

TOWN COUNCIL
TOWN OF TRUMBULL
CONNECTICUT
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TOWN HALL
Trumbull, CT

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MINUTES
JANUARY 10, 2010

CALL TO ORDER: The regular meeting of the Trumbull Town Council was called to order at 8:07 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 Testani	David Pia	Michael Rappa
Robert J. Pescatore, Jr.	Jane Deyoe	Mary Beth Thornton
Jeffrey Jenkins	Roberta Bellows	John Rotondo
Debra Lamberti	Kristy Waizenegger	John DeVecchio, Jr.
Martha Jankovic-Mark	Ann Marie Evangelista	Mark Alteri
Carl A. Massaro, Jr.	Michael London	James Meisner
Chad Ciocci	Tony Scinto	Daniel Helfrich

MEMBERS ABSENT: Michael Rappa, Jane Deyoe

APPROVAL OF MINUTES: Moved by Mr. Ciocci, seconded by Mr. Pia to approve the Minutes of the Organizational Meeting on December 7, 2009. Minutes adopted unanimously.

Before beginning the presentation and business portion of the meeting Chairman Massaro took a moment to thank the residents of Trumbull for the opportunity to serve on the Town Council and extend his thanks as well to the Council Members for electing him Chairman of this esteemed body. He acknowledged that it is a great honor and very rare opportunity to serve as Chair of any legislative body, that he is extremely grateful for and honored by this role and he that looks forward to a productive session with the entire Council.

Further, Chairman Massaro introduced the new Vice-Chairman Mrs. Suzanne Testani, Republican Caucus Leader Mr. Chad Ciocci assisted by Mr. Robert J. Pescatore, Jr., Democratic Caucus Leader Ms. Mary Beth Thornton assisted by Mr. John Rotondo, and new Council Members including: Mr. David Pia (R) – district 1, Ms. Roberta Bellows (R) – district 3, Ms. Kristy Waizenneger (R) – district 4, Ms. Ann Marie Evangelista (R) – district 5, and James Meisner (D) – district 6.

Chairman Massaro also acknowledged two of the Town Attorneys present: Mr. Edward Walsh and Mr. Mario Coppola.

At this time Chairman Massaro introduced the First Selectman, Mr. Timothy Herbst. Mr. Herbst graciously addressed the audience and stated that he wants to begin this new year and the first meeting of the newly seated Town Council by offering his sincere congratulations to all of the Town Council Members, especially welcoming those who are newly elected. He further stated that he is confident that all will find their service to this body to be rewarding over the course of the next two years. Mr. Herbst took a moment to thank Mr. Mark Altieri, Councilman for district 5, for his years of service to the Town Council in his previous capacity as Council Chairman. He also offered congratulations to Ms. Mary Beth Thornton on her election as minority leader. Finally, Mr. Herbst took the opportunity to personally congratulate Mr. Massaro on his appointment to Chairman of the Trumbull Town Council. He noted that Chairman Massaro is someone who is extraordinarily principled and will serve with integrity. All members of the Trumbull community should be proud to know that Mr. Massaro is leading this legislative body.

Mr. Herbst then provided a more formal introduction of the two Town Attorneys in attendance. He first introduced Attorney Mario Coppola. Attorney Coppola is an attorney with the law firm of Berchem, Moses and Devlin operating out of their Westport office. Attorney Coppola concentrates his practice in the areas of land use, zoning, tax appeals, and litigation. He will be our primary attorney for all land use boards including: Planning and Zoning Commission, Zoning Board of Appeals, and Wetlands Commission. He will also provide legal counsel to all other bodies of the town as determined by the First Selectman. Mr. Herbst then introduced Mr. Edward Walsh. Attorney Walsh is with the law firm of Owens, Schine and Nicola and brings a distinguished career as an experienced trial lawyer serving the Town of Trumbull with over twenty years of experience accrued in the state of Connecticut. He previously served as an attorney in New York and as counsel to the New York City Transit Authority. He is admitted to practice in the State of Connecticut, the State of New York and the State of Massachusetts and he is an admitted Trial Referee. He will be serving this body and other bodies of the town as well. Not in attendance due to a previous family commitment was Lead Town Attorney Robert J. Nicola. Mr. Herbst noted that he is pleased to have all three of our Town Attorneys on board and he thanked them for their service to the Town of Trumbull.

Finally, Mr. Herbst provided an explanation of the process regarding how legal counsel will represent the Town Council and all boards and commissions of the town. The practice in previous administrations has been that the Town Attorney be present at all public hearings, meetings of the Council and any other board or commission. This

procedure is effectively being restructured. The process going forward will be that Town Attorneys will attend meetings upon the request of Council leadership. Should any member of the Town Council have a legal question or require a legal opinion the respective caucus will direct that question to their leadership who, in turn will direct said inquiry to the First Selectman and to the Town's legal counsel. Council leadership will be provided with all necessary contact information for our Town Attorneys. This determination was arrived at in collaboration with legal counsel to ensure that Town Attorneys do not blur the boundary between providing legal advice and interjecting themselves into debate or deliberations of the body, be it the Town Council or any board or commission of the Town of Trumbull. This is a well established practice which is followed in numerous other municipalities throughout the state and should serve the Town of Trumbull effectively.

Mr. Herbst concluded his statements by noting that during these economically challenging times it is now more important than ever before that we come together to serve the community. The most immediate priorities in doing so are the upcoming adoption of a municipal budget for fiscal year 2010-2011 and the establishment of a new Charter Revision Commission including the development of a comprehensive purchasing policy to be incorporated into our municipal code. He emphatically urges all, regardless of party affiliation, to strive to work together harmoniously toward developing sound policy on behalf of our town.

APPROVAL OF MINUTES: Moved by Mr. London, seconded by Mr. Rotondo to approve Minutes of the November 5, 2009 regular Town Council Meeting. Minutes adopted unanimously by members sitting at the twenty-second session of the Town Council and constituting a quorum.

Presentation on the High School Building Project

Chairman Massaro indicated that going forward the monthly update regarding the high school building project will include: architect report, construction manager report, owner's representative report, and committee chairman report.

Mr. Greg Smalley of JCJ Architecture presented the architect report. Mr. Smalley indicated that Phase I is currently under construction. This includes the new auditorium and associated pieces of the building, and is moving along quite well. Phase II is the larger portion of the project and the more sensitive area relative to the educational mission of the school and building. It addresses pieces of the project that might not otherwise qualify for grant reimbursement. The state views much of what falls under Phase II as maintenance items unless the building is brought entirely back up to code compliance referred to as renovation status. This is how the project was presented to the state and this is the basis upon which they have moved forward. The drawings and construction documents for this work have been submitted to the state and are undergoing review which takes an estimated six to eight weeks. The state has advised that we should expect comments on or about the 11th of February. Typically it takes three to four weeks to address these comments back to the state for approval. Therefore, the target time for bidding is mid-March, which is in line with the schedule for construction beginning this summer once the building is vacant.

The scope of this work focuses primarily on renovation. There is a need for a fire separation wall in the building. Currently the building is larger than code will allow without a fire separation wall. Factoring in the addition of the auditorium creates an even larger non-compliance issue. In addition all of the windows in the building will be replaced affecting an energy savings and a new roofing system will be installed. The roof and windows will most likely qualify for grant reimbursement at the full rate. The larger pieces that will not qualify if we do not achieve renovation status include the mechanical systems, electrical systems and plumbing. These systems represent between \$27 and \$28M of the work which is anticipated to be brought to bid in March – slightly more than half of the amount of money that we will be bidding for construction. It is important to understand that by presenting this to the state in a way that is compliant with education specifications it allows for maximization grant reimbursement. Further, the phasing is critical in ensuring that construction begins at the close of the 2009-2010 school year in order to maximize the return bids. Mr. Smalley concluded his report by noting that range of this work moving forward is fairly extensive and reiterating that staying on target by phase is essential.

Chairman Massaro opened the floor to questions from Council Members.

Mr. London inquired as to whether any preliminary indication has been received from the state regarding potential matters relating to the project requiring vetting.

Mr. Smalley responded that once the state accepts the drawings as complete their review is as a funding and oversight agency to ensure that code compliance is in place and said acceptance is a general indication that most of the major items are in order. Further, if there were serious issue the state would have contacted the architect by this time.

Ms. Testani questioned whether the need for a fire safety wall was anticipated or whether it arose as a result of the expanding size of project. Further she inquired as to whether this is reimbursable by the state. Mr. Smalley indicated that this is reimbursable by the state because it is a code requirement. Additionally, the wall was anticipated from the inception of the project as it was most likely necessary dating back to the construction of the previous additions and the ability to separate those additions by fire safety wall from the remainder of the building was one of the areas that the state was initially concerned with at the advent of this project. It is not uncommon to find school buildings that are much larger than what current code would allow since fire code is not grandfathered. This work can be both fairly costly and disruptive and it subsequently generally addressed during a major renovation, as is presently underway.

Mr. Brian Holmes, of O&G Industries presented the construction manager report. In the spirit of full disclosure Mr. Holmes noted that in addition to his role as Project Executive he is also a resident of the Town of Trumbull. He reiterated that the project is in phase I construction on the site consisting of the auditorium and the new boiler room. The project value at phase I stage is \$9, 041, 535. The current cost is at \$9,042, 987. There is also a considerable amount of contingency which is in fairly good shape and is utilized to cover items missed in the bidding process. Therefore, at present the project is on budget and very close to schedule only having been moderately delayed by inclement weather. Roofing, masonry, and enclosure of the auditorium are all progressing. The structural

steel is essentially finished. The boiler room preparation is well underway; it is being painted and the new boilers are set for delivery in approximately two weeks.

Mr. Holmes went to address phase II, which is currently at the state. In-house the drawings are also being reviewed to ensure they are bid-able and construct-able. They are also looking at the phasing and scheduling including meetings with the school to guarantee necessary and appropriate access to the building while accommodating the needs of its occupants. Further, a working drawing estimate has recently been completed based on drawing that went to the state and we remain within budget. This will be presented to the Building Committee next week and it has been forwarded to them for review.

Chairman Massaro opened the floor to questions from Council Members.

Chairman Massaro inquired as to the anticipated financial climate for the upcoming bidding. Mr. Holmes indicated that he believed it to be favorable and that if we could get out in March/April we could expect a fair amount of good bids.

Mr. Al Barbarotta of AFB Construction Management presented the owner's representative report. To begin Mr. Barbarotta provided a basic overview of the extensive "like-new" renovation in progress for those who are new to the process. Given the vast amount of information surrounding this work Mr. Barbarotta suggested that it would be most beneficial to establish sessions to facilitate the full edification of the intricacies and status of this project. In terms of monitoring responsibility weekly meetings are conducted each Wednesday morning including the construction team and school administration on site as well as regular coordination meetings which include Mr. Smalley and his team. Primary goals are to meet the charge of executing a like-new renovation, implement lead certification, lead silver if possible – a designation for energy efficiency, and overseeing related costs. At the next Building Committee Meeting a lead report will be presented. At this time the project appears to be on target – on schedule and on budget as well as on task to meet the lead silver certification for the project. To this end there is a comprehensive monthly report issued detailing all aspects of project and phasing plans which are available. Mr. Barbarotta suggested collaborating with Chairman Massaro in determining what specifically what volume of information he would like to have compiled and in what form and forum. Mr. Barbarotta concluded his remarks by indicating his ongoing availability to address any questions or concerns as they may arise.

Chairman Massaro opened the floor to questions from Council Members.

Chairman Massaro suggested establishing a system for circulating the reports submitted on a weekly basis to the Office of the First Selectman to the Town Council in order to facilitate a more expedient delivery of information. It was decided that this information will be delivered to the First Selectman's Office and he can determine how he would like it to be disseminated.

Mr. James Nugent, Chairman of the High School Building Committee presented the committee chairman report. Mr. Nugent indicated that he did not have any additional

information to add to what had previously been provided regarding project status and progress. He did note that the committee wants to ensure that information regarding the project is readily available and provided, that meetings are open to the public, and that any additional sessions beyond regular committee meetings can be accommodated and arranged as requested. One further important point was to cite the savings accrued as a result of the plan proposed by JCJ Architecture to utilize the old auditorium as swing space as opposed to continuing to utilize portable classrooms at a substantial cost. Mr. Nugent ended his statements by asserting his confidence in the numbers projected by O&G and, subsequently, in the keeping the project in under budget and receiving the maximum reimbursement from the state.

Chairman Massaro opened the floor to questions from the Council Members.

Mrs. Testani questioned what will happen to the existing auditorium once there is no longer any need for swing space. Mr. Steve Burgess of JCJ Architecture indicated that the swing space will ultimately be converted into a music suite including a choral and band room as well as storage for musical equipment.

Item 1. RESOLUTION TC 23-1: Postponed in committee.

Item 2. RESOLUTION TC23-2: Moved by Ms. Thornton, seconded by Mr. DelVecchio.

BE IT RESOLVED, that an agreement between the Town of Trumbull and Camp Dresser & McKee Incorporated for professional GIS services, be and the same is hereby approved.

Committee report: Legislation and Administration Committee met December 29, 2009 and voted 3-0-1 to recommend (Abstention: M. Altieri).

Ms. Waizenegger moved to postpone this resolution until the February meeting in order to allow additional time to fully negotiate and complete the contract.

Attorney Walsh provided the status of the contract negotiation. The contract is currently being reviewed. At this point it is incomplete and Attorney Nicola is working on finalization. He has therefore requested that this item be continued to the next agenda to allow time to negotiate these provisions.

Ms. Waizenegger withdrew her motion in order to allow for further discussion.

Mr. DelVecchio inquired as to whether the insurance issue was the only matter under review in the contract. Attorney Walsh stated that the entire contract required further review to ensure that the Town's interests be properly protected, that Attorney Nicola is presently addressing this issue, that a finalized agreement has not been reached at this point and therefore there may be other issues. Attorney Nicola has taken the lead on this contract and he is requesting a continuance.

Ms. Thornton noted that there is a timing issue surrounding the approval of this contract

as there will be a fly-over before the “trees have leaves”. Attorney Walsh acknowledged said time limit and indicated that Attorney Nicola is working diligently to get this resolved expediently in order to avoid any conflict.

Mr. Herbst addressed the timing issued by stating that he has had conversation with Attorney Nicola regarding the impending fly-over relaying what had been communicated to him at the GIS Committee meeting in regards to time being of the essence in this matter. The attorneys are aware that this contract must be addressed in short order, no later than the February meeting and this deadline will be met. Further, the points raised by Ms. Waizenegger are valid, the First Selectman has had the opportunity to review the contract himself and this measure is being taken in order to provide ample protection for the town before signing.

Ms. Thornton asked whether there was any way review of this contract could have been expedited the review of this contract through committee before is came on the floor. Chairman Massaro ensured that every effort has been made to try and expedite.

Mr. Herbst added that the Town Attorneys have been working diligently to transfer all legal files currently in the custody of their predecessors and have reviewed each of these files to assess priority level from a legal standpoint. They have reviewed the contract in its early stages prior to their appointment and made the determination to imbed additional safeguards in said contract to further ensure that the town is protected.

Moved by Ms. Waizenegger, seconded by Mr. London to postpone this resolution until the February meeting in order to allow additional time for the contract to be fully vetted, negotiated and completed.

VOTE: Adopted unanimously

Item 3. RESOLUTION TC 23-3: Moved by Mr. Rotondo, seconded by Ms. Thornton.

Chairman Massaro clarified for the record that we do have the attachment, Table A.

Committee Report: The Finance Committee met December 30, 2009 and voted 5-0 to recommend.

BE IT RESOLVED, that Article III, Senior Citizen and Disabled Persons Tax Relief Regulations Section 18-43 of the Trumbull Town Code is hereby amended in accordance with Table A (Attachment).

Mr. Rotondo cleared for the record that Table A is the document which reads “Town Homeowners Program 2009”.

Chairman Massaro asked the clerk to mark the resolution accordingly.

Ms. Judy Ferrigno of the Town Assessor’s Office came forward to provide information on the credit program as currently used. Ms. Ferrigno indicated that the last time

municipal code was changed there was an income limit that would also be changed. The 2009 income limit will be \$61,000 in comparison to the 2008 income limit of \$58,800. While the stratification of income limits will change slightly, the credit amounts given will remain the same with a minimum amount of \$200 and a maximum amount of \$1,350. Ms. Ferrigno noted that this is only the credit program being addressed and that there is also a deferral program and a freeze program. The total impact on the town from a financial perspective should be viewed from all three programs. Finally a table detailing income classifications was referenced and attached hereto.

Chairman Massaro inquired as to the number of participants and the cost of the credit program.

Ms. Ferrigno indicated that for 2008 the credit program was comprised of 839 participants at a cost of \$ 555, 850. Total participants in the program last year including credit deferral and freeze were 1,037. Total cost for the three programs was \$1,305,934.56 for the town side of the program. There is also a state program, however; the town is reimbursed and these numbers do not include the state program – being \$266,000 for a total of \$1,572,000. The state program is a benefit paid by the state and is not a reimbursement to the \$1,305, 934.56.

Chairman Massaro noted that Ms. Ferrigno's numbers reflect those of the Town Homeowner's Program 2008 schedule.

Mr. London asked if a projection for 2009 has been prepared. Ms. Ferrigno indicated that it has; however, there is no way to actually project how many additional participants may be added because the demographic information is not available.

Mr. Meisner questioned whether the \$1.3M figure for 2008 included the \$715,000 in deferrals. Ms. Ferrigno indicated that it did. Therefore, the cost to the other two programs was approximately \$600,000. The majority of participants opt for the credit program after the deferral program.

Ms Testani questioned whether the town realizes interest money on delinquent payments. Ms. Ferrigno indicated that this is the case.

Moved by Mr. London, seconded by Ms. Testani that this matter be referred back to committee in order to incorporate the significant new information provided by the Tax Assessor's Office into a possible revision or allow for further study.

VOTE: Adopted 14-5-1 (Opposed: M. Thornton, J. Rotondo, M Altieri, J. Meisner, D. Helfrich; Abstention: J. DelVecchio)

Item 4. RESOLUTION TC 23-4: Moved by Mr. Helfrich, seconded by Mr. Altieri

BE IT RESOLVED that James Meisner of 62 Driftwood Lane be and the same is hereby appointed to the Trumbull High School Building Committee to fill the vacancy created by the retirement of Kathleen Bivona.

Committee report: The Rules and Research Committee met December 29, 2009 and voted unanimously to recommend.

VOTE: Adopted 18-1 (Absention: J. Meisner)

Item 5. RESOLUTION TC 23-5: Moved by Mr. London, seconded by Mr. Pescatore.

BE IT RESOLVED, that David Preusch of Woodcrest Road, be and the same is hereby appointed a member of the Trumbull High School Building Committee.

Committee report: The Rules and Research Committee met December 29, 2009 and voted unanimously to recommend.

Mr. Massaro noted that there are currently no vacancies and made a motion to postpone this resolution. Moved by Mr. Ciocci, seconded by Ms. Testani.

VOTE: Adopted 18-1 (Abstention: M. Altieri)

Item 6. RESOLUTION TC 23-6: Moved by Mr. DelVecchio, seconded by M. London

BE IT RESOLVED, that Perry Molinoff of 39 Lafayette Drive, be and the same is here by appointed an alternate member to the Board of Finance to fill the vacancy created by the resignation of Steven Lupien, for a term extending to the first Monday in December, 2011.

Committee report: The Rules and Research Committee met December 29, 2009 and voted unanimously to recommend.

VOTE: Adopted unanimously

Mr. Ciocci moved to make this emergency legislation, seconded by Mr. DelVecchio.

VOTE: Adopted unanimously as emergency legislation.

Item 7. RESOLUTION TC 23-7: Moved by Ms. Lamberti, seconded by Mr. Pescatore

BE IT RESOLVED, that Richard Mayo of 5004 Madison Avenue, be and the same is hereby appointed an alternate member of the Zoning Board of Appeals for a term extending to the first Monday in December, 2012.

Committee report: The Rules and Research Committee met December 29, 2009 and voted unanimously to recommend.

VOTE: Adopted unanimously.

Mr. DelVecchio motioned to make this emergency legislation. Motion withdrawn.

Item 8. RESOLUTION TC 23-8: Moved by Mr. Pia, seconded by Ms. Evangelista.

BE IT RESOLVED, that William Malmstedt of 6213 Avalon Gates, be and the same is hereby re-appointed an alternate member of the Zoning Board of Appeals for a term extending to the first Monday in December, 2011.

Committee report: The Rules and Research Committee met December 29, 2009 and voted unanimously to recommend.

VOTE: Adopted unanimously.

Item 9. RESOLUTION TC 23-9: Post-poned in committee.

Item 10. RESOLUTION TC 23-10: Post-poned in committee.

Item 11. RESOLUTION TC 23-11: Transferred to Finance Committee, post-poned in committee.

Item 12. RESOLUTION TC 23-12: Moved by Mrs. Bellows, seconded by Mr. Jenkins.

BE IT RESOLVED, that Alex Remson of 2189 Huntington Turnpike, be and the same is hereby appointed an alternate member of the Board of Finance for a term extending to the first Monday in December, 2010.

Committee report: The Rules and Research Committee met December 29, 2009 and voted unanimously to recommend.

VOTE: Adopted unanimously.

Mr. London moved to make this emergency legislation, seconded by Ms. Testani.

VOTE: Adopted unanimously as emergency legislation.

Item 13. RESOLUTION 23- 13: Moved by Ms. Waizenegger, seconded by Mr. Scinto.

BE IT RESOLVED, that Dana Misner of 73 Stoneleigh Road, be and the same is hereby appointed an alternate member of the Board of Finance for a term extending to the first Monday in December, 2012.

Committee report: The Rules and Research Committee met December 29, 2009 and voted unanimously to recommend.

VOTE: Adopted unanimously.

Ms. Testani moved to make this emergency legislation, seconded by Ms. Lamberti.

VOTE: Adopted unanimously as emergency legislation.

Item 14. RESOLUTION TC 23-14: Moved by Ms. Jankovic-Mark, seconded by Mr. Pescatore.

BE IT RESOLVED, that the appointment by the First Selectman of Rich Deecken of 679 Garden Street, as a member of the Inland Wetlands Commission, be and the same is hereby approved for a term extending to the first Monday in December, 2012.

Committee report: The Rules and Research Committee met December 29, 2009 and voted unanimously to recommend.

VOTE: Adopted unanimously.

Item 15. RESOLUTION TC 23-15: Moved by Ms. Evangelista, seconded by Mr. London.

BE IT RESOLVED, that the appointment by the First Selectman of Carmine DeFeo of 15 Woodcrest Avenue as a member of the Inland Wetlands Commission, be and the same is hereby approved for a term extending to the first Monday in December, 2012.

Committee report: The Rules and Research Committee met December 29, 2009 and voted unanimously to recommend.

VOTE: Adopted unanimously.

Moved by Mr. Ciocci, seconded by Mr. Jenkins to recall RESOLUTION TC 23-14 to state, as amended in committee "BE IT RESOLVED that Richard C. Deecken of 679 Garden Street, as a member of the Inland Wetlands Commission, be and the same is hereby approved for a term extending to the first Monday in December 2012."

Moved by Mr. Scinto, seconded by Mr. Rotondo to amend as reported in committee.

VOTE: Adopted unanimously as amended.

Mr. Helfrich moved to adjourn, seconded by Mr. DelVecchio. With no further business to discuss, this first meeting of the Twenty-Third Council was adjourned at 9:29 P.M. with unanimous consent.

Respectfully submitted,



Nicole D'Agostino
Council Clerk