

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

TELEPHONE
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MINUTES
October 7, 2013

CALL TO ORDER: Chairman Carl A. Massaro, Jr. called the regular meeting to order at 8:03 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:

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

ABSENT: Jeff S. Jenkins and Thomas Whitmoyer.

ALSO PRESENT: First Selectman Timothy Herbst, Chief of Staff Jesse Jablon, Director of Finance Maria Pires, Fire Chief Doug Bogen and John Barbarotta of AFB Construction Management.

Trumbull High School Building Committee Update:

Mr. J. Barbarotta reported that there is no activity at the high school this week due to the NEASC evaluation/accreditation taking place. All workers were asked not to be present at the high school during the evaluation.

Punch List Items: The punch list is down to one page. The majority of the punch list is due to commissioning. There are 25 outstanding commissioning items. The issues have been identified and assigned to someone to fix. Commissioning is 80% complete. There is fiber cable on the punch list; it runs from the auditorium to the other end. This was something that had not been done and is owed to the project. It is expected to be completed next week.

Close Out Items: There are very few closeout items, warranties etc. to collect. What is left should be done in a week or two.

Additional Work: Additional work was approved (roof access, roof lighting) and will start next week and will be completed by approximately mid-November. This work had been assigned to Bismark Construction. The goal is to finish all work by Thanksgiving.

- Heat Issues in the Coaches' Area and Locker Rooms: This has been addressed, some of the equipment is on-site, and some is due. They expect to start installation next week and expected to be completed in November.
- Upper Media Center – Special Ed heating issue has been addressed by adding fans to move the air, this is the longest lead item and is scheduled for early November. Once they receive the equipment the installation will take a few weeks.

Mr. Barbarotta indicated for the Chair that the additional items approved are as follows and should be completed in November: Heat in the locker rooms, (there is one thermostat in each of the locker rooms (boys and girls). The adjoining offices, AD, coaches and secretaries need heat pumps and coils since the locker rooms are much warmer with 50 students in them keeping the thermostat reading high therefore no heat is called for in the office area.) This has been on-going problem for the last three years; Media Center Fan and Roof Lighting & Steel.

Mr. Barbarotta stated that it is possible the commissioning will be done in November if they keep moving forward as they have been.

The Chair indicated that the EMS Building Committee is waiting for the as-built. Mr. Barbarotta indicated that the as-built was being shipped today; they were unable to send it via e-mail because the files were too large. It is possible the 25 commissioning items may change the as-built and will need to be added. The Chair requested that Mr. J. Barbarotta make sure Mr. Lisi is aware that the as-built will need to be adjusted. The Chair stated that he would request the financial report from O&G. Mr. Barbarotta stated that he would have Mr. Holmes of O&G send the financial report to the Chair.

Mr. DelVecchio stated that the Town Council was to have seen and voted the final plans for the concession stand. The final cost was \$280,000 including the work the Highway Department had performed. Mr. DelVecchio requested a list of what work had been done representing the \$280,000. The Chair stated that he could bring the Director of Public Works to speak to the concession stand. Mr. DelVecchio stated it would not be necessary to bring him to the meeting, he would only request the list for the next meeting. Ms. Waizenegger spoke in favor of the concession stand/bathroom project's final cost noting the concession stand/bathroom project done by the Public Works Department came in at a fraction of the bid price. Ms. Waizenegger stated the bathrooms were beautiful. Ms. Jankovic-Mark stated that Mr. DelVecchio's point is that the proper process should be followed and believes the Town Council was supposed to approve the final cost of the project.

Mr. J. Barbarotta explained for Ms. Testani that they could apply for reimbursement on the concession stand/bathroom project. That has not been done to date. The Chair noted that there are number of change orders that have will be addressed with the State for reimbursement eligibility. Mr. Barbarotta confirmed that had not been done yet. Mr. Pia explained that when the Town took over the parking lot portion of the project they were told it would qualify for reimbursement as long as it met the criteria for state reimbursement and would expect the concession stand/bathroom project would have the same possibility. Mr. Pia spoke to Mr. DelVecchio's point that \$280,000 is a lot of money for a project when the median price of a home in Trumbull is \$346,000 which includes buying the land.

THS Renovation Audit Update: Postponed to the November meeting. A written report is expected. When the Chair receives it will be distributed to the council.

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

Moved by Mr. DelVecchio, seconded by Mr. Pia to take Resolution TC24-160 out of order.
VOTE: Motion CARRIED unanimously.

Mr. DelVecchio recused himself at 8:20 p.m., Mr. Picarazzi is a business associate of his.

1. RESOLUTION TC24-160: Moved by Ms. Deyoe, seconded by Mr. LeClair.
BE IT RESOLVED, That the appointment by the First Selectman of Guido Picarazzi, Sr. of 51 Hillston Road as a member of the Inland Wetlands and Watercourse Commission, be and the same is hereby approved for a term extending until December 1, 2014.

Committee Report: The L&A Committee met on September 30, 2013 and voted unanimously to send without recommendation.

Mr. Picarazzi of 51 Hillston Road was present and indicated his party affiliation as unaffiliated. Mr. Picarazzi raised his family in Trumbull; he was asked by the First selectman to serve and feels it is time he gave back to the Town. Mr. Picarazzi has been in the construction business all his life.

VOTE: ADOPTED unanimously.

Moved by Mr. London, seconded by Ms. Deyoe to pass RESOLUTION TC24-160 as Emergency Legislation.

VOTE: Motion CARRIED unanimously.

*Mr. DelVecchio returned to the meeting at 8:23 p.m.

2. RESOLUTION TC24-159: Moved by Ms. Lamberti, seconded by Mr. Palmieri.
BE IT RESOLVED AND ORDAINED, That Chapter 18 of the Municipal Code be amended to include Article V, Police and Firefighter Surviving Spouse Tax Relief Regulations, enacting a tax abatement program for spouses of police and firefighters. (*Full Resolution Attached*)
By unanimous consent the Town Council waived the reading of the full resolution.

Committee Report: The L&A Committee met on September 30, 2013 and voted unanimously as twice amended.

First Selectman Herbst indicated the committee report detailed why the ordinance has been proposed and why it is important. The genesis of the enabling legislation came in 2002 shortly after 9-11. This is something that is long overdue for the Town. The Town of Trumbull has an outstanding volunteer fire department. Chief Bogen of the Long Hill Fire Department was present at this meeting representing the three fire departments.

Mr. London stated that he was originally going to suggest amending the resolution to include EMS to the resolution but has since learned that the state statute would prohibit it. He hopes that the EMS volunteers understand that they are not being excluded rather it is due to the enabling legislation does not allow the Town to include them. Mr. London spoke in favor of the ordinance and added that this is long overdue.

First Selectman Herbst explained for Mr. Pia that Section 18-64, subparagraph 1 addresses his concern of the length of the abatement. The real property abatement will carry forward as long as the person resides in the home.

Mr. Pia suggested amending the resolution to include military personnel and a Town resident who gives his life for another. First Selectman Herbst explained this resolution is before the Town Council because it is specifically prescribed by the enabling act. The enabling act is silent as to military, EMS personnel and civilians. He suggested that this body research such a resolution and have the Town attorney research enabling legislation that would allow it. The Chair stated that there is an existing surviving veteran spouse ordinance in the Trumbull Municipal Code and a veteran exemption for veterans residing in Town. These are permitted by State Statute. Mr. Pia suggested an amendment to include not only the surviving spouse but the house dependent. The Chair stated the state statute only gives this tax abatement to the surviving spouse there is no legislation to descend the benefit to the dependent. The Eligibility Section requires the ownership of the real estate to be the owner as well as the principal occupant. State statute limits the ordinance to the surviving spouse and is the only language included.

First Selectman Herbst explained for Mr. Basbagill based on Section 18-61 this is to relieve the financial hardship of the surviving spouse. The ordinance takes into account if after a certain time period the spouse remarries; the initial financial hardship will have passed and/or have been alleviated by an additional income. Section 18-64 establishes specific eligibility. First Selectman Herbst stated that the Town wants the ordinance in place so that our police officers and firefighters know the Town honors them if they give the ultimate sacrifice while discharging their duties. We all hope this never happens. If we have to use this ordinance we hope it is due to the rarest of circumstances. Mr. Basbagill suggested being generous for a shorter period of time, i.e. abate 100% of all taxes for a limit of ten years. In response to Ms. Tesoro First Selectman stated that many surrounding towns have this ordinance. Much of the language from the surrounding towns was incorporated into this ordinance. Ms. Tesoro would support 100% of the taxes rather than the cap. In committee the Tax Assessor preferred a percentage over a dollar amount. First Selectman Herbst stated this will be the collective decision of the council. Trumbull has a high concentration of fire and police personnel who live in Trumbull than the surrounding Towns. Ms. Tesoro asked what other towns besides Easton, Monroe and Newtown have this ordinance. Ms. Tesoro stated Monroe's ordinance included a clause that their Town Council would monitor the financial impact to the town and reserved the right to revoke or amend the resolution.

In response to Mr. Palmieri First Selectman Herbst stated he would estimate that there is a minimum of 200 police officers and approximately 100-175 firefighters who reside in Trumbull.

Mr. Meisner noted that he had asked in committee what other death benefits police officers receive. First Selectman Herbst and Ms. Pires stated that they are still in the process of gathering that information.

Mr. Meisner stated there had been some substantive issues raised and clarification of the definition of spouse was requested. It would be appropriate to send the resolution back to committee.

The Chair recognized there were two amendments made in committee. Mr. Meisner stated that he would rather send the resolution back to committee as it was on the agenda, it would be cleaned up and sent to the full council as a clean bill. The Chair clarified that the resolution as it appears on the agenda would go back to committee and there would be no amendments made to it before it goes back to the committee.

Moved by Mr. Meisner, seconded by Mr. Palmieri to SEND BACK to committee un-amended.

VOTE: Motion CARRIED 16-2 (AGAINST: London and LeClair)

3. RESOLUTION TC24-161: Moved by Ms. Deyoe, seconded by Mr. Donofrio.
BE IT RESOLVED, That \$97,226 is hereby appropriated from the General Fund, \$6,863 to 01012600-501105 Technology-Salaries-OT, \$2,482 to 01023400-501102 Emergency Management-Salaries-PT, \$1,531 to 01023400-501105 Emergency Management-Salaries-OT, \$24,117 to 01030101-501105 HWY-Snow Removal-Salaries-OT, \$60,635 01030400-522204 Recycling-Services & Fess Contractual, \$1,598 to 01060200-501105 School Nurses-Salaries-OT.

Committee Report: The L&A Committee met on September 30, 2013 and voted unanimously.

Ms. Pires explained for Mr. DelVecchio that the recycling account of this resolution represented two resident brush pick-ups from Hurricane Sandy and Storm Nemo. This has always been in this account. Public Works has several departments, one of which is recycling.

VOTE: ADOPTED unanimously.

4. RESOLUTION TC24-162: Moved by Mr. Basbagill, seconded by Mr. Meisner.
BE IT RESOLVED, That the appointment by the First Selectman of Mark MacKeil of 27 Edgewood Avenue as an alternate member of the Inland Wetlands and Watercourse Commission, be and the same is hereby for a term extending until December 1, 2014.

Committee Report: The L&A Committee met on September 30, 2013 and voted unanimously.

VOTE: ADOPTED unanimously.

There being no further business to discuss and upon motion made by Mr. DelVecchio, seconded by Mr. Pia the Trumbull Town Council adjourned by unanimous consent at 8:59 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

RESOLUTION TC24-159; BE IT RESOLVED AND ORDAINED, That Chapter 18 of the Municipal Code be amended to include Article V, Police Officers and Firefighters Surviving Spouse Tax Relief Regulations, enacting a tax abatement program for surviving spouses of police officers and firefighters; and

WHEREAS, Police Officers and Firefighters provide life-saving public safety service to the Town of Trumbull; and,

WHEREAS, The Town of Trumbull is enabled by Connecticut General Statute 12-81x to provide for an abatement of all or a portion of property taxes due with respect to real estate owned and occupied as the principal residence of the surviving spouse of a police officer or a firefighter who dies in the performance of such police officer's or firefighter's duties; and,

WHEREAS, the Town of Trumbull desires to recognize the courageous service of police officers and firefighters by providing tax relief for their spouses in the event of their death in the performance of their duties;

NOW THEREFORE, BE IT RESOLVED AND ORDAINED, That Chapter 18 of the Municipal Code be amended to include Article V, Police and Firefighter Surviving Spouse Tax Relief Regulations and the following:

Sec. 18-60. – Generally.

The Town hereby enacts a tax abatement program with respect to real property owned and occupied as the principal residence of the surviving spouse of a police officer or firefighter who dies while in performance of such officer's or firefighter's duties pursuant to Connecticut General Statute § 12-81x and on the terms and conditions provided herein.

Sec. 18-61. – Purpose.

The purpose of this Ordinance is to honor police officer's and firefighter's who die while in the performance of his or her official duties and to ease the resulting financial burden on such officer's or firefighter's surviving spouse.

Sec. 18-62. – Definitions.

For purposes of this Ordinance, the following terms shall be defined as follows:

(1) Police Officer. The term "*police officer*" shall be defined as any person who is a duly employed member of a state or municipal police department in the State of Connecticut, serving in an official capacity, full-time or part-time, with or without pay.

(2) Firefighter. The term "*firefighter*" shall be defined as any person who is a duly employed or volunteer member of a fire department in the State of Connecticut, serving in an official capacity, full-time or part-time, with or without pay.

(3) Police Duties. The term "*police duties*" shall be defined as duties which an officer is obligated or authorized by law, regulation, or written condition of employment to perform.

(4) Fire Duties. The term "*fire duties*" shall be defined as duties performed while traveling to, at, or returning directly from fires or fire related calls, alarms of fires or calls for

mutual aid assistance, or tests or trials of any apparatus or equipment normally used by the fire department; while instructing or being instructed in fire duties; or while engaging in any other duty ordered to be performed by a superior or commanding officer in the fire department.

(5) Surviving Spouse. The term “*surviving spouse*” shall be defined as the spouse of a police officer or firefighter at the time such police officer or firefighter dies in the performance of his or her police duties or fire duties.

Sec. 18-63. – Tax Abatement Program

Subject to the eligibility terms and conditions set forth herein, there is hereby established effective the Grand List of October 1, 2013 an abatement of 100% of municipal real property taxes due or \$7,500 per year, whichever is less, with respect to real property in the Town of Trumbull owned and occupied as a primary residence by the surviving spouse of the following persons:

- (1) a police officer who dies in the performance of his or her police duties; or
- (2) a firefighter who dies in the performance of his or her fire duties.

Sec. 18-64. – Eligibility.

Municipal real estate taxes due on the real property shall be abated until the earlier of the following events:

- (1) the real property ceases being the surviving spouse’s primary residence;
- (2) the surviving spouse conveys legal title to the real property;
- (3) remarriage of the surviving spouse; or
- (4) 90 days after the death of the surviving spouse.

Sec. 18-65. – Administration.

The Tax Collector and the Tax Assessor shall prescribe such forms and procedures as they deem necessary and appropriate to implement this Ordinance.

The Tax Assessor, in addition, shall take steps as necessary and appropriate to satisfactorily establish the facts that support the eligibility of the surviving spouse for abatement of municipal real property taxes on an initial and continuing periodic basis.

Further, the Tax Collector and the Tax Assessor shall create and maintain records of the sum of the total monies abated as a result of this Ordinance on a fiscal and ongoing basis to be submitted for review by the Town Council and Board of Finance upon request.

Sec. 18-66. – Effective Date.

This Ordinance shall be effective upon the date of adoption.