

TOWN COUNCIL
Town of Trumbull
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TOWN HALL
Trumbull

TELEPHONE
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February 6, 2014
MINUTES

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 clerk called the roll and recorded it as follows:

PRESENT:

Suzanne S. Testani	Joseph G. Pifko	Thomas Christiano
Vincent DiMasi, Jr.	Vicki Tesoro	Edna Colucci
Mark S. LeClair	Michael J. London	Ann Marie Evangelista
Ennio DeVita	Bethany Llodra Gilman	Kenneth M. Martin, Sr.
Cynthia L. Penkoff	Enrico R. Costantini	Lori Rosasco Schwartz
Tony J. Scinto	Carl A. Massaro, Jr.	

ABSENT: Johnna M. Dineley, Patrick Helfrich, James P. Blose and Daniel Marconi

ALSO PRESENT: First Selectman Timothy M. Herbst, Chief of Staff Lynn Arnow, Director of Finance Maria Pires, Superintendent of Schools Dr. Gary Chialfi, Director of Public Works John Marsilio, Director of Planning & Development Jamie Brätt, Planning & Zoning Chairman Tony Chory, Town Attorney Kovac, Attorney Steven Reilly, Library Director Susan Horton, THSBC Chairman James Nugent, BOE Facilities Director Steve Kennedy, Al Barbarotta of AFB Construction Management, John Barbarotta of AFB Construction Management, Brian Holmes of O&G Construction, Bill Ayles of JCJ Architecture and Scott Collelo of JCJ Architecture.

DISCUSSION ITEMS:

- *Trumbull High School Building Committee Update:*
Mr. Nugent reported construction ended last year. There are a few lingering items that require attention such as signage, hardware and the cart access system. The punch list is down to a few items. Commissioning needs to be completed and there are some ongoing issues with the heating system that need to be addressed. Afterwards they will move on to the closeout documentation phase. The project is still \$2 million under budget based on the \$68 million budget. There is significant contingency money left for both the Construction Manager and the Owner's line items. Concession stand costs are being carried at higher number than the actual cost, once adjusted it will be added back to the project's balance. O&G's report indicates the project 98% to 99% complete. The Trumbull High School Building Committee is meeting next week and are wrapping up the project. The retainage will be given back to the contractors.

Mr. Holmes indicated for the Chair the roof top work is complete with the exception of one light. Locking mechanisms for the 13/3 addition have been approved and ordered. This is usually a 4-6 week lead time for these items. This should be done within the month. The Chair stated that they have to be mindful of the bonding authorization. There is approximately \$1.2 million left in the Owner's and the Construction Manager's contingency. Mr. Holmes confirmed that that is still a viable number. As they closeout there will be some money coming back to the budget, (allowances). Mr. Nugent indicated for Mr. Scinto there are currently enough committee members. Mr. Scinto noted that Mr. Meisner is no longer a voting member since he is no longer a Town Council member. The Chair explained Mr. Meisner and Mr. Jenkins is no longer Town Council members and since they are no longer on the Council they would need to be reappointed. He did not appoint replacements thinking it would not be necessary since the project was finishing and the committee is large enough to constitute a quorum. The Council will do what they need to do to make sure that the committee has enough people to be able to do the work. Mr. Nugent stated he would proceed with the nine members of the committee and if he needs other members will let the Chair know. Mr. Holmes indicated for Mr. Scinto that the change orders are currently at 8%. Mr. Ayles confirmed for Mr. Scinto the printer plotter is still missing. This is a printer is for the Auto Cad class. The printer was one of eight pieces in a delivery signed for in 2011. Mr. Ayles reported to Ms. Penkoff the cost of the missing printer \$2,800. Mr. J Barbarotta explained for Mr. Scinto the \$7,000 Teleserv items represents phone and phone lines in the 13/3 addition. Every classroom has a phone to the main office. Before the renovation there was a PA system. Ms. Penkoff asked for an update on how they were going to make sure the elevator is reliable. Mr. Kennedy indicated that there were issues with the elevator when it was first turned over to the district, this would be the first you heard of an issue since then. Mr. Kennedy will look into the situation and will make sure these instances are logged for future reference.

▪ *Trumbull Library System One Book One Town*

Mrs. Horton explained the One Book One Town program has been in existence for five years. It was introduced by Nancy Hurley in 1999 in Seattle Washington. This program brings people and the community together. Trumbull's first year was 2010 and it happened to be the same year Trumbull introduced the GIS system. The One Book One Town program is intertwined with the TPS Read -Aloud program run by Terry Buckingham. This year's theme for the program is based on baseball, specifically based on the fact that Trumbull won the Little League in 1989. One of the book choices is entitled *The Art of Fielding*. The second choice was entitled, *One Shot at Forever* and ultimately was chosen as the book for the program. They have found those who are interested in the program prefer a challenge. The program will be kicked off on March 2, 2014 at Trumbull High School. There will be 22 different programs, none of which are paid for by tax dollars and are all are privately funded. Ms. Penkoff commended Mrs. Horton for her presentations at the Board of Finance and noted that she was one of the most resourceful Town department heads, the only time the library comes to the Board of Finance is when absolutely necessary.

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

1. RESOLUTION TC25-28: Moved by Mr. Di Masi, seconded Ms. Evangelista.
BE IT RESOLVED, That the appointment of Brian Reilly of 125 Plymouth Avenue as an alternate member of the Zoning Board of Appeals Commission, be and the same is hereby approved for a term of December 3, 2013 through December 05, 2016.

Committee Report: The Rules and Research Committee met on January 27, 2014 and voted 5-0-1 (Abstention: Tesoro).

VOTE: ADOPTED unanimously.

Moved by Mr. London, seconded by Ms. Testani to pass as Emergency Legislation.

VOTE: Motion CARRIED unanimously.

2. RESOLUTION TC25-29: Moved by Ms. Colucci, seconded by Ms. Rosasco-Schwartz.
BE IT RESOLVED, That the appointment of John Rescsanski of 51 Elliott Road as an alternate member of the Zoning Board of Appeals Commission, be and the same is hereby approved for a term of December 2, 2012 through December 7, 2015.

Committee Report: The Rules and Research Committee met on January 27, 2014 and voted unanimously to amend and as amended 5-0-1 (Abstention: Tesoro).

VOTE: Adopted unanimously.

Mr. London called Point of Order. The Chair recognized the amendment in committee.

Moved by Mr. London, seconded by Mr. LeClair to reconsider Resolution TC25-29.

VOTE: Motion CARRIED unanimously.

Moved by Ms. Testani, seconded Mr. Pifko to amend by striking the name ~~John~~ and inserting the name Joseph.

VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended unanimously.

Moved by Mr. London, seconded by Ms. Penkoff to pass as Emergency Legislation.

VOTE: Motion CARRIED unanimously.

APPROVAL OF MINUTES:

The Town Council approved the January minutes of the regular meeting as submitted 15-0-1 (ABSTENTION: London)

Moved by Ms. Penkoff, seconded by Mr. LeClair to take item #4 out of order.

VOTE: Motion CARRIED unanimously.

3. RESOLUTION TC 25-31: Moved by Ms. Llodra-Gilman, seconded by Mr. Di Masi.
BE IT RESOLVED, That the Five Year Capital Plan is hereby approved.

Committee Report: The Public Works Committee met on January 30, 2014 voted to amend and as amended unanimously.

The Chair recognized the amendment in committee. Moved by Mr. London, seconded by Mr. De Vita to amend by adding \$90,000 to line 3, Engineering, Strobel Road Capital Year 2014.

VOTE: Motion CARRIED unanimously.

Moved by Mr. London, seconded by Ms. Penkoff to amend the Total for Engineering to \$1,171,000.

VOTE: Motion CARRIED unanimously.

Moved by Mr. London, seconded by Ms. Colucci to amend the Grand Total to \$3,119,200.

VOTE: Motion CARRIED unanimously.

Mr. London noted that the Five-Year Plan represents a tremendous amount of work on the part of the Director of Public Works and appreciates the work that went into the plan. Mr. Marsilio indicated for Mr. London that he did collaborate with members of the Board of Education staff. All of the paving budget was developed by the Town Engineering Department, inclusive of the costs of the paving. Mr. Marsilio also collaborated with the BOE staff on the Madison Middle School budget and their rolling stock. Mr. Marsilio explained to the Council approving this resolution is the first step of the process. Approval does not authorize the start of any of the projects. The Five-Year Plan represents a capital vision. It needs to be approved for three reasons: one being that the bond rating agencies want to know that the Town has such a plan, secondly Council approval of the plan is required in order to be able to apply for federal and/or state money outside of any bonding requests, and the third is to be able to tighten up the numbers by going out to bid. The next step after approval of the plan is to go before the Board of Finance for consideration to authorize the bonding. This would ultimately come to the Town Council for final approval. Mr. Marsilio indicated for Mr. London the estimates over the five years of the plan are based on their best guess in some cases while the paving estimate uses an incorporated inflation factor. When they go to the Board of Finance and Town Council for bonding authorization approval for the projects it will involve only the 2014 capital year. Those numbers will be very tight, the out years are estimates. It would be prudent to have the discussion involving the changing of this plan while the plan is before this body. Mr. Marsilio explained for Mr. Martin the plan includes an Economic Development section which would be developed by the Economic Development Dept.

First Selectman Herbst explained that the Public Works Director quarterbackes the plan by soliciting the various department heads and incorporating all of the information into the capital plan. The Economic Development Director collaborates with the Public Works Director and in turn the Economic Development Director works with the Director of Planning to determine their priorities. The Director of Finance also helps with the mechanics of putting the document together with the estimates and figures so that we can look at the plan in its totality. (Mr. Christiano left the meeting at 8:56 p.m.) Many department heads are consulted. Mr. Martin noted that the POCD speaks to sidewalks while the plan does not. Mr. Marsilio explained there is an enhancement project for the Long Hill Green included in the Five-Year Plan. With regard to sidewalks there is a long way to go to implement a policy. (Mr. Christiano returned to the meeting at 8:57 p.m.) A discussion will have to take place with this body with regard to sidewalks, such as who would be responsible for them and whose liability it is to have them. The Public Works Department has been maintaining and plowing the sidewalks for the last two months as they always have. Before the Town extends the sidewalks a discussion will have to take place in order to make sure that sidewalks are maintained to the level Town is used to and to determine what the cost would be to do so. The format that is in place in Trumbull as it currently is only in place in 2 other communities in the state. Mr. Marsilio will not be discussing each project's budget within this plan. When each project comes before this body for final funding there would be a presentation with detail. Mr. Marsilio indicated for Ms. Tesoro that last year they were not able to access the grant money for the Long Hill Green project. The money in the bonding authorization has never been accessed. Ms. Pires stated that if the bond is not accessed it will be taken off the list. Mr. Marsilio indicated for Ms. Penkoff over the past four years of work with the United Illuminating Company they had been able to access over \$1 million worth of different energy projects for the Town. The United Illuminating Company will only accept a project if it has a three-year payback or less. Mr. Kennedy explained for Mr. Scinto most of the BOE request will go towards a RFQ to update their facilities assessment. The last facilities' assessment was done on the Board of Education

buildings was in 2007. They have started working with Mr. Marsilio and believe this to be a positive first step. They want to look at the numbers update. Included in the first year of the Five-Year Plan are security issues. From the 2007 assessment report which represented hundred million dollars approximately by 5%-7% of it has been done. The Chair stated that the Board of Education has also formed a committee. Ms. Tesoro stated for the record that she would be voting in favor of this resolution but has asked for an audit of the roads years that have been completed and a look at what is left in the bond on both of those years and would like to have that information in the future.

VOTE: ADOPTED as amended unanimously.

Moved by Mr. LeClair, seconded by Mr. Di Masi to take item #5 out of order.

VOTE: Motion CARRIED unanimously.

4. RESOLUTION TC25-32: Moved by Mr. London, seconded by Ms. Evangelista.
BE IT RESOLVED, That the final Plan of Conservation and Development adopted by the Planning & Zoning Commission be and is endorsed by the Town of Trumbull Town Council.

Committee Report: The Legislation & Administration Committee met on January 27, 2014 and voted unanimously.

First Selectman Herbst commended Planning and Zoning Chairman Tony Chory, members of Planning and Zoning Commission and the Director of Planning and Zoning, Jamie Brätt for the outstanding job they have done of getting the plan to the point. First Selectman Herbst was on the Planning and Zoning Commission in 2006 and had gone through this process. This revision has been the most thorough, most comprehensive and the most community-oriented that he had ever seen not only in Trumbull but also in other municipalities. Planometrics was the consultant and assisted the Planning and Zoning Commission. First Selectman Herbst spoke highly of how the plan takes the Town's greatest natural resource, the Pequonnock River Valley and how it looks at innovative ways to provide connectivity. The plan looked to a way to revitalize the Town Center and also looks at other areas of the Town for commercial purposes. First Selectman Herbst stated Trumbull Center is being renovated but would like to see Trumbull Center filled. One of the ways to do that is to create an atmosphere that would provide competition. This will provide fair competitive pricing as it relates to rents which in turn will drive additional businesses to Trumbull. The cost per square foot of certain areas of town, such as Trumbull Center is higher than some areas of Fairfield. First Selectman Herbst is now the Chairman of The Greater Bridgeport Regional Council, the GBRC has reviewed the plan and has determined this is a solid plan and made minor recommendations to the Council. Examining the preexisting nonconforming uses and how in the long term considering future uses that create connectivity are a priority. First Selectman Herbst applauded the P&Z Commission and especially the Director of Planning, Jamie Brätt as well as the new Zoning Enforcement Officer. (First Selectman Herbst left the meeting at 9:18 p.m.) (Ms. Pires and Ms. Arnow left the meeting at 9:20 p.m.)

Mr. Chory explained for Mr. Scinto the original name of the area he referenced was called the design district and that is because it had a different intent to improve the designs of the existing homes by turning them into semi-commercial uses, i.e. lawyers' offices. With regard to the design district it was never the intention to tear down the existing residences and rebuild. The intention is to protect the residential character of the streets; if one was torn down, the structure

could be rebuilt. If two homes were torn down, one structure could be built in its place up to 25% larger. A limit of 2900 sf was the limit and has not been changed. The long term vision for lower Main Street is to connect the back yards so that there was an entrance across from the mall. If this would happen the commission could consider allowing a larger size structure, but this is the long term vision. The POCD Plan includes an Executive Summary, Sections II, III & IV are excellent in describing what the plan encompasses. Highlights of the plan can be found on pages 2, 23, 33, 60 and 99. Mr. De Vita stated there were some things he would like to see included and suggested that the 2% undeveloped areas of Trumbull be developed and should be what the plan should concentrate on. Mr. Chory stated that the plan does include taking the existing commercial and industrial zones to enhance them so that they can get more use out of them. Ms. Brätt stated there is more that can be done with redevelopment as opposed to concentrating on the 2% that is left that can be developed. The 2% has been highlighted as a conservation goal which is equally as important as development for this document. The spirit that Mr. De Vita described is captured within the plan. Mr. De Vita stated sidewalks should be put in with consideration for the reason people would want to go somewhere specifically as opposed to installing them with the thought if they are there people will use them. Along the river the sidewalk proposed should also include the allowance of construction close by; this will give the people a reason to use the sidewalk. The sidewalk and driveways details should be developed, specifically of how the Town intends to do build them and they should be included. Mr. De Vita stated that on page 41, the language stating that the "Town can contract a transportation planner and/or a landscape architect" should be stricken. That should be up to the developer. Mr. Chory explained to Mr. Christiano that the industrial zones do have a provision to go higher up to 75'. Ms. Brätt stated that P&Z does have legislative authority over the height restrictions and would need a public hearing and that change has not happened, this document, (POCD) does not have the authority. Mr. Christiano stated that he would be in favor of the change.

The Chair stated the GBRC's comments had been forwarded to the council prior to this meeting. (Mr. Scinto left the meeting at 9:33 p.m.) The Chair stated that the GBRC had comments with regard to support for transit, low-impact development, recommendations such as using pervious pavement surface parking, low-impact development, green infrastructure, natural hazard mitigation, maintenance of septic tanks, and on formatting the document, to consider binding the vertically. The Chair called for consideration of adopting these recommendations. The recommendations will go to Planning and Zoning.

Mr. Martin indicated that the POCD's goal is to be implemented over 10 years. (Mr. Scinto returned to the meeting at 9:35 p.m.). How the sidewalks would be implemented and when this might happen would be beneficial. Mr. Chory explained if sidewalks were implemented it would add to the Town's workload and cost. It does not seem practical and they have been hesitant to add them. Ms. Brätt indicated to Mr. Martin each chapter ends with a table of tasks. Now that we will have a POCD it is probable that these tasks would be translated into work orders for each year. Mr. Lavernoich has taken the lead on grant applications and has done a great job at identifying which ones would benefit the Town.

The Chair advised the Council that the resolution is one of endorsement not adoption; the Planning & Zoning Commission will ultimately adopt it. There is a Public Hearing scheduled by the P&Z Commission on March 12, 2014.

Moved by Mr. De Vita, seconded by Mr. Christiano to amend the POCD on page 41 by striking the second sentence of the third paragraph.

(Mr. LeClair left the meeting at 9:45 p.m.) (Ms. Colucci left the meeting at 9:46 p.m.) (Mr. LeClair returned to the meeting at 9:47 p.m.) (Ms. Colucci returned to the meeting at 9:48 p.m.)

Mr. Chory explained the commission included that language with regard to sidewalks in the POCD so there would be a master which would should how the sidewalks would work and fit in. Mr. Pifko stated the sentence reads that the “town could” noting that “could” is an important word, it does not say that the Town will or has to.

VOTE: 2-14 (Against: Testani, Pifko, DiMasi, Jr., Tesoro, Colucci, LeClair, London, Evangelista, Llodra-Gilman, Martin, Penkoff, Costantini, Rosasco-Schwartz and Scinto)

VOTE: ADOPTED 15-1 (AGAINST: De Vita)

5. RESOLUTION TC25-30: Rosasco-Schwartz, seconded by Mr. London.
BE IT RESOLVED, That the Town Attorney is hereby authorized to settle a matter known as Krisak v. Estate of Rufus T. Rockwell, et al and the First Selectman is authorized to execute any and all documents reasonable and necessary thereto.

Committee Report: The L&A Committee met on January 27, 2014 and voted (Against: Martin)

Atty. Kovac stated at the L&A Committee meeting there was a question raised as to what the acreage was for Hawley Avenue, it is 1.1 acres, 50’ wide and 975’ long.

Moved by Mr. Constantini, seconded by Ms. Testani to enter into Executive Session to discuss pending litigation.

VOTE: Motion CARRIED 15-1 (AGAINST: London).

The Town Council ENTERED into Executive Session at 9:51 p.m. with Town Council members Suzanne S. Testani, Joseph G. Pifko, Thomas Christiano, Vincent DiMasi, Jr., Vicki Tesoro Edna Colucci, Mark S. LeClair, Michael J. London, Ann Marie Evangelista, Ennio DeVita Bethany Llodra Gilman, Kenneth M. Martin, Sr., Cynthia L. Penkoff, Enrico R. Costantini Lori Rosasco Schwartz, Tony J. Scinto, Carl A. Massaro, Jr. and Town Attorney Kovac present.

Moved by Mr. London, seconded by Ms. Testani to END Executive Session.

VOTE: Motion CARRIED unanimously.

The Town Council ENDED Executive Session at 10:22 p.m.

VOTE: ADOPTED 13-3 (Penkoff, Martin and Tesoro)

6. RESOLUTION TC25-09: POSTPONED IN COMMITTEE

Moved by Mr. London, seconded by Mr. LeClair to postpone both RESOLUTION TC 25-23 and RESOLUTION TC25-24 to the March meeting.

VOTE: Motion CARRIED unanimously.

7. RESOLUTION TC25-23: BE IT RESOLVED AND ORDAINED, That Chapter 7, Article II, Fire Protection Board is hereby amended and disbanded for a job well done.

POSTPONED TO THE MARCH MEETING.

8. RESOLUTION TC25-24: BE IT RESOLVED AND ORDAINED, That the Insurance Commission is hereby disbanded for a job well done.
POSTPONED TO THE MARCH MEETING.

There being no further business to discuss and upon motion made by Mr. LeClair, seconded by Mr. London the Trumbull Town Council adjourned at 10:24 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk