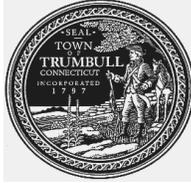


TOWN COUNCIL
Town of Trumbull
CONNECTICUT
www.trumbull-ct.gov

TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



February 7, 2011
MINUTES

CALL TO ORDER: Chairman Carl A. Massaro, Jr., called the meeting to order at 8:04 p.m. at the Trumbull Town Hall, Trumbull, Connecticut. 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

Suzanne Testani
David Pia
Michael Rappa
James F. Meisner
Robert Pescatore, Jr.
Mary Beth Thornton
Debra Lamberti
Ann Marie Evangelista
Martha Jankovic-Mark

Mark Altieri
Carl Massaro, Jr.
Roberta Bellows
Jane Deyoe
Tony Scinto
Chad Ciocci
Kristy Waizenegger
Jeff Jenkins

ABSENT

John M. Rotondo
Daniel Helfrich
Michael London
John DelVecchio, Jr.

Also Present: First Selectman Timothy M. Herbst, Mr. Dan Nelson, Chief of Staff, Town Attorney Edward Walsh, Mr. James Nugent Chairman of the Trumbull High School Building Committee, Mr. Al Barbarotta of AFB Construction Management, Mr. John Barbarotta of AFB Construction Management, Mr. Stephen Burgess of JCJ Architecture, Mr. Brian Holmes of O&G Construction and Susan Horton Trumbull Library System Library Director.

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

APPROVAL OF MINUTES: The Town Council approved the January 6, 2011 meeting minutes as submitted 15-0-1 (Abstention: Jenkins)

DISCUSSION ITEMS:

Recognition - Trumbull High School Football CIAC Class LL.

First Selectman Timothy M. Herbst on behalf of the town congratulated the Trumbull High School football team as the FCIAC state class L runner-up and for their excellent sportsmanship and individual integrity, which is a credit to their coaches, parents and town.

Recognition - Saint Joseph's High School Football CIAC Class S State Championship

First Selectman Herbst on behalf of the town of Trumbull congratulated the Saint Joseph's High School football team for winning the FCIAC Class S State Championship. Saint Joseph's athletic program has brought honor and distinction to the town of Trumbull; this is due to the dedicated coaches, parents and outstanding student athletes.

On behalf of the Town Council the Chair extended congratulations and thanks to the student athletes, coaches and also to their families and teachers for their support. The Chair congratulated Coach Maffei and Jim Olayos.

Recognition - We The People Team

The Chair acknowledged the Trumbull High School We the People team. It is comprised of a group of very talented Trumbull High School students who compete state-wide debates on constitutional questions. The Chair along with several of the council members and other volunteers has had the honor and privilege of working with students. Six groups competed for Trumbull High School which was awarded an overall second place with four groups placing first and two in third in their respective competitions.

Trumbull Library System - One Town One Book

Ms. Horton presented and explained the One Town One Book program to the Town Council; this year the criteria for the program changed. The people wanted an issue orientated, controversial, well written, readable and manageable length book. The Immortal Life of Henrietta Lacks by Rebecca Skloot was chosen. This is a book based upon a woman who had been diagnosed and died of cervical cancer in the John Hopkins Hospital, before she died tissue was harvested. These cells have instrumental in cancer research for decades as well as many other maladies. All along Henrietta's children continued to live in poverty and unaware of their mother's strange mortality. The book raises uncomfortable questions of with no clear answers as to whether people should be remunerated for their genetic contributions to science and the role of profit in science. Ms. Horton distributed program flyers to the town council explaining and describing the upcoming programs.

Trumbull High School Building Committee:

Chairman's Report:

Mr. James Nugent, Chairman of the Trumbull High School Building Committee reported that construction is on-going. The students have been moved to the newly constructed swing space from the second floor of C-House, approximately eight (8) classrooms. There has been some weather related issues due to the extreme winter we are currently experiencing, these issues have been compounded by the announcement of the cancelation of the February school vacation.

Owner's Rep Report:

Mr. J. Barbarotta reported that weekends are necessary to make up the time lost due to weather and the cancelation of February vacation, the project will need the cooperation of the school administrators and the BoE. In response to Ms. Testani's question regarding the additional cost of weekend work, Mr. J. Barbarotta explained that project needs the building empty to coordinate the abatement, there has been a meeting coordinated with the Superintendent of Schools and staff to discuss this effort. Abatement requires a ten-day notification to the state, last minute closings do not allow time for the required notification. There is a defined window to get work done; the project needed the two vacations in order to get the work done. There were hundreds of workers available to remove snow from schools roofs; at the same time roof top equipment was being craned in. The project is using all available time to keep the structure project moving forward.

In response to a question from the Chair, Mr. A. Barbarotta stated that \$1 million had been budgeted for abatement; the number will come in close and is expected to be within budget. The meeting with the Superintendent will be to discuss relocating weekend events scheduled at the high school in order to free the building for the work that needs to be done.

First Selectman Herbst extended his gratitude to all the people who assisted in the schools' snow removal process, Mr. Al Barbarotta of AFB Const. Management, Mr. John Barbarotta, Building Official Graham Bisset, Fire Marshal Megan Murphy, Deputy Fire Marshal Alex Rausso and BoE Facilities Director Steve Kennedy noting that the snow removal was truly a collaborative effort.

Ms. Evangelista extended her gratitude to First Selectman Herbst, Mr. Barbarotta and all involved in the snow removal effort, noting that Trumbull's schools were opened on Friday February 4, 2011 while there are still some schools that were closed through today Monday, February 7, 2011.

Mr. A. Barbarotta reported that independent engineers had come out to inspect roofs; there had been two significant roof movements; one was at the high school over the boiler room and one at Madison Middle School, the upper gym roof

unloaded to the lower roof and the roof did deflect. The roofs did move but they moved right back after the snow was removed, both roofs worked just as they were built to work.

The First Selectman stated that the town is working with insurance and a FEMA application to aid in covering the cost of the storms.

TNAC Project – Postponed

1. RESOLUTION TC23-139: Moved by Ms. Bellows, seconded by Ms. Testani.

BE IT RESOLVED, That the reappointment of Kevin Chamberlain, 43 Coral Drive as an alternate member of the Inland Westland and Watercourse Commission, be and the same is hereby approved for a term extending to December 5, 2011.

Committee Report: the Rules & Research Committee met on January 31, 2011 and voted 4-0 to recommend.

Moved by Mr. Meisner, seconded by Mr. Pescatore to amend RESOLUTION TC23-139 to read as, “RESOLUTION TC23-139: BE IT RESOLVED, That the reappointment of Kevin Chamberlain, 43 Coral Drive as an alternate member of the Inland Wetlands and Watercourse Commission, be and the same is hereby approved for a term extending to December 5, 2011”.

VOTE: Motion to amend carried 16-0 unanimously.

VOTE: Adopted as amended 16-0 unanimously.

2. RESOLUTION TC23-145: Moved by Mr. Rappa, seconded by Mr. Pescatore.

BE IT RESOLVED, That the reappointment of Arlyne Fox, 300 Tashua Road as the Planning & Zoning representative to the Inland Wetlands Watercourse Commission, be and the same is hereby approved for a term extending to December 5, 2011 the veto of the First Selectman notwithstanding.

Committee Report: the Rules & Research Committee met on January 31, 2011 and voted 4-0 to recommend.

The Chair noted that the resolution requires at least a two-thirds 2/3 vote of its entire membership; an affirmative vote to support the appointment, a negative vote would support the veto.

VOTE: Adopted 16-0 unanimously.

3. RESOLUTION TC23-146: Postponed In Committee.

BE IT RESOLVED, That the appointment of Michael Knight, 7 Crescent Lane as a member of the Pension Board, be and the same is hereby approved for a term extending to December 2, 2013.

4. RESOLUTION TC23-147: Moved by Ms. Deyoe, seconded by Ms. Mark.

BE IT RESOLVED, That the Trumbull Charter Revision Commission shall submit its draft report to the Town Clerk on or before June 1, 2011.

Committee Report: Legislation & Administration Committee met on January 31, 2011 and voted 5-0 to recommend.

VOTE: Adopted 16-0 unanimously.

5. RESOLUTION TC23-148: Moved by Mr. Meisner, seconded by Mr. Pia.

BE IT RESOLVED, That \$10,000 is hereby appropriated from 20-315200 WPCA Retained Earnings to Professional Services 20100000-522202.

Committee Report: The Legislation and Administration Committee met on January 31, 2011 and voted 5-0 to recommend.

The Chair noted that the resolution is a similar type of resolution that has come before the Town Council; the WPCA needs council approval to transfer funds from the Retained Earnings account to a budgetary spending account; the WPCA controls the action.

In response to Ms. Testani's question, Atty. Walsh stated that the attorney's hourly rate will be kept at \$225; \$325 is the attorney's normal hourly rate.

Mr. Pescatore stated that the resolution pertains to the Jog Hill litigation speaking against the funding source of such funds. The underlying principle should be looked into; although will vote against this resolution based upon the funding source.

In response to Ms. Thornton, First Selectman Herbst explained that the contract 3 project was completed in 2009; assessments have been issued to residents and were higher than anticipated. During the course of hearings there was a determination made that there were latent project defects. The Public Works Director was charged with finding out why there were excessive cost over-runs, latent defects and higher assessments. As a result the town retained Tighe & Bond to perform on-call engineering services on contract 4 and to perform an assessment of contract 3. An estimate for that remediation is approximately \$3 million. The letter sent to Mark IV advises them that the town believes there were defects in the project and the need for remediation.

In response to Ms. Thornton, First Selectman Herbst stated that the challenge in having contract 3 residents pay for this item is that their assessments have been levied, payments

have begun and interest rates set. The contract 4 residents' assessments have not been set. The entire town and WPCA will have to take action to recover the money. Ms. Thornton noted that the Jog Hill assessments had been reduced. First Selectman Herbst stated that Tighe & Bond had been hired to oversee contract 4 to prevent future deficiencies; the operational expense is coming from the 20 account. Tighe & Bond was hired based upon advice of the forensic audit; it was determined that having them on the project would yield cost savings. If the residents of contract 3 were to pay for the cost of Tighe & Bond and its analysis, which will assist the town with litigation; the town would have to levy a special assessment. The town has never done that with any other cause of action, or other construction related litigation.

In response to Ms. Thornton, First Selectman Herbst stated that the town is trying to resolve this without litigation. Mark IV has retained counsel; the town attorneys are speaking to the Mark IV attorneys. Tighe & Bond had been hired to act as a third party contract administrator on behalf of the town.

In response to Mr. Pescatore, First Selectman Herbst stated that contract costs are paid for by assessments, contract 3 can not be compared to contract 4. Contract 3's assessment has already been levied; contract 4 is in progress.

Mr. Jenkins spoke in favor of the First Selectman's explanation; and the potential cost savings with the oversight group in place.

In response to a question from Ms. Thornton, First Selectman Herbst stated that the schedule of contract 4 could be affected by bid arbitration and the current weather conditions. The First Selectman does not expect the arbitration to have a significant impact on the schedule since construction is moving forward during the arbitration. If there is no more snow; it is expected that the project will be completed ahead of schedule.

Mr. Meisner encouraged the town to negotiate and to pursue arbitration. First Selectman Herbst stated that the town is doing all it can to avoid litigation.

VOTE: Adopted 13-2-1 (Against: Pescatore and Mark) (Abstention: Altieri).

ADJOURNMENT: Upon Motion made by Mr. Altieri, seconded by Mr. Pia the Town Council adjourned by unanimous consent at 9:22 p.m.

Respectfully Submitted,

Margaret D. Mastroni,
Town Council Clerk

