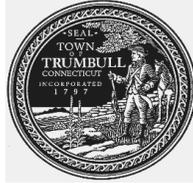


TOWN COUNCIL  
**Town of Trumbull**  
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Trumbull

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MINUTES  
August 2, 2010

CALL TO ORDER: The regular meeting of the Trumbull Town Council was called to order at 8:06 p.m. by Chairman Carl A. Massaro, Jr. 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:

Suzanne S. Testani	Debra A. Lamberti	James F. Meisner
David R. Pia	Kristy L. Waizenegger	Daniel Helfrich
John A. DelVecchio, Jr.	Chad Ciocci	Robert J. Pescatore, Jr.
Jane Deyoe	Ann Marie M. Evangelista	
Martha A. Jankovic-Mark	John M. Rotondo	
Mary Beth Thornton	Mark S. Altieri	
Roberta A. Bellows	Carl A. Massaro, Jr.	
Jeff S. Jenkins	Michael J. London	

Absent: Michael J. Rappa and Tony J. Scinto.

Also Present: Chief of Staff Daniel Nelson, Town Attorney Edward Walsh, Tax Collector Mary Moran, Al Barbarotta of AFB Construction Management, and Brian Holmes of O&G Construction.

\*Chairman Carl A. Massaro, Jr. exercised his right not to vote unless otherwise noted.

The Chair welcomed Councilman Rotondo back and was glad to see he was well. Councilman Rotondo apologized to his constituents for not being present at last month's meeting due to health concerns and expressed his gratitude for all of the thoughts and prayers extended to him.

APPROVAL OF MINUTES: Moved by Mr. London, seconded by Mr. DelVecchio to approve the minutes of the regular July 8, 2010 Town Council meeting.

VOTE: Passed 18-0 unanimously.

Mr. DelVecchio congratulated the Tallview Technique Tigers, 9 members of the baseball team are from Trumbull; the team traveled to Sylvan, Ohio last week, competed in a CABA World Series for travel baseball and took home a National Championship. The Chair congratulated Councilman DelVecchio on a job well done as one of the team's coaches.

DISCUSSION ITEMS:

a. Trumbull High School Building Committee:

Owner's Rep Report:

Mr. Al Barbarotta was present at this meeting. Mr. Barbarotta reported that the Trumbull High School Building Committee's next meeting is on August 18, 2010 and will be held in the new auditorium on the stage, representing that this phase of the project is on schedule. The 11-classroom swing space for A-wing is going nicely and believes they will be moving classes from A-wing into the swing-space for the start of school. There is still a lot of work to be done even after the school is occupiable (which will be in approximately a week). There have been no surprises with the budget, no major change orders have occurred. O&G Construction is working very hard. The final paving proposal will be presented to the Building Committee at its next meeting on August 18, 2010. At the Building Committee's last meeting on July 28, 2010 the concession stand was discussed in detail, there were three designs presented by Wiles Architects. In response to a question from the Chair, Mr. Barbarotta stated that there is no slow down what so ever, they will be immediately moving 8 classes from A-wing to the swing space for the start of school. There have been some issues with ventilation, the second floor is all science rooms that can not be abandoned all at one time; therefore they will be working on temporary ventilation. Assuming that is all worked out at the job meeting this week, the classes will be moved in September.

In response to a question from Mr. DelVecchio, Mr. Barbarotta stated that the paving and landscaping project at the high school would be too much for the Town Public Works department, they are going to bid this portion of the project out publically.

Construction Manager's Report:

In response to a question from Mr. Meisner, Mr. Holmes of O&G Construction reported the GMP (guaranteed maximum price) for Phase 2 as \$40,256,517. The total project soft costs are estimated at \$61,273,592 comparable to the budget of \$68,672,000; that is approximately \$7.4 million under budget, this does not include the paving proposal. Included in the \$61,273,592 number is the contingency, \$2 million on the owner's side and an additional \$2.4 million on the CM side, total contingency amount is \$4.4 million.

End Trumbull High School Building Committee Discussion Item Report.

Moved by Mr. DelVecchio, seconded by Ms. Testani to take item #4 out of order.

VOTE: Motion carried unanimously.

1. RESOLUTION TC23-83: Moved by Ms. Testani, seconded by Mr. London.

BE IT RESOLVED AND ORDAINED, That pursuant to Connecticut General Statutes 7-148, the approval of building applications by the Town of Trumbull Building Department shall be withheld for any property upon which taxes or sewer charges are delinquent for the property for which the permit is to be issued. The delinquent taxes, along with applicable interest, fees and charges, shall be paid before a building permit application can be approved.

The Chair noted that Town Attorney Edward Walsh, Chief of Staff Dan Nelson and the Town Tax Collector, Mary Moran were present at this meeting to answer any questions.

Committee Report: The Legislation & Administration Committee met on July 26, 2010 and voted to recommend the resolution to the Town Council 2-1-1 (Abstention: Altieri) (Against: Rappa). A public hearing was held in committee.

Town Attorney Walsh stated based upon a discussion in committee that he had reviewed the Westport, East Windsor codes, both do include an emergency provision and would recommend including an emergency provision. Atty. Walsh read the recommended emergency clause into the record as follows: "The Building Official may grant a building permit on properties upon which taxes or charges are delinquent if he or she certifies in writing to the Tax Collector that an emergency exists affecting the health or safety of the occupants of a building upon which the building permit is sought."

Mr. London moved, seconded by Mr. Pia to amend Resolution TC23-83 to include the following language in the body of the ordinance, "The Building Official may grant a building permit on properties upon which taxes or charges are delinquent if he or she certifies in writing to the Tax Collector that an emergency exists affecting the health or safety of the occupants of a building upon which the building permit is sought."

Mr. Altieri stated as a point of order, the new language introduced at this meeting would represent material change, suggesting that the resolution should be remanded back to committee for a public hearing. The Chair stated that once a public hearing on the main resolution is conducted it is not necessary to conduct an additional public hearing as this clause carves an exception into the resolution; it does not expand the affect of the resolution.

The proposed amendment was read to the Town Council by Mr. London.

The Chair questioned whether the term emergency had been defined in the statute. Town Attorney Walsh stated that the emergency is defined as “health or safety of an occupant”.

Ms. Mark spoke in favor of remanding the resolution back to committee. Ms. Mark moved to remand resolution TC23-83 back to committee. The Chair stated that the motion was out of order due to the fact that there is a motion on the floor. Mr. Jenkins stated the building official would need to be defined; the Chair stated that the building official is defined as the head of the department.

VOTE: Motion to amend passed 16-1-1 (Against: Jenkins) (Abstention: Altieri).

Mr. Rotondo moved, seconded Mr. Jenkins to remand Resolution TC23-83 back to committee as amended.

VOTE: Motion carried unanimously 18-0

Discussion Item b:

Hillcrest Pool Use and Operation Report (Education)

RESOLUTION TC23-48: Moved by Mr. Ciocci, seconded by Ms. Thornton. BE IT RESOLVED, That the Education Committee of the Town Council is hereby authorized to conduct a review of the use and operation of the pool at Hillcrest Middle School and shall submit a written report of its review, findings and recommendations within ninety (90) days to the Clerk of the Council (For Discussion Purposes Only)

The Education Committee met on July 29, 2010 and adopted the Use and Operation Report of the Pool Report at Hillcrest Middle School as amended. (Report attached to these meeting minutes dated August 2, 2010).

The Chair noted that all Town Council members had received a copy of the amended final draft of the Education Committee’s Use and Operation Report of the Pool Report at Hillcrest Middle School.

Mr. Ciocci extended his gratitude to the Chair for drafting the final report and the Education Committee for their hard work in which they all worked in a bipartisan manner. Mr. Ciocci read the Recommendations section of the report into the record, and noted that at the last Education Committee meeting the focus of the committee was to change a word here and there; the report had unanimous support across the committee. The Chair extended his gratitude to the committee and their hard work, interviewing individuals, several Town officials, taking in public comment then compiling the information for the report of this evening. The report will be disseminated to various Town boards.

2. RESOLUTION TC23-78: Moved by Mr. Pia, seconded by Mr. DelVecchio

BE IT RESOLVED, that funding for a labor contract between the Town of Trumbull and AFSCME LOCAL 1303-33 (DPW) Trumbull Highway And Parks Employees beginning January 1, 2009 and ending June 30, 2012 is hereby approved.

Committee Report: The Legislation & Administration Committee met on July 26, 2010 and voted 2-0-2 (Against: Rappa and Altieri) to recommend to the Town Council.

The Chair stated that Chief of Staff Mr. Nelson and Town Attorney Walsh are present to speak to this resolution. Labor Attorney Dugas is on vacation and was not available at the committee meeting he was attending a meeting at the other end of the state.

No discussion.

VOTE: Adopted unanimously 18-0.

3. RESOLUTION TC23-79: Moved by Mr. DelVecchio, seconded by Ms. Evangelista.

BE IT RESOLVED, That Derek Clarke of 2690 Reservior Avenue, be and the same, is hereby appointed by the First Selectman to the Historical Review Committee/Demolition Review Committee for a term extending to December 5, 2012.

Committee Report: The Rules & Research Committee met on July 26, 2010 and voted 4-0 unanimously to recommend to the Town Council.

Mr. DelVecchio noted that an amendment was necessary, the spelling of Reservoir Avenue is incorrect.

By unanimous consent the Town Council amended Resolution TC 23-79 to read as, "BE IT RESOLVED, That Derek Clarke of 2690 Reservoir Avenue, be and the same, is hereby appointed by the First Selectman to the Historical Review Committee/Demolition Review Committee for a term extending to December 5, 2012.

No discussion.

VOTE: Motion to amend carried unanimously 18-0.

No discussion.

VOTE: Adopted as amended unanimously 18-0.

4. RESOLUTION TC23-81: Moved by Mr. Pescatore, seconded by Ms. Testani.

BE IT RESOLVED, That Jeffrey Williams of 38 Shelton Road, be and the same, is hereby appointed by the First Selectman to the Historical Review

Committee/Demolition Review Committee for a term extending to December 6, 2010.

Committee Report: The Rules & Research Committee met on July 26, 2010 and voted 4-0 unanimously to recommend to the Town Council.

No discussion.

VOTE: Adopted unanimously 18-0.

5. RESOLUTION TC23-88: Moved by Ms. Waizenegger, seconded by Mr. London.

BE IT RESOLVED, That \$45,217 for Attorney Fees for MATE Arbitration Award Settlement is hereby appropriated from the Available General Fund Balance to 0101300-522203 Human Resources Ancillary.

Committee Report: The Legislation & Administration Committee met on July 26, 2010 and voted 3-0-1 (Abstention: Altieri) to recommend to the Town Council.

The Chair advised the council members that he had corresponded with Labor Counsel Dugas. Labor Counsel Dugas confirmed that these are arbitrators fees not attorneys fees, that is why the resolution reads Human Resources Ancillary account as opposed to the Attorneys account. According to the Town Charter, the Town Council is to act within 45 days of the BoF, although that could be subject to interpretation, there has not been a full town council vote, therefore it is the recommendation to postpone Resolution TC23-88.

Mr. Pescatore moved, seconded Ms. Deyoe to postpone Resolution TC23-88 to next month.

VOTE: Motion to postpone Resolution TC23-88 to next month carried unanimously 18-0.

6. RESOLUTION TC23-90: Moved by Mr. Rotondo, seconded by Mr. Pescatore.

BE IT RESOLVED, That Timothy M. Herbst, the First Selectman of the Town of Trumbull, is hereby authorized to apply and sign for on behalf of the Town of Trumbull, a Small Town Economic Assistance Program grant in the amount of \$80,000 for expansion of the parking lots at Beach Park and Indian Ledge Park.

Committee Report: The Legislation & Administration Committee met on July 26, 2010 a Public Hearing was held for Resolution TC23-90 with one person from the public to speak to the resolution. The L&A Committee voted 3-1 (Against: Ciocci).

The Chair stated that Chief of Staff Daniel Nelson was present at this meeting to speak to the resolution.

In response to a question from Mr. DelVecchio, Mr. London stated that the paving at Indian Ledge was at the Teen Center. Mr. DelVecchio spoke in favor of paving that area at Indian Ledge. Ms. Mark agreed and noted that it is a mud area behind the Teen Center that requires paving.

VOTE: Adopted 17-1 (Against: Ciocci).

7. RESOLUTION TC23-91: Moved by Mr. Jenkins, seconded Mr. DelVecchio.

BE IT RESOLVED, That the Trumbull High School Building Committee is hereby directed to redesign and renovate the concession stand to include restroom facilities for public use at the football field as part of the " As New" renovation of Trumbull High School.

Committee Report: The Education Committee met on July 29, 2010 and voted unanimously 5-0 to recommend to the Town Council.

The Chair stated that Mr. Al. Barbarotta, Owner's Representative and Mr. Brian Holmes of O&G Construction are present at this meeting to speak to Resolution TC23-91. When this resolution was placed on the agenda there was a list with different options outlined with estimated costs attached.

Mr. Barbarotta stated the Building Committee had been given information from the professionals that the minimum cost to bring the concession stand to code would be approximately \$132,000, the building committee looked at adding bathrooms and then to also add team rooms. The estimates escalated to \$1.5 million to \$2 million with site-work. The Building Committee requested renderings; an in-house competition between the architects took place. The designs discussed at the July 28, 2010 THSBC meeting that were recommended by the architects. The existing concession stand could be used as storage, reducing the overall square footage of the new design. The consensus of the building committee is to build a concession stand with bathrooms. The Building Committee is looking for direction from the Town Council. The Chair noted that this resolution came to be as a result of the fact that the Owner's Representative had indicated the need to file the EDO-49R with the State in order to be able to have full reimbursement approved. The Chair stated that there was a list of several options with cost estimates given to the Town Council previously.

Mr. Barbarotta stated that the three designs did not cost anything, the design work was not contracted, the building committee requested to have something to bring to the Town Council to discuss. There will be a fee based upon a design selected, there have been no funds spent on these 3 designs.

Ms. Mark spoke in favor of permanent bathrooms, although the three designs are elaborate and would rather a design which is plainer, more like a concrete box, to consider. Mr. Barbarotta stated the basic design of all 3 designs is a simple rectangle, adding a simple gable roof would be an attractive and cost effective design.

Ms. Testani spoke in favor of permanent bathrooms. Mr. Barbarotta conformed that there are no locker rooms included in the designs.

Ms. Thornton questioned the size of the kitchen and the overall proportions of the overall design. Mr. Barbarotta stated that the proportions would be adjusted, the bathroom and kitchen are the priority areas of the design, the design is merely a starting point there is some site-work involved.

Mr. Meisner stated that the Building Committee reviewed the designs, there was no consensus for any one of the three designs, this was good exercise for discussion purposes, the Building Committee needs direction from the Town Council as to what should be designed in order to be able to file the EDO-48R in order to be able to qualify for reimbursement on approximately \$40 million of the overall project.

Mr. Meisner moved, seconded by Ms. Thornton moved to amend Resolution TC23-91 to read as, BE IT RESOLVED, That the Trumbull High School Building Committee is hereby directed to redesign and renovate *or replace* the concession stand to include restroom facilities *and storage facilities* for public use at the football field as part of the "As New" renovation of Trumbull High School *with a maximum total budget not to exceed \$ 1 million*".

Mr. Pia spoke against the maximum number of \$1 million for the project, citing that the Town already owns the property.

Mr. Barbarotta stated in response to a question from Mr. Rotondo that the original information brought to the Town Council was to renovate the existing concession stand with an estimate of \$132,000 (to bring the concession stand to code) and to have the state recognize the concession stand as a concession stand not as storage. The option to renovate and add the bathrooms have an estimate of \$734,000, these are all preliminary numbers, the CM has done an amazing job, but O&G can not estimate without a design. The Building Committee needs direction on what to build and then they will be able to provide firmer numbers to the Town Council.

Mr. Rotondo moved to amend the motion from \$1 million to \$250,000. The Chair stated a motion is on the floor it can not be amended.

Mr. Meisner withdrew his motion.

In response to a question from the Chair, the renovation of the concession stand with bathrooms cost estimate is \$734,000; the building is 1300 sq. ft. using \$360 per sq. ft as the formula, which he believes to be on the high side.

Mr. Meisner moved, seconded by Ms. Mark to amend Resolution TC23-91 to read as, "Mr. Meisner moved, seconded by Ms. Thornton moved to amend Resolution TC23-91 to read as, BE IT RESOLVED, That the Trumbull High School Building Committee is hereby directed to redesign and renovate *or replace* the concession stand to include restroom facilities *and storage facilities* for public use at the football field as part of the " As New" renovation of Trumbull High School".

Mr. Ciocci questioned whether it would be less expensive to build a new concession stand or whether to renovate. Mr. Barbarotta stated that the estimate to renovate the existing concession stand was \$132,000. Mr. Holmes stated that taking down the concession stand and replacing with something larger will not cost less than renovating the existing.

Mr. DelVecchio stated that the cost estimates discussed at this meeting were estimates not bids. Mr. DelVecchio spoke in favor of permanent bathrooms and renovating the existing concession stand if the bids were to come in at a reasonable number.

Mr. Barbarotta stated that the \$734,000 would include new equipment in the FF&E line item, and site costs.

Ms. Evangelista spoke in favor of the renovation and the addition of permanent bathroom, but spoke against the designs presented at the Education Committee and would rather see more traditional New England designs.

In response to a question from Mr. Pescatore, Mr. Barbarotta reported that the maintenance of the new concession stand would be the responsibility of the BoE, there are custodians assigned to specific areas and special events.

Mr. Ciocci spoke against supporting the amendment based upon the fact that the cost of a new concession would not be less than a renovation of the existing.

VOTE: Motion to amend carried 15-3 (Against: Pia, Ciocci and Pescatore).

VOTE: Adopted as amended 15-0-3(Abstentions: Ciocci, Pescatore and Deyoe).

There being no further business to discuss the and upon motion made by Mr. Helfrich, seconded by Mr. DelVecchio Trumbull Town Council adjourned unanimously at 9:28 p.m.

Respectfully Submitted,

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Margaret D. Mastroni

ATTACHMENT

TRUMBULL TOWN COUNCIL EDUCATION COMMITTEE

**1. DRAFT REPORT: HILLCREST POOL USE AND OPERATION REVIEW**

July 30, 2010

SCOPE AND CHARGE OF THE EDUCATION COMMITTEE REPORT

Resolution TC 23- 48 was adopted by the Town Council to conduct a study and issue a report of its findings regarding the use and operation of the Hillcrest pool. This undertaking was referred to the Education Committee as the Hillcrest Pool is located in the Hillcrest Middle School which building is managed and controlled by the Board of Education.

The Education Committee met on the following dates:

February 23, 2010  
March 24, 2010  
June 30, 2010  
July 30, 2010

The minutes to these meetings are filed in the Office of the Trumbull Town Clerk and may be consulted for additional information and background to this report.

Testimony was received from the following individuals:

Alphonse Barbarotta, Board of Education Plant Operations manager and principal of AFB Construction , Inc.

Rosemary Seaman, Principal- Hillcrest Middle School

Mary Markham, Director of Recreation

Thomas Collins, President Pisces Swim Club

Residents of the Town of Trumbull.

The Education Committee expresses its gratitude to all who offered testimony and documentary support to it for use in conducting the study and compilation of this report .

## FINDINGS:

### A. PHYSICAL CONDITIONS

1. The overall physical condition of the Hillcrest pool is fair to good.
2. The filtration, plumbing, lighting , general pool environs, HVAC, bathrooms and locker rooms are and have been in serviceable condition for many years but are in need of upgrading according to our recommendations.
3. No mold was discovered in the ceiling area of the pool room . Black marks on the ceiling were determined by Mr. A. Barbarotta to be glue marks from adhesive used to hold tiles to the ceiling.
4. Renovations of the locker room and shower areas have been completed alleviating student safety concerns during use of these areas by adults during school hours. Some asbestos removal was completed in this process while two emergency doors equipped with alarms have been installed along with a new women's bathroom and toilets. Adult access to the interior of the Hillcrest Middle School is now protected against by these alarmed doors. Approximately \$20,000.00 previously appropriated but unspent was used to defray the cost of these renovations.
5. There is a substantial upgrade to the pool and the building necessary to extend its useful life 10-20-years. A summary of possible upgrades was researched and submitted by the Plant Operations Manager and is appended hereto.

### B. USE AND OPERATION

1. The pool area is maintained by the Board of Education as CGS 10-220 gives jurisdiction of all school property to the Board of Education.
2. The programmed use of the pool is managed by the Recreation Department. Personnel working at the pool include a lifeguard, identification receptionist (checker), water aerobics instructor and male monitor all of whom are hired, managed and financed by the Recreation Department.

Custodial work is provided on a 40 hour per week basis through the Town side budget with some school duties included. Utility, maintenance and other operating expense is budgeted with the Board of Education.

3. The pool is used predominantly by the community at large, especially during the school hours of 8:00 AM to 3:00 PM when children are attending school. This

creates significant management issues for both the Recreation Department and the Board of Education in that the Board does not have personnel under its control present in the pool areas of the building to serve the needs of occupants/users therein. State and local regulations require the school administration to ensure the safety of everyone in the school building which extends to the pool area where only recreation personnel are present.

4. The facility appears under-utilized. There is little or no swimming programming conducted by the board of Education for its students. Formerly, the Board of Education provided a swimming program for Trumbull students. Though community use pre-dominates the pool, there is room for considerably more time to develop programs for greater community use and to generate revenue to cover the cost of operations.
5. Security concerns for the student population at the Hillcrest Middle School and in the pool area and locker rooms over the years have been addressed with the addition of security cameras, buzzers on main doors, a half wall in the shower areas, hired receptionists/checkers and pavement of the skate park with a new entrance to the pool through door #13.

On February 5, 2010, a meeting was conducted by the First Selectman, Superintendent of Schools, and Plant Operations manager to discuss further security concerns and plans were developed to alleviate the same.

In March, the Board of Education closed the pool to the public during school hours over alleged student safety concerns thereby preempting community programming. The pool was reopened to the community during school hours at the end of March after the plans developed at and after the February meeting were quickly carried out under the direction of the Public Works Department and the Plant Operations Manager. The improvements included upgrades to bathroom areas ( new bathroom in the women's area) separation of showers and locker areas from the student population, new doors (entry to the school) were panic alarmed to avoid the potential for undetected entry into the school through the locker room area.

#### C. RECOMMENDATIONS

1. Further study of the Town budget should be made to determine the actual operational cost of the Hillcrest Pool on an annual basis.
2. A written policy should be adopted to establish management responsibility for the entire pool facility.
3. A written policy should be adopted to standardize procedures in the event of emergencies occurring in any portion of the building or on the school grounds.

Existing protocols should be shared between the school officials and recreation department personnel.

4. Consider the feasibility of separation of the pool facility from the control of the Board of Education.
5. The proposed upgrades to the Hillcrest facility should be further examined to prioritize need, refine the work and cost estimates.
6. Consider the use of an aquatics director, management service and or a Town Commission to upgrade the quality of the programming and maximize user revenue.

Respectively submitted by the Education Committee of the Trumbull Town Council

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Chad Ciocci, Chairman

D. EXHIBITS

1. Summary of proposed improvements dated April 27, 2010