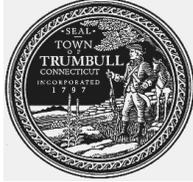


TOWN COUNCIL
Town of Trumbull
CONNECTICUT
www.trumbull-ct.gov

TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



MINUTES
May 3, 2010

CALL TO ORDER: The regular meeting of the Trumbull Town Council was called to order at 8:02 p.m. by Vice-Chairman Suzanne Testani. All present joined in a moment of silence and the pledge of allegiance.

ROLL CALL: The clerk called the roll and recorded it as follows:

Present:

David Pia	Jeff Jenkins	Mark Alteri
Michael Rappa	Kristy Waizenegger	James Meisner
Jane Deyoe	Debra Lamberti	Suzanne Testani
John DelVecchio, Jr.	Tony Scinto	Daniel Helfrich
Martha Jankovic-Mark	Chad Ciocci	
Roberta Bellows	Ann Marie Evangelista	

Absent: Carl A. Massaro, Jr., Robert J. Pescatore, Jr., Mary Beth Thornton, Michael London and John Rotondo.

Also Present: Mr. Dan Nelson, Chief of Staff, Ms. Maria Pires, Director of Finance, Mr. James Nugent, Chairman of the Trumbull High School Building Committee, Mr. Al Barbarotta, Owner's Representative of the Trumbull High School Building Committee, Mr. Brian Holmes of O&G Ind., Construction Manager of the Trumbull High School Building Committee and Mr. Devestern, Town of Trumbull Tax Assessor.

APPROVAL OF MINUTES:

Moved by Ms. Deyoe, seconded by Ms. Mark to approve the April 5, 2010 minutes of the regular Town Council Meeting. VOTE: Passed 16-0 unanimously.

Moved by Mr. DelVecchio, seconded by Ms. Lamberti to amend the April 15, 2010 minutes of the special Town Council Meeting to read as on page 12, "Moved by Mr. London, seconded by Mr. Pia to approve the 2010-2011 Town of Trumbull Grand Total Budget as amended at \$143,479,636 (\$837,991 Reduction) Vote: Passed 12-7 (Against: Pescatore, Thornton, DelVecchio, Rappa, Rotondo, Helfrich and Meisner)".

VOTE: Motion to amend the April 15, 2010 special meeting minutes passed 16-0 unanimously.

Moved by DeVecchio, seconded by Mr. Scinto to approve the minutes of the special Town Council Meeting on April 15, 2010 as amended. VOTE: Passed unanimously 16-0

DISCUSSION ITEM: Trumbull High School Building Committee

Chairman's Report:

Mr. James Nugent, Chairman of the Trumbull High School Building Committee reported that Phase II of the project is out to bid and on schedule. Phase I; the auditorium and boiler room, is on schedule to be open for the start of school in September. The building Committee will be meeting on Wednesday, May 12 at 7:00 p.m. at the High School and will be touring the auditorium. Mr. Nugent extended an invitation to the Town Council to join the building committee on the tour. There was a pre-bid meeting for three (3) of the trades, electrical, mechanical & general, it was very well attended and the professionals on the project are optimistic they will receive many competitive bids.

Owner's Representative Report:

Mr. Al Barbarotta stated that there were 56 contractors at the pre-bid meeting. The three trades, which their attendance was mandatory at the pre-bid meeting, are expected to have approximately 8-10 contractors bidding on this phase of the project. The like-new-renovation approval process with the state is a very complex process. Elements of the project that were completed in recent years will be encompassed in the like-new-renovation and it is their expectation will receive the maximum amount of reimbursement, (the science labs, 11 classroom addition and the modulares). The modulares will stay at the high school and will be utilized. The overall project's square footage will include the modulares and believes the project's overall square footage meet's the state's requirements. When modulares are purchased they are required to stay on site for 10 years in order to be reimbursable. Mr. Barbarotta stated that he believes everything that is encompassed in the like-new-renovation project will be reimbursable at the maximum rate. In approximately a month or so it is expected that the state will commit to the like-new-renovation. The bids will be received on May 18th they were expected on the 13th, but there were addendums that needed to be issued. The addendums allow all bidders to have the same information. The public bid opening will be scheduled shortly thereafter and a notice will be sent out to the Town Council prior to the bid opening. Once the lowest qualified bidders are established; the bids will be brought to the building committee for approval, add alternates will need Town Council approval, it is expected that a special meeting of the Town Council will be necessary, on May 27, 2010. Ms. Mark and Mr. Meisner would like to be available for the discussion and the decision making of analog vs. a digital sound board for the auditorium. A digital board would be approximately \$10,000 more. Mr. Barbarotta stated that there will be discussion at the building committee meeting on May 12, 2010 inviting anyone interested in the discussion to attend the meeting.

Mr. Brian Holmes of O&G Construction was present, he stated that Mr. Nugent and Mr. Barbarotta had reported all that need to be by the construction manager.

Mr. Barbarotta stated that the project is on schedule and moving forward. Any time lost by the review of the state would be made up by working on Saturdays, no overtime would be incurred, and over-time is not included in the bid/contract. Mr. Barbarotta confirmed that a special meeting of the Town Council would be necessary. Mr. Holmes stated that Thursday, May 27, 2010 would be the day scheduled for the special meeting. Mr. Barabarotta stated that the special meeting will allow the project to pick up a week in time. A week's time is a substantial amount of time during the summer construction working time

DISCUSSION ITEM: Hillcrest Pool Use and Operation Report: None

DISCUSSION ITEM: Audit Report McGladrey and Pullen

Scott Bassa of McGladrey & Pullen was present.

Overall condition of records of the town were much improved, the firm has been working with the town since 2009. The town & BoE debts and credits were also much improved. The general fund is 11.3 % of the general fund's expenditures and the unreserved fund balance was 9.5 %. The tax collection rate is 98.5% of the tax levy, representing a very strong collection rate. The administrators had changed, there were some discrepancies found in the pensions. There were 6 comments all together. The audit was based on the GAP basis and the town is on the budgetary basis, they believe they will get to the GAP basis within the current year. Overall the town performed well. The general fund balance is \$15.5 million with \$13 million reserved for appropriations. The pension fund rate as of July 01, 2008 for the town employees funding ratio is at 33.9%. The Police funded ratio is at 71.4%.

FIRST SELECTMAN REMARKS: None

BUSINESS:

The Vice-Chair announced that Resolutions TC23-58, TC23-59, TC23-60 and TC23-62 were appointments, which required only the First Selectman's approval and would not be considered items of business of this agenda.

The Vice-Chair congratulated Sharon Altieri of 89 Woolsley Avenue, Doug Carey of 21 Woodcrest Avenue, Ms. Laura Ponzio of 24 Salem Road and Bob Marconi of 27 Preston Road on their appointments to the Beautification Commission.

Item 1. RESOLUTION TC23-61: Moved by Ms. Lamberti, seconded by Mr. Scinto

Mr. DelVecchio recused himself at 8:29 p.m.

BE IT RESOLVED, That the appointment by the First Selectman of Bruce Pine of 5188 Main Street to the Pension Board, be and the same, is hereby approved.

Committee Report: The Rules & Research Committee met on April 26, 2010 and voted to recommend unanimously 6-0.

The Vice-Chair stated that this resolution required 2/3 affirmative vote of the Town Council members present.

VOTE: Resolution adopted unanimously 15-0.

Mr. DelVecchio returned at 8:31 p.m.

Item 2. RESOLUTION TC23-63: Moved by Mr. Altieri, Seconded by Ms. Evangelista

BE IT RESOLVED, That the appointment by the First Selectman of William Schietinger of 5 Foxwood Road as a member of the Pension Board, be and the same, is hereby approved for a term extending to December 3, 2012.

Committee Report: The Rules & Research Committee met on April 26, 2010 and voted to recommend 6-0 unanimously.

The Vice-Chair stated that this resolution required 2/3 affirmative vote of the Town Council members present.

VOTE: Resolution adopted 16-0.

Item 3. RESOLUTION TC 23-64: Moved by Ms. Bellows, Seconded by Mr. DelVecchio

BE IT RESOLVED, that Timothy M. Herbst, First Selectman, be and is hereby authorized to sign an agreement entitled:

“Agreement between the State of Connecticut and the Town of Trumbull for the Construction, Inspection, and Maintenance of the Pavement Rehabilitation and Resurfacing of Whitney Avenue utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (hereinafter “Act”).”

Committee Report: The Legislation & Administration Committee met on April 26, 2010 and voted to recommend unanimously 4-0.

Mr. Ciocci, spoke against federal stimulus funding programs, such as the American Recovery Reinvestment Act of 2009, and would vote against this resolution at this meeting as he has done previously. Mr. DelVecchio stated it is not necessary to spend \$800,000 to pave this road. Mr. Nelson confirmed there was no cost to the town clarifying that there was not a requirement of matching funds by the town. Mr. Altieri stated that Whitney Avenue was chosen because is a connecting road between two state roads, the funds available are ERA funds, if they are not used on this project they will go back in to the ERA fund and will be distributed to another town. Mr. Nelson stated that this is strictly a paving project, there is no traffic calming involved.

VOTE: Resolution adopted 15-1 (Against: Ciocci)

Mr. Jenkins moved, seconded by Ms. Deyoe to pass Resolution TC23-64 as Emergency Legislation. VOTE: Motion carried 15-1 (Against: Ciocci).

Item 4. RESOLUTION TC23-65: Moved by Mr. Rappa, Seconded by Ms. Lamberti

BE IT RESOLVED, WHEREAS, pursuant to CGS Sec. 4-66g, the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and WHEREAS, it is desirable and in the public interest that the Town of Trumbull make an application to the State for \$82,000 in order to undertake the Renovation and Expansion of the Trumbull Animal Shelter and to execute an Assistance Agreement

NOW, THEREFORE, BE IT RESOLVED BY THE Trumbull Town Council

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by CGS Section 4-66g for STEAP.
2. That the filing of an application for State financial assistance by Town of Trumbull in an amount not to exceed \$82,000 is hereby approved and that First Selectman Timothy M. Herbst is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Town of Trumbull.

Committee Report: The Legislation & Administration Committee met on April 26, 2010 and voted to recommend unanimously 4-0.

Mr. Ciocci stated that he would be in favor of this resolution, due to the fact it is not part of the American Recovery Reinvestment Act, it is a state grant, not a federal economic stimulus act. Trumbull is a directly connected and represented.

VOTE: Resolution adopted unanimously 16-0.

Item 5. RESOLUTION TC23-53: Moved by Ms. Evangelista, Seconded by Ms. Waizenegger.

BE IT RESOLVED, That pursuant to Public Act 09-60, the Town of Trumbull Tax Assessor shall not be required to effect a revaluation of real property prior to the 2011 assessment year.

Committee Report: The Legislation and Administration Committee met on April 26, 2010 and voted to recommend 3-1 (Against: Altieri).

Mr. Devestern, Tax Assessor was present. In response to a question from Mr. DelVecchio, Mr. Devestern stated that there had been no indication that other towns would be conducting revaluations at the same time or that the revaluation companies would be overburdened. Mr. Devestern has had 30 years experience in revaluations, his

first was in the town of Trumbull, and had been the Newtown Tax Assessor from 1989 to 1997. If the revaluation was done in today's market there would be a mill rate increase, noting that the real grand list is down by approximately 20%, which makes up approximately 80-90% of the total grand list. In 1 ½ years the market may improve and would have more activity to base the revaluation on. When conducting a revaluation there is always some group affected in order to balance the list. The real saving of postponing the revaluation is the savings of the actual cost of the revaluation. If the revaluation were done now there would not be a significant change in real values, although the residents would see an increase in the car taxes. Mr. Devestern stated that the town still would be on the 5 year cycle, the 10 year cycle had been changed to 12 years (for a knock on the door revaluation). Mr. Altieri stated he would vote against the resolution; the resolution is postponing the inevitable due to a budgetary concern.

VOTE: Resolution adopted 9-6-1 (Against: Altieri, DelVecchio, Helfrich, Meisner, Rappa and Mark) (Abstention: Ciocci)

Item 6. RESOLUTION TC23-66: Held in committee.

Item 7. RESOLUTION TC: 23-67: Postponed in committee.

Item 8. RESOLUTION TC23-68: Moved by Mr. Helfrich, Seconded by Mr. DelVecchio

BE IT RESOLVED, That \$65,000.00 is hereby appropriated from the Available General Fund Balance to EMS Salaries-PT 01022600-501102 for the projected payroll through June 30, 2010.

Committee Report: The Finance Committee met on May 3, 2010 and voted to recommend unanimously 4-0.

VOTE: Resolution adopted unanimously 16-0.

Item 9. RESOLUTION TC23-69: Moved by Mr. Ciocci, Seconded by Mr. DelVecchio

BE IT RESOLVED, That \$9,000.00 is hereby appropriated from the Available General Fund Balance to Town Hall Maintenance/Rep Service Contract 1013800-578801 for Public Access Defibrillator Programs for the Town of Trumbull.

Committee Report: the Finance Committee met on May 3, 2010 and voted to recommend unanimously 4-0.

VOTE: Resolution adopted unanimously 16-0.

Item 10. RESOLUTION TC23-70: Moved by Mr. Meisner, Seconded by Mr. DelVecchio.

Mr. Altieri recused himself at 9:08 p.m.

BE IT RESOLVED, That \$11,000.00 is hereby appropriated from the Available General Fund Balance to Town Attorneys 01012800-522202 Services and Fess for legal and ancillary services regarding the Town of Trumbull's opposition to the proposed fuel cell/power plant on Huntington Turnpike/Primrose Drive.

Committee Report: the Finance Committee met on May 3, 2010 and voted to recommend unanimously 4-0.

Mr. Ciocci stated that he had battled the sub-station in lower Nichols and it is a great joy and heartens him that the Town of Trumbull residents, community leaders and elected officials have come together to fight against the utility companies that have come into this community and hopes for a unanimous vote on this resolution.

The Vice-Chair stated that this is not a district issue but a town wide issue. Mr. DelVecchio agreed and added that it is a shame the town has to spend any of its funds to fight a utility company.

VOTE: Resolution adopted unanimously 15-0.

Mr. Altieri returned at 9:13 p.m.

Item 11. RESOLUTION TC23-54: Moved by Mr. Pia, Seconded Mr. Jenkins

Addendum item:

BE IT RESOLVED, WHEREAS, the Town of Trumbull maintains the Town of Trumbull Retirement Plan (the "Retirement Plan") for the benefit of the eligible employees of the Town of Trumbull and the Board of Education of the Town of Trumbull; and

WHEREAS, it is desirable that the Retirement Plan be amended in order to satisfy the requirements of the Employee Plans compliance Resolution System ("EPCRS") compliance statement relating to the Retirement Plan that was issued by the Internal Revenue Service on December 22, 2009.

NOW, THEREFORE, BE IT RESOLVED: That: (i) the Retirement Plan document that includes all amendments through April 26, 1999; (ii) the amendment and restatement of the Retirement Plan that was prepared in 2002 and that incorporates the requirements in effect at that time (called the "GUST amendments" and the "EGTRRA good faith interim amendments"); and (iii) Amendment No. 1 to the Retirement Plan relating to the automatic rollover of mandatory cash-out distributions (collectively referred to as the "EPCRS Correction Documents"), in the form as presented to this meeting, be and hereby are approved and adopted, together with such modifications as in the opinion of counsel for the Town of Trumbull are necessary or desirable to effectuate the intention thereof and to comply with the requirements of the Internal Revenue code of 1986, as amended; and further

RESOLVED: That the First Selectman of the Town of Trumbull or any other employee of the Town of Trumbull designated by the First Selectman be, and each of them hereby is, authorized and empowered for and on behalf of the Town of Trumbull to execute the ECPRS Correction Documents, to execute such other documents, and to take any and all other actions which may be necessary or desirable to effectuate the intention of the foregoing resolution.

Committee Report: the Finance Committee met on May 3, 2010 and voted to recommend unanimously 4-0.

VOTE: Resolution adopted unanimously 16-0.

Mr. DelVecchio moved, seconded by Mr. Pia to pass Resolution TC23-54 as Emergency Legislation.

VOTE: Motion carried unanimously 16-0.

Mr. Altieri commended Ms. Vice-Chairman Testani for a job well done.

There being no further business to discuss the Trumbull Town Council adjourned by unanimous consent at 9:18 p.m.

Respectfully submitted,

Margaret Mastroni
Temporary Council Clerk