

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

TOWN HALL  
Trumbull

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MINUTES  
September 10, 2015

**CALLED TO ORDER:** Chairman Massaro called the special meeting to order at 8:06 p.m. All present joined in a moment of silence and the Pledge of Allegiance. The Chair asked all those present to remember those who we lost on September 11, 2001.

**Present:** Carl A. Massaro, Jr. Enrico R. Costantini Joseph G. Pifko  
Mark S. LeClair Suzanne Testani Vicki Tesoro  
Michael London Cynthia L. Penkoff Antonio Pettiti  
Tony Scinto Donna Seidell Lori Rosasco Schwartz

**ABSENT:** Kenneth M. Martin, Sr., Ann Marie Evangelista, Bethany Llodra Gilman, Daniel Marconi, Scott Wich, Vincent DiMasi Jr., and Edna Colucci.

**ALSO PRESENT:** First Selectman Timothy Herbst, Chief of Staff Lynn Arnow, Economic Director Jamie Bratt, Town Attorney Vincent Marino, Atty. Knuff representing Westfield and his client Senior Vice-President of Westfield.

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\*Unless otherwise noted the Chair reserved his right not to vote.

Motion made by Ms. Seidell, seconded by Ms. Penkoff to approve the regular August meeting minutes as submitted. VOTE: Motion Carried 10-0-1 (ABSTENTION: Scinto)

Motion made by Ms. Penkoff, seconded by Mr. LeClair to approve the special August meeting minutes as submitted. VOTE: Motion Carried 10-0-1 (ABSTENTION: Scinto)

1. Resolution TC25-195: Moved by Ms. Seidell, seconded by Ms. Rosasco Schwartz. BE IT RESOLVED, That Lori Hayes-O'Brien of 103 Old Tree Farm Lane, be and the same is hereby appointed as a member of the Senior/Community Center and Library Study and Building Committee.

Committee Report: The Public Works Committee met on September 3, 2015 and voted 3-2-1 (AGAINST DeVita and DiMasi) (ABSTENTION: Scinto)

The Chair asked all those present to join in a moment of silence in memory of Dr. Timpanelli who was a gentleman and a true professional educator and someone who benefited many over his years of service.

The Chair noted for the record that Ms. Hayes O'Brien is an unaffiliated voter. The information is necessary to keep track of party affiliations for majority limitation rules.

VOTE: ADOPTED 10-1 (AGAINST: Scinto)

2. RESOLUTION TC25-196: Moved by Ms. Rosasco Schwartz, seconded by Ms. Testani. BE IT RESOLVED, That the acquisition of 1.71 acres of real property known as part of the Hansen subdivision on Huntington Turnpike and contiguous with Mischee Brook Park is hereby approved; and  
BE IT FURTHER RESOLVED, That First Selectman Timothy Herbst is hereby authorized to execute any agreements or take any necessary steps to incorporate said parcel into Mischee Brook Park and complete the acquisition.

Committee Report: The Public Works Committee met on September 3, 2015 and voted unanimously.

The Chair noted that a formal agreement was provided to the Town Council today. . Both parties have reviewed and recommended the agreement and the proposed deed. Atty. Marino confirmed this information.

Moved by Mr. Costantini, seconded by Mr. Pifko to amend to include the language in the schedule A legal description and the intent to make it park land:

RESOLUTION TC25-196: BE IT RESOLVED, That the acquisition of 1.71 acres of real property known as part of the Hansen subdivision on Huntington Turnpike and contiguous with Mischee Brook Park is hereby approved; and

BE IT FURTHER RESOLVED, That First Selectman Timothy Herbst is hereby authorized to execute any agreements or take any necessary steps to incorporate said parcel into Mischee Brook Park and complete the acquisition; and

BE IT FURTHER RESOLVED, That the parcel shall be dedicated as park land and will be incorporated into Mischee Brook Park upon acquisition.

Atty. Marino stated dedicating this parcel as park land makes perfect sense. The distinction between what the Town categorizes as land being dedicated as park land v. open space is as follows:

- Park land is dedicated for the specific maintenance as park property and to be overseen by the Parks Commission. Once it is park land it will not come back. The Town will lose its discretion it would have if it were open space, (i.e. using it for a cell tower). In this instance this parcel would serve no legitimate purpose as

general open space. It is approximately 1.71 acres and adjoins park land. In this instance it makes perfect sense.

The Chair further explained that once the municipality, through its legislative body dedicates land to the Parks Commission such land cannot come back to the Town unless that land is given back by the Parks Commission and the Town substitutes land to the Parks Commission. This is a significant commitment but one that makes sense given its location.

VOTE: Motion to amend carried unanimously.

VOTE: ADOPTED as amended unanimously.

3. RESOLUTION TC25-197: Moved by Ms. Testani, seconded by Mr. Costantini  
BE IT RESOLVED that the Town of Trumbull does hereby abandon its interest in and discontinue its public use of portions of Stuart Place and Lorraine Street and that First Selectman Timothy M. Herbst is authorized to execute all necessary agreements and documents to effect the same.

Mr. London arrived at the meeting at 8:25 p.m.

Mr. London recused himself at 8:26 p.m. due to the fact he works with the Mall's attorneys.

Committee Report: The Public Works Committee met on September 3, 2015 and voted 6-0-1 (ABSTENTION: DeVita)

First Selectman Herbst extended his gratitude to the Westfield attorneys and representatives who had traveled a great distance to be at this meeting. The Town and Westfield are on the cusp of a phase 2 expansion of the shopping park representing significant tax revenue coming to the Town of Trumbull. This area has been acquired over a period of years. The mall has exceeded expectations with the new retailers by every measure. The Cheesecake Factory which opened last year is off the charts in terms of its success rate. New retailers at the mall are being opened every few months. The Mall has undergone a complete transformation and has been very well received by the residents of Trumbull and the greater Bridgeport region. The discontinuance of these roads is critical to expediting the phase 2 expansion. Next to the Cancer Center on Park Avenue the mall, after its expansion, will represent the greatest level of economic investment of one single project in Town. First Selectman Herbst could not underscore enough the importance this is to the Town and urged the Town Council to pass this resolution.

First Selectman Herbst explained no one lives on these streets. There is a home on Walburn that is vacant, it is currently going through probate and expects resolution to the matter in short order. Attorney Marino clarified the property on Walburn is not a subject of this resolution. Stuart Place and the majority of the property on Lorraine Street, which are the subject of this resolution, is owned a 100% by the mall. The only other interested

stakeholder is State of CT. There is no residential property that bounds Lorraine St. 100% of the property has no interest in the public right-of-way. Both streets are dead-end streets. There is no legitimate purpose to pass over these streets. These areas have become public nuisances. Discontinuing the street would be a public service provides a benefit to the Town as outlined by First Selectman Herbst. Attorney Knuff explained it is not their intent to block the streets but the resolution would serve the purpose terminating the public's right to pass the streets. There is no road bed for Lorraine St. It is a paper street. Stuart Place is monitored by mall security and the Trumbull police and expects that to continue. Westfield has an interest in maintaining the appearance of the streets and the properties on either side. All have an interest in cleaning up the properties. Ms. Bratt explained approximately 24 months ago the Town's ZEO (Zoning Enforcement Officer) surveyed the area for blight and found two instances of blight. One of which involved the Westfield Holding and it was quickly resolved by Westfield. In recent history Westfield has demonstrated itself as a good steward for the properties.

VOTE: ADOPTED unanimously. (Mr. London did not vote)

4. RESOLUTION TC 25-188: HELD IN COMMITTEE  
BE IT RESOLVED AND ORDAINED, That an ordinance entitled Protection of Private Personal Information is hereby established. (Full Ordinance Attached)
5. RESOLUTION TC25-193: WITHDRAWN  
BE IT RESOLVED AND ORDAINED, That Article III, Boards, Commissions, Committees, and Agencies Division 6, Board of Finance of the Trumbull Municipal Code is hereby amended to include Section 2-183, Annual Required Contribution (ARC) For the Town's Retirement Plans and the Police Retirement Income Plan. (Full Ordinance Attached)
6. RESOLUTION TC25-194: HELD IN COMMITTEE  
BE IT RESOLVED AND ORDAINED, That Section Article II, Municipal Contracts with Public Officials Prohibited, Section 2-55 of the Trumbull Municipal Code is hereby enacted. (Full Ordinance Attached)

(Mr. London returned to the meeting at 8:30 p.m.)

7. RESOLUTION TC25-198: Moved by Mr. LeClair, seconded by Mr. London  
BE IT RESOLVED, That a contract with the State of Connecticut Department of Public Health in the amount of \$53,192.00 pursuant to the Public Health Emergency Preparedness Program for the period July 1, 2015 through June 30, 2017 is hereby approved and that First Selectman, Timothy M. Herbst, is hereby authorized for this purpose to make, execute and approve on behalf of the Town of Trumbull, any and all contracts or amendments thereof with the State of Connecticut Department of Public Health.

The Chair stated the item was addendum item, but he had brought it at the committee meeting making the committee aware there was an addendum item. He had referred to it as a grant but wanted to clarify it is not a grant but is a contract with the State of CT. Ms. Arnow stated Ms. Capuano, Health Department Director extended her apologies for not being present at this meeting. Ms. Capuano was celebrating the birth of her grandchild.

Ms. Arnow provided the background of the 2-year contract:

- It is a State funding contract from the Dept. of Public Safety.
- The grant has been previously applied for and fulfilled by the Trumbull Monroe Health District.
- The purpose of the funding is for certain deliverables required by the State Emergency Preparedness Dept.
- The Town of Trumbull is a partner with Monroe and Stratford in a mass distribution area. The areas are asked what their needs are. Page 9 of the contract, provided as back-up outlines the specific needs of the area.
- The Town of Trumbull has determined three areas to build on:
  1. The Emergency Preparedness Response Plan.
  2. Replenishing expired items in the Emergency Preparedness stock.
  3. Work with the region on mass disaster training.

Ms. Arnow confirmed for the Council the Health Department has sufficient staff. There are three Towns involved in this mass distribution. The Towns work cohesively to meet all of these needs. There is no additional staffing necessary. Deputy Chief Kirby, Emergency Management Director and Mr. Chiarenzelli, Emergency Management Deputy Director both of the Trumbull Police Department are also involved in this

VOTE: ADOPTED unanimously.

The Chair stated this contract is time sensitive and has a deadline of September 30, 2015. Moved by Ms. Testani, seconded by Mr. London to pass as Emergency Legislation. VOTE: Motion CARRIED unanimously.

On behalf of the Town Council Mr. Costantini offered congratulations to Mr. Pifko on the recent birth of his twin grandchildren.

There being no further business to discuss the Town Council adjourned by unanimously consent at 8:38 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

## Personal Information Privacy Ordinance

Whereas, the Town of Trumbull recognizes the significance of maintaining and protecting the private information of its residents and intends to protect such information to the greatest extent practicable, the Town of Trumbull hereby enacts the following Personal Information Privacy Ordinance.

1. Definitions.
  - a. “Disclose” shall mean to reveal, release, transfer, disseminate or otherwise communicate Protected Information orally, in writing or by electronic or any other means other than to the subject of the Protected Information.
  - b. “Protected Information” shall mean the Social Security Number, Driver’s License Number, State Identification Card Number, Credit or Debit Card Number, Taxpayer Identification Number, Date of Birth, Financial Account Number, Health Information, Home Address and, in the case of minor children, Name, recorded or maintained by any means, including through physical or electronic records, of any resident of the Town of Trumbull.
  - c. “Town” shall mean The Town of Trumbull, including all officials, employees, departments, boards and commissions of the Town, but excluding the Town’s Board of Education and its officials, employees or volunteers while in the performance of their duties to the Board of Education;
  - d. “Town-Related Organization” shall mean all organizations which enter into contracts or other agreements with the Town for: (i) the use of Town facilities or properties in order to provide goods, services or programs within the Town; or (ii) the use of Town-provided services to assist in the maintenance or operation of the organization.
2. Collection of Protected Information. The Town and Town-Related Organizations, as the case may be, may only collect Protected Information to the extent reasonably necessary to: (a) comply with legal obligations, or (b) conduct their operations.
3. Maintenance of Protected Information. The Town and Town-Related Organizations, as the case may be, shall implement reasonable safeguards to prevent the unauthorized disclosure of Protected Information.
4. Use and Disclosure of Protected Information. The Town and Town-Related Organizations, as the case may be, shall not disclose Protected Information except: (a) to the extent necessary to comply with legal obligations, or (b) as may be reasonably necessary to carry out the functions of the organization. In all such instances, use or disclosure shall be limited to the greatest extent practicable. Nothing herein shall be construed to prohibit the use or disclosure of such information by or among employees, volunteers or officials of the Town or Town-Related Organization, as the case may be, in the course of performing their regular duties.

5. Disposal of Protected Information. With regard to the disposal of records containing Protected Information, the Town and Town-Related Organizations shall: (1) shred the record before the disposal of the record; or (2) destroy the Protected Information contained in the record; or (3) modify the record to make the Protected Information unreadable; or (4) take actions consistent with commonly accepted industry practices that it reasonably believes will ensure that no unauthorized person will have access to the Protected Information contained in the record.
6. Notice of Breaches. The Town and Town-Related Organizations, as the case may be, shall promptly give written or electronic notice to the affected individual(s) of any unauthorized disclosure of Protected Information to entities or individuals other than as permitted by this ordinance.
7. Policies. Within sixty (60) days following enactment of this ordinance, the Town shall implement a written policy effecting the terms herein. Starting sixty (60) days following enactment of this ordinance, the Town shall require any Town-Related Organization to have a written policy implementing this ordinance as a condition for entering into contracts or other agreements with the Town. Town-Related Organizations that adopt the model policy, attached hereto, by approving the policy in accordance with their by-laws or equivalent internal procedures and having the policy signed by the organization's chief executive officer or his/her equivalent, shall be considered as in compliance with this section.
8. Violations. Violations of this ordinance by Town employees, volunteers or officials will subject the violator to appropriate action. Repeated or willful violations of this ordinance by Town-Related Organizations shall, within the reasonable discretion of the First Selectman, result in the disqualification of the Town-Related Organization from using Town facilities or properties, or the use of Town-provided services to assist in the maintenance or operation of the organization, for a period not to exceed two (2) years.
9. Non-Assumption of Liabilities. Nothing herein is intended nor shall be construed as an assumption by the Town of any obligations or liabilities of any Town-Related Organization, including but not limited to those that may arise by reason of this ordinance.
10. Savings Clause. Nothing in this Ordinance is intended nor shall be construed to abridge or diminish any additional or greater protections afforded to the residents of Trumbull under federal or state law.

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MODEL POLICY

In recognition of the importance of maintaining the privacy of certain information that \_\_\_\_\_ (name of organization) may collect in the course of its operations, \_\_\_\_\_ (name of organization) implements the following policy for its Board members, executives, employees and volunteers.

We will safeguard Protected Information (i.e., the Social Security Number, Driver's License Number, State Identification Card Number, Credit or Debit Card Number, Taxpayer Identification Number, Date of Birth, Financial Account Numbers, Health Information, Home Address and, in the case of minor children, Name, recorded or maintained by any means, including through physical or electronic records, of any resident of the Town of Trumbull) in the following manner.

1. We will only collect Protected Information to the extent reasonably necessary to: (a) comply with legal obligations, or (b) conduct our operations.
2. We will implement and maintain reasonable safeguards to prevent the unauthorized disclosure of Protected Information.
3. We will not disclose Protected Information except: (a) to the extent necessary to comply with legal obligations, or (b) as may be reasonably necessary to carry out the functions of our organization. In all such instances, use or disclosure shall be limited to the greatest extent practicable.
4. With regard to the disposal of records containing Protected Information, we will: (1) shred the record before the disposal of the record; or (2) destroy the Protected Information contained in the record; or (3) modify the record to make the Protected Information unreadable; or (4) take actions consistent with commonly accepted industry practices that we reasonably believe will ensure that no unauthorized person will have access to the Protected Information contained in the record.
5. We will promptly give written or electronic notice to the affected individuals of any unauthorized disclosure of Protected Information.

Signed:

\_\_\_\_\_  
Chief Executive Officer

(name of organization)

Dated: \_\_\_\_\_

AN ORDINANCE CONCERNING PUBLIC OFFICIALS AND TOWN CONTRACTS

WHEREAS, the Town of Trumbull recognizes that public officials, by virtue of the trust placed in them by the citizens of the Town of Trumbull, must recognize that their primary responsibility is to the citizens and taxpayers of the Town of Trumbull; and

WHEREAS, the Town of Trumbull seeks through procurement practices paid services to be provided on behalf of the citizens and taxpayers of the Town of Trumbull; and

WHEREAS, "public official" shall be defined as any elected or appointed town official, officer or employee of the Town of Trumbull; and

WHEREAS, public officials shall be prohibited from receiving any town work procured through a public bid process so as to avoid any appearance of impropriety or conflict of interest; and

WHEREAS, "town work" shall be defined as any professional service performed on behalf of the Town of Trumbull and paid for by the Town of Trumbull.

WHEREAS, public officials cannot circumvent the intent of this ordinance by receiving town work through a bid waiver, as proscribed by the Trumbull Town Charter.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE FOR PERTAINING TO THE ANNUAL REQUIRED CONTRIBUTION (ARC) FOR THE TOWNS RETIREMENT PLANS AND THE POLICE RETIREMENT INCOME PLAN

WHEREAS, the Town of Trumbull has made great strides to improve its public employee pension fund by funding the annual required contribution; and

WHEREAS, effective fiscal year 2015-2016, the Town of Trumbull has fully funded the annual required contribution (ARC) for the Towns retirement plan and the Towns Police retirement plan; and

WHEREAS, the Town of Trumbull recognizes that to achieve a AAA credit rating, the financial rating agencies have been actually sensitive to the Town of Trumbull's pension funding and desire to see that funding improve; and

WHEREAS, in the budget adopted for each fiscal year, the Town shall fully fund the annual required contribution for the Towns retirement plan and the police retirement plan; and

WHEREAS, the amounts for these annual required contributions shall be included in the proposed budget submitted by the First Selectman in accordance with Chapter IV, Section I of the Trumbull Town Charter, shall also be included in the budget recommended by the Board of Finance in accordance with Chapter IV, Section 2 of the Town Charter, and the budget adopted by the Trumbull Town Council pursuant to Chapter IV, Section 3 of the Trumbull Town Charter; and

WHEREAS, in any fiscal year in which the Board of Finance determines that economic circumstances so warrant, the Board of Finance may recommend, by a unanimous vote of all six members of the board, that the budget adopted for that fiscal year shall fund a percentage less than (100%) of the Towns retirement plan and police retirement plan; and

WHEREAS, if said recommendation is made by the Trumbull Board of Finance, then the Trumbull Town Council may approve said recommendation by a vote of no less than 18 out of 21 members of the council, thereby adopting a budget for that fiscal year that funds less than (100%) of the Towns retirement plan and police retirement plan; and

WHEREAS, the Town of Trumbull shall review this ordinance every five years from the effective adoption date to determine if additional revisions are warranted subject to the present fund ratios of each retirement plan at that time.