this particular project). Mr. Meisner stated that the resolution is to approve Antinozzi as the engineering consultant and architect for the project, any funding would come through as another resolution.

VOTE: ADOPTED unanimously.
(Mr. London returned to the meeting at 10:07 p.m.)

Moved by Mr. Palmieri, seconded by Mr. Donofrio to take RESOLUTION TC24-119 as next item of business.

VOTE: Motion CARRIED unanimously.

10. RESOLUTION TC24-119: Moved by Mr. LeClair, seconded by Mr. Palmieri.

(Mr. London recused himself at 10:08 p.m. Antinozzi Associates is a client of his)

BE IT RESOLVED, That Antinozzi Associates is hereby approved as the engineering consultant and architect for the design of the concession stand at the Trumbull High School football field and;

BE IT FURTHER RESOLVED, That Antinozzi Associates is directed to prepare a schematic design of the concession stand which shall be submitted to the Trumbull Town Council by March 21, 2013.

Moved by Mr. DeVecchio, seconded by Ms. Deyoe to waive the reading of the committee minutes.
Committee Report: The L&A Committee met on February 25, 2013 and voted 3-0-1 (ABSTENTION: Jankovic-Mark).

Mr. Meisner stated that in committee they had discussed a pre-fabricated design and their frustration over the fact that \$50,000 had been paid to date for an unusable plan, this resolution involves a possibility of spending \$48,000 for another set of plans and questioned if this resolution was premature since the pre-fab design solution appears promising. Mr. Marsilio stated they will spend only what has to be spent, it is still unknown what the kitchen configuration will be and are actively exploring other design options and noted that they do look promising. There could be the possibility of purchasing the bathroom area of the project and reconfigure the existing concession stand to save money, and then they would only be addressing the concession stand which would be a much smaller amount of that full blown redesign of the concession stand. When they have options they will be able to identify how much outside work needs to be done to accomplish that. They are currently in the conceptual phase, right now he can say that the concession stand does not have adequate water or electrical service, they are not sure where the sanitary sewer line is and there are a couple of ADA issues that only an architect can address. All options will be looked before moving forward with a full set of plans. Mr. Marsilio indicated for Mr. Palmieri that the March 21st date contained in the resolution is ambitious, a schematic design and some dollars amounts could be presented to be refined at a later

date, suggesting leaving the date as it is and if they can not make the date they will apprise the council as such.

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

VOTE: ADOPTED unanimously. (*Emergency Legislation*)

(Mr. London returned to the meeting at 10:16 p.m.)

Moved by Mr. Jenkins, seconded by Ms. Deyoe to pass RESOLUTIONS TC24-117 & TC24-119 as Emergency Legislation. Due to the time element of the resolutions.

(Mr. London recused himself at 10:17 p.m. Antinozzi is one of his clients)

VOTE: Motion CARRIED 18-1 (AGAINST: Waizenegger)

(Mr. London returned to the meeting at 10:19 p.m.)

11. RESOLUTION TC24-118: Moved by Meisner, seconded by Mr. London.

BE IT RESOLVED, That a budget not to exceed \$800,000 is hereby approved for the design and construction of improvements to Trumbull High School relating to Emergency Management Shelter needs.

Committee Report: The L&A Committee met on February 25, 2013 and voted 3-0-1 (ABSTENTION: Jankovic-Mark).

Mr. Meisner referred to Mr. Donofrio's earlier comments that there is approximately \$2 million left in the owner's contingency, approximately \$500,000 is encumbered for potential liabilities leaving \$1.5, \$1.1 million was just approved for the THSBC to use for the Additional Scope Items, there is not enough money left to fund this item and spoke against allocating this amount. Mr. Donofrio explained that the \$1 million is under the CM's control and will not know how much will be given back and it is not known what the cost of the remaining items will be until it is done, (i.e. terrazzo floors and the concession stand). The budget is very tight and the cost of the generator is not known until is bid.

Mr. A. Barbarotta indicated for Vice-Chairman Testani that there is a good possibility that the new generator would be reimbursable by the State at 30%. This is not redoing something; it is adding to the current capacity to make it a shelter and believes they have a solid argument for full reimbursement. We need to get designs in order to be able identify real numbers. Ms. Tesoro stated that they are voting without knowing the cost of the project and are taking money out of the project again; this should not have been part of the high school bonding authorization. Mr. A. Barbarotta explained for Ms. Tesoro that the reason the items are on the Additional Scope List is because the committee was never confident that there would be enough money at the end of the project to pay for all of them. They are focused on meeting the charge of the council to have a Like-New-Renovation and meet all of the codes. Vice-Chairman Testani clarified that the council is voting on an estimate. Mr. A. Barbarotta agreed and added that these are professional estimates, based on the size and cost of the generator. In response to Ms. Jankovic-Mark, Mr. Donofrio stated that the estimate includes \$156,000 as contingency noting that this makes you wonder how much contingency should be on the \$1.1 million approved earlier at this meeting. It has been discussed whether this was part of the project in the beginning or not, this is a public safety issue and must be taken into consideration when prioritizing. Ms. Jankovic-Mark asked if it safe to vote on this based on the limited funds available. Mr. Donofrio stated that the THSBC is going to have to make some difficult decisions based upon the funding allocated from the contingency for the Additional Scope Item list and will have to have those items designed, publicly bid and will then have the opportunity to have purchase orders and contracts issued. We will have a much better understanding after those items are bid of exactly what the prioritized items will cost and at that point a decision will

have to be made. We will have a better idea of how much of the contingency will be needed to close the project out.

Mr. Palmieri pointed out that the resolution incorporates the language “not-to-exceed” this is not an open ended amount it is up to a maximum amount. This particular item falls under the category of an unfunded mandate and we do not have a choice because the high school is designated as a shelter, we have to do this per FEMA guidelines. Mr. A. Barbarotta agreed. Mr. Whitmoyer stated that before the project started the high school was a shelter and met the guidelines. Mr. A. Barbarotta confirmed for Mr. Whitmoyer that the current generator is sized to protect the mechanical equipment on the roof and lighting to get the students and staff out of the building. There is not enough power for a shelter, the architect was told it was a shelter, and they are looking into and investigating that as part of a claim. The new generator is approximately twice the size of what it is. Mr. Whitmoyer stated that there is an alternative that this will negotiated and the Town will not have to put out the additional money. Mr. A. Barbarotta stated the question will be how much power is necessary to have the building serve as a shelter. It should be enough that the building was a shelter when they began and they wanted it to be a shelter when the project was done, this was communicated to the architect and they are looking at why it was missed; it may have increased in scope since. The current generator will remain. Mr. Scinto stated that the current generator can power the building to get everyone out; the new generator will power sections of the building for use, (cafeteria, communication systems, auditorium and more). The current generator is much lower in power and can not do any of that, it is much lower in power than it was supposed to be. This project will not be done until all of the construction is complete and the THSBC project is out of the building and the project is closed out. The exact cost of the project will be known at that time. Mr. Scinto added that in order to do this project they will have cut the power to the whole building. (Ms. Evangelista left the meeting at 10:38 p.m.)

Mr. A. Barbarotta explained for Mr. Ciocci that he does not know the timeline of this project the EMSBC has not shared that information; the THSBC has not been involved in this project. Mr. Scinto has explained that this project will not begin until the THSBC project is complete which will be after August 2013. He is looking for a quick closeout for August.

Ms. Tesoro stated the resolution is not dealing with the funding it is a not-to-exceed number. (Ms. Evangelista returned to the meeting at 10:40 p.m.)

Ms. Tesoro stated that in June 2012 when the \$2 million was restored to the THSBC this generator was not discussed, the council did not know about it, there were people who were aware of this but did not tell the council, had they known about it in June 2012 perhaps they would have added back more. Ms. Tesoro read from the June 2012 Town Council minutes with regard to the compromise and the First Selectman listed items that were to be priority and noted that here was no mention of a generator. Vice-Chairman Testani indicated that there is discussion on the generator now and called for the vote.

VOTE: ADOPTED unanimously.

There being no further business to discuss and upon motion made by Mr. DelVecchio, seconded by Ms. Lamberti the Trumbull Town Council adjourned by unanimous consent at 10:41 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk