

TOWN COUNCIL  
**Town of Trumbull**  
CONNECTICUT  
www.trumbull-ct.gov

TOWN HALL  
Trumbull

TELEPHONE  
(203) 452-5005



MARCH 20, 2014  
MINUTES

CALL TO ORDER: Chairman Carl A. Massaro, Jr. called the special 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.

The clerk called the roll and recorded it as follows:

PRESENT: Daniel Marconi                      Joseph G. Pifko                      Edna Colucci  
Vincent DiMasi, Jr.                      Vicki Tesoro                      Cynthia L. Penkoff  
Johnna M. Dineley                      Mark S. LeClair                      Lori Rosasco Schwartz  
Ennio DeVita                      Tony J. Scinto                      Bethany Llodra Gilman  
Enrico R. Costantini                      Carl A. Massaro, Jr.                      Ann Marie Evangelista  
Kenneth M. Martin, Sr.

ABSENT: Suzanne S. Testani, Patrick Helfrich, James P. Blose, and Thomas Christiano.

ALSO PRESENT: Chief of Staff Lynn Arnow, Town Attorney Dennis Kokenos, and Economic Development Director Ed Lavernovich.

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

1. RESOLUTION TC25-48: Moved by Mr. London, seconded by Mr. LeClair.  
BE IT RESOLVED, That Frances M. Basbagill of 14 Deep Gorge Lane, be and the same is hereby appointed as a member of the Trumbull Day Commission for a term extending to September 1, 2104.

Ms. Basbagill of Deep Gorge Road was present and indicated her party affiliation as unaffiliated. Ms. Basbagill is willing to serve on the commission.

Moved by Mr. London seconded by Ms. Rosasco Schwartz to amend the resolution to read as: RESOLUTION TC25-48: BE IT RESOLVED, That Frances M. Basbagill of 14 Deep Gorge Road, be and the same is hereby appointed as a member of the Trumbull Day Commission for a term extending to September 1, 2014.

VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended unanimously.

Moved by Ms. Tesoro, seconded by Ms. Evangelista to pass as Emergency Legislation.

VOTE: Motion CARRIED unanimously.

2. RESOLUTION TC25-49: Moved by Ms. Rosasco Schwartz, seconded by Ms. Tesoro, BE IT RESOLVED, That \_\_\_\_\_ of \_\_\_\_\_, be and the same is hereby appointed as a member of the Trumbull Day Commission for a term extending to \_\_\_\_\_.

Ms. Arnow stated the term would run from September 3, 2012 through September 4, 2017.

Moved by Mr. Constantini, seconded Mr. London to amend the resolution to read as:  
RESOLUTION TC25-49: BE IT RESOLVED, That Richard Pulie of 2 Quaker Lane, be and the same is hereby appointed as a member of the Trumbull Day Commission for a term extending to September 4, 2017.

VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended unanimously.

Moved by Mr. LeClair, seconded by Ms. Rosasco Schwartz to pass as Emergency Legislation.

VOTE: Motion CARRIED unanimously.

3. RESOLUTION TC25-50: Moved by Ms. Tesoro, seconded by Mr. London. BE IT RESOLVED, That Sean Carroll of 11 Old Barn Road, be and the same is hereby appointed as a member of the Trumbull Day Commission for a term extending to September 7, 2015.

VOTE: ADOPTED unanimously.

Moved by Ms. Llodra Gilman, seconded by Ms. Tesoro to pass as Emergency Legislation.

VOTE: Motion CARRIED unanimously.

4. RESOLUTION TC 25-51: BE IT RESOLVED, That the budget of the Trumbull Day Commission for Trumbull Day 2014 is hereby approved.  
The Chair stated this item was not ready for the council at this time.

POSTPONED to the April meeting.

5. RESOLUTION TC25-52: Moved by Ms. Evangelista, seconded by Mr. Marconi. BE IT RESOLVED, That \_\_\_\_\_ of \_\_\_\_\_, be and the same is hereby appointed as a member of the Middlebrooks Elementary School Building Committee.

The Chair explained Michael Giaquinto was appointed to this building committee last month but is unable to serve because he resides out of town therefore is not eligible.

Mr. Constantini moved, seconded by Mr. Pifko to amend RESOLUTION TC25-52 to read as:  
RESOLUTION TC25-52: BE IT RESOLVED, That Ron Bean of 197 Edison Road, be and the same is hereby appointed as a member of the Middlebrooks Elementary School Building Committee.

The Chair indicated that he had spoken with Mr. Bean and has given him the scope of the project. Mr. Bean indicated that he has the time and the willingness to serve. Mr. Bean has had a heating and cooling business in the past.

VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended unanimously.

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

VOTE: Motion CARRIED unanimously.

Moved by Mr. London, seconded by Ms. Llodra Gilman to take Resolutions TC25-54 through TC25-59 out of order.

VOTE: Motion CARRIED unanimously.

6. RESOLUTION TC25-54: Moved by Mr. Marconi, seconded by Mr. London.  
BE IT RESOLVED, That a Charter Revision Study Committee is hereby established, consisting of five (5) members, no more than three (3) of whom shall be members of the same political party. The charge of said committee shall be to determine the need for a Charter Revision Commission and if the need is established, to indicate what matters said Commission should consider. The committee shall report to the Town Council with its findings no later than June 30, 2014.

The Chair explained this is the formation of the Charter Revision Commission. The initiation was voted at March 3, 2014 council meeting. This would formalize the commission, charge it to look over our current Charter and report to the council within 90 days. The Chair explained for Ms. Tesoro that the composition (membership number) cannot be changed, the charge can be.

Ms. Penkoff stated any item of business pertaining to Charter Revision she will abstain from, because she had voted against the initiation of Charter Revision. She has respect for each of the individuals who will be serving on the commission and the service they are about to give.

VOTE: ADOPTED 12-3-1 (AGAINST: Scinto, Marconi and Tesoro) (ABSTENTION: Penkoff)

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

VOTE: 12-3-1 (AGAINST: Scinto, Marconi and Tesoro) (ABSTENTION: Penkoff)

7. RESOLUTION TC25-55: Moved by Mr. Di Masi, seconded by Mr. De Vita.  
BE IT RESOLVED, That Suzanne Burr Monaco of 76 Westfield Drive, be and the same is hereby appointed a member of the Third Charter Revision Commission.

The Chair stated that Suzanne Burr Monaco is the Town Clerk.

VOTE: ADOPTED 14-0-2 (ABSTENTION: Penkoff and Scinto)

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

VOTE: CARRIED 14-0-2 (ABSTENTION: Penkoff and Scinto)

8. RESOLUTION TC25-56: Moved by Ms. Colucci, seconded by Ms. Rosasco Schwartz. BE IT RESOLVED, That Kenneth Martin Jr. of 51 Hilltop Circle, be and the same is hereby appointed a member of the Third Charter Revision Commission.

The Chair stated that Kenneth Martin is a former chair of the Board of Finance and was born and raised in Trumbull.

VOTE: ADOPTED 14-0-2 (ABSTENTION: Penkoff and Scinto)

Moved by Mr. Pifko, seconded by Llodra Gilman to pass as Emergency Legislation.

VOTE: CARRIED 15-0-1 (ABSTENTION: Penkoff)

9. RESOLUTION TC25-57: Moved by Ms. Penkoff, seconded by Mr. London. BE IT RESOLVED, That Adam Maiocco of 80 Oriole Lane, be and the same is hereby appointed a member of the Third Charter Revision Commission.

The Chair stated Mr. Maiocco was present at the meeting.

Ms. Tesoro called point of order. Ms. Tesoro offered an amendment to the resolution.

Moved by Ms. Tesoro, seconded by Mr. Marconi to amend the resolution to read as:

BE IT RESOLVED, That Cynthia Katske of 129 Meadowview Drive, be and the same is hereby appointed a member of the Third Charter Revision Commission.

Ms. Tesoro provided background to the Council as to why she offered the amendment. At the March 3<sup>rd</sup> Town Council meeting it was voted on to establish the Charter Revision Commission. At that meeting she offered an amendment to increase the number of members to six from five. Mr. Herbst discussed at length his vision for the makeup of the commission. Ms. Tesoro's summary of First Selectman Herbst's comments is as follows:

There is nothing to preclude any member of the Council from introducing the names of people to serve on this commission who are Republican, Democrat and independent voters. I'm going to say to my colleagues and you can say to your Democrat colleagues we want Republicans and Democrats to understand the current government and how it works. People shouldn't be politically active per se and should not be members of the Republican Town Committee and the Democratic Town Committee, instead we are going to look at this based upon what is the right thing to do and what is the wrong thing to do. Maybe we need to say you know what Republican Town Committee and Democratic Town Committee, instead of sending people who are politically active send us people who might be Republican and Democrat that understand how town government works and are committed to doing the right thing. That is something I would certainly support because I think this is about doing the right thing. If you think there are qualified independent voters to serve on the Charter Revision Commission send us their names, democrats and republicans as well. We need people to sit on Charter Revision Commission who understand how our town government works and understand why this is a problem and understand we need to correct it. As far as I am concerned that should be the litmus test for anyone who goes on the Charter Revision Commission irrespective of party affiliation. Ms. Tesoro indicated that this is the end of the summary.

(Ms. Colucci left the meeting at 8:24 p.m.)

There were no Democrat nominees on this agenda put forward by the Democratic Town Committee for the following reasons: Ms. Tesoro discovered by accident on March 5<sup>th</sup> that there was going to be a special meeting at that time the date of the meeting had not been scheduled. On March 10<sup>th</sup> she sent an email and asked how many seats on the Charter Revision Commission will be appointed by the Democratic Town Committee. On March 11<sup>th</sup> she received a reply advising her that five names were placed on the agenda. On March 12<sup>th</sup> she replied and asked that resolutions be placed on the agenda for their nominees. She received a response on the same day that the agenda had already been published. On March 12<sup>th</sup> at 10:11 a.m. she replied asking if their nominees would be addressed at the meeting without a resolution on the agenda, if not she requested that an amended agenda be published; she did not receive another email. The two Democrats nominated by Mr. Herbst are supporters of his campaigns. Ms. Tesoro spoke against the process in which the nominees were chosen. The commission charged with suggesting changes should be balanced and fair.

Ms. Tesoro stated that Ms. Katske has a law degree and a Masters degree in tax from Quinnipiac University. After practicing for several years she has been a legal editor for 20 years working on publications and legal documents on complex matters such as federal taxation and patent trade law. Ms. Katske has an in-depth knowledge of the Charter and knows how the town government works. She has been involved extensively as a volunteer in the Trumbull public school system.

VOTE: Motion FAILED 2 -11-2 (IN FAVOR: Tesoro and Marconi) (ABSTENTION: Penkoff and Scinto)

The Chair stated motion failed in the original motion is on the floor.

VOTE: ADOPTED 11-0-4 (ABSTENTION: Scinto, Penkoff, Marconi and Tesoro)

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

VOTE: Motion CARRIED 12-1-2 (AGAINST: Tesoro) (ABSTENTION: Penkoff and Scinto)

(Ms. Colucci was not present to vote) (Ms. Colucci returned to the meeting at 8:28 p.m.)

10. RESOLUTION TC25-58: Moved by Mr. Scinto, seconded by Mr. London.

BE IT RESOLVED, That Daniel Portanova of 95 Teller Road, be and the same is hereby appointed a member of the Third Charter Revision Commission.

Moved by Mr. Marconi, seconded by Ms. Tesoro to amend the resolution as:

RESOLUTION TC25-58: BE IT RESOLVED, That Thomas S. Tesoro of 133 Beechwood Avenue, be and the same is hereby appointed a member of the Third Charter Revision Commission.

Mr. Marconi stated that Mr. Tesoro has a JD from Fordham Law school he is vice president of human resources responsible for 4,000 employees worldwide, including all of the benefit and retirement plans. He is the trustee of both the defined benefit and defined contribution retirement plans with assets of hundreds of millions of dollars. He is a two-term member of the Board of Finance and is thoroughly familiar with the Town budget and pension funding in Trumbull. He is a long term town volunteer softball, soccer and assists with We The People and mock trials at THS. He has been a resident of Trumbull for 23 years. Mr. Tesoro believes the proposal to add Charter language to mandate ARC contributions is an interesting one and

deserves thorough research. His experience in both the public and private sector make him a well-qualified person for this position. Ms. Tesoro spoke in favor of this amendment and noted that Mr. Tesoro is her husband.

VOTE: Motion FAILED: 2-12-2 (IN FAVOR: Tesoro and Marconi) (ABSTENTION: Penkoff and Scinto)

The Chair stated Mr. Portanova was present at this meeting. He is a long time practicing attorney and resident of Trumbull. His party affiliation as Democrat. Ms. Tesoro stated for the record that she will be of abstaining from this vote and the Democratic Town Committee did not nominate Mr. Portanova. The nomination came for Mr. Herbst.

VOTE: ADOPTED 12-0-4 (Tesoro, Marconi, Penkoff and Scinto)

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

VOTE: Motion CARRIED 12-3-1 (AGAINST: Tesoro, Marconi and Scinto)  
(ABSTENTION: Penkoff)

11. RESOLUTION TC25-59: Moved by Ms. Llodra Gilman, seconded by Mr. London. BE IT RESOLVED, That Daniel Shamas of 10 Fairview, be and the same is hereby appointed a member of the Third Charter Revision Commission.

Ms. Tesoro moved to amend the resolution by inserting the name Philip DeGenarro and address to read as 91 Deer Run Rd.

The Chair ruled the motion out of order, per State Statute no more than 20% of the commission can be an elected official. The Town Attorney reviewed the statute and reported later at this meeting.

Ms. Llodra Gilman withdrew her motion.

12. RESOLUTION TC25-60: Moved by Ms. Penkoff, seconded Ms. Dineley. To consider and act upon a resolution which would extend the period of guidance and oversight of the Board of Education facilities, operations, grounds and equipment to the Department of Public Works for a period not to exceed sixty (60) days.

The Chair stated that he had been consulted by Mr. Joseph Peddle and Chairwoman Deborah Herbst, members of the Board of Education. The Council approved the Board of Education's request to extend guidance and oversight to the Public Works Department for 60 days. The 60 days is about to lapse. The BOE has not selected a Director of Facilities to date and requested an extension of time. Members of the Board of Ed are at a banquet this evening and were not able to attend this meeting but urged the Council to pass the resolution.

VOTE: ADOPTED unanimously.

The Chair called a recess at 8:41 p.m.

The Chair called the meeting to order at 8:42 p.m.

13. RESOLUTION TC25-59: Moved by Ms. Llodra Gilman, seconded by Mr. London. BE IT RESOLVED, That Daniel Shamas of 10 Fairview, be and the same is hereby appointed a member of the Third Charter Revision Commission.

The Chair noted that there is a motion to amend to appoint Mr. DeGennaro who is currently an alternate to the BOF. Attorney Kokenos stated that the statute reads that not more than one third of the commission can hold any other public office in the municipality. It is a reasonable interpretation that an alternate of the BOF is a public office; the person is representing the town in an official capacity as an alternate. Therefore amending the resolution with Mr. DeGenarro would make it over one third of the commission. It would be inappropriate to entertain a motion that would bring it over one third of the commission.

The Chair stated that Mr. Daniel Shamos is present at this meeting. Ms. Tesoro stated that she would abstain from the vote based on the fact that the Democratic Town Committee did not put forth this nominee. Ms. Tesoro stated for the record that Mr. Shamos is not the choice of the Democratic Town Committee.

VOTE: ADOPTED 12-0-4 (ABSTENTION: Scinto, Penkoff, Tesoro and Marconi).

14. RESOLUTION TC25-53: Moved by Ms. Rosasco Schwartz, seconded Ms. Evangelista. BE IT RESOLVED, That the Town Attorney is hereby authorized to enter into an agreement to purchase real property in the town of Trumbull containing .39 acres, more or less.

Moved by Mr. Constantini, seconded by Mr. Pifko to enter into Executive Session to discuss pending litigation with Town Council members present Daniel Marconi, Joseph G. Pifko, Edna Colucci, Vincent DiMasi, Jr., Vicki Tesoro, Cynthia L. Penkoff, Johnna M. Dineley, Mark S. LeClair, Lori Rosasco Schwartz, Ennio DeVita, Tony J. Scinto, Bethany Llodra Gilman, Enrico R. Costantini, Carl A. Massaro, Jr., Ann Marie Evangelista , Kenneth M. Martin, Sr., Chief of Staff Lynn Arnow, Town Attorney Dennis Kokenos and Mr. Ed Lavernoich present.

VOTE: Motion CARRIED unanimously.

The Town Council entered into Executive Session to discuss pending litigation at 8:48 p.m.

Moved by Mr. Constantini, seconded by Ms. Dineley to end Executive Session.

VOTE: Motion CARRIED unanimously.

The Town Council ended Executive Session at 9:39 p.m.

The Chair called a recess at 9:40 p.m.

The Chair called the meeting back to order at 10:02 p.m.

Mr. Constantini stated for the record that he is in favor of the resolution and believes it to be a safety issue that is important for the town. Ms. Penkoff stated for the record she does believe this is a safety issue although it is a safety issue for the state of Connecticut not for the Trumbull taxpayers.

VOTE: Motion CARRIED 8-6-2 (AGAINST: Tesoro, Scinto, Marconi, De Vita, Martin and Penkoff) (ABSTENTION: Colucci and Dineley).

Moved by Mr. Pifko, seconded by Mr. Ms. Dineley to enter into Executive Session to discuss pending litigation with Town Council members present Daniel Marconi, Joseph G. Pifko, Edna Colucci, Vincent DiMasi, Jr., Vicki Tesoro, Cynthia L. Penkoff, Johnna M. Dineley,

Mark S. LeClair, Lori Rosasco Schwartz, Ennio DeVita, Tony J. Scinto, Bethany Llodra Gilman, Enrico R. Costantini, Carl A. Massaro, Jr., Ann Marie Evangelista , Kenneth M. Martin, Sr., Chief of Staff Lynn Arnow, Town Attorney Dennis Kokenos and Mr. Lavernoich present.

VOTE: Motion CARRIED 14-2 (AGAINST: London and Martin).

The Town Council entered into Executive Session to discuss pending litigation at 10:06 p.m.

Moved by Mr. London, seconded by Ms. Scinto to end Executive Session.

VOTE: Motion CARRIED unanimously.

The Town Council ended Executive Session at 10:19 p.m.

Moved by Mr. London, seconded by Ms. Llodra Gilman to reconsider Resolution TC25-53.

VOTE: Motion CARRIED unanimously.

Moved by Mr. London, seconded by Mr. De Vita to amend RESOLUTION TC25-53 to read as:

RESOLUTION TC25-53: Moved by Ms. Rosasco Schwartz, seconded Ms. Evangelista. BE IT RESOLVED, That the Town Attorney and the Director of Finance is hereby authorized to enter into an agreement to purchase real property in the town of Trumbull containing .39 acres, more or less located at 5218 Main Street at a price duly authorized.

VOTE: Motion CARRIED 11-4-1 (AGAINST: Tesoro, Dineley, Rosasco-Schwartz and Martin) (ABSTENTION: Di Masi)

\*The Chair Voted

VOTE: FAILED as amended 8-8-1 (AGAINST: Tesoro, Rosasco-Schwartz, Martin, Marconi, Scinto, Dineley, Colucci and Penkoff) (ABSTENTION: Di Masi)

There being no further business to discuss and upon motion made by Rosasco-Schwartz, seconded by Ms. Colucci the Trumbull Town Council adjourned by unanimous consent at 10:23 p.m.

Respectfully Submitted,

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Margaret D. Mastroni