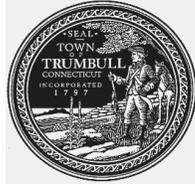


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LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
July 30, 2012

Chairwoman Suzanne Testani called the Legislation and Administration Committee to order at 7:04 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

Present: Chairwoman Suzanne Testani, Vice Chairman Chadwick Ciocci, Kristy Waizenegger, Fred Palmieri, Jr. and Martha Jankovic-Mark,

Absent: Jeff Jenkins, Jeff Donofrio, Alternate and James Meisner, Alternate.

Also Present: Chief of Staff Daniel Nelson, Town Council Chairman Carl A. Massaro, Attorney Edward Walsh, Attorney Burns, Chief of Police Thomas H. Kiely, Town Council member Vicki Tesoro present, Parks Director Dmitri Paris and Mr. Mark Nielsen of the Greater Bridgeport Regional Council.

*Moved by Ms. Waizenegger, seconded by Mr. Palmieri to take item #5 as the first item of business.

VOTE: Motion CARRIED unanimously.

1. RESOLUTION TC24-56: Moved by Ms. Waizenegger, seconded Mr. Palmieri.
BE IT RESOLVED, That the Town Attorney is hereby authorized to settle a claim known as Lawrence Macilvain vs. the Town of Trumbull.

Mr. Nelson stated that Town Attorney Walsh and Attorney Burns were present at this meeting to speak to this resolution. The claim goes back a few years, and is pending a settlement the committee will need to enter executive session to discuss the matter.

Moved by Mr. Ciocci, seconded by Mr. Palmieri to enter into Executive Session for the purpose of discussing pending litigation.

VOTE: Motion CARRIED unanimously.

The Legislation & Administration Committee entered Executive Session at 7:06 p.m. with L&A Committee members Suzanne Testani, Chairman, Chadwick Ciocci, Vice Chairman, Kristy Waizenegger, Fred Palmieri, Jr., Martha Jankovic-Mark, Chief of Staff Daniel Nelson, Town Council Chairman Carl A. Massaro, Attorney Edward Walsh,

Attorney Burns, Chief of Police Thomas H. Kiely and Town Council member Vicki Tesoro present.

(Mr. James Meisner arrived at the meeting and entered the Executive Session at 7:09 p.m.)

Mr. Ciocchi moved, seconded by Mr. Palmieri to end Executive Session.

VOTE: Motion CARRIED unanimously.

The Legislation & Administration Committee ended Executive Session at 7:21 p.m.

VOTE: Motion CARRIED unanimously.

*Moved by Mr. Palmieri, seconded by Ms. Waizenegger to take TC24-55 out of order.

VOTE: Motion CARRIED unanimously.

2. RESOLUTION TC24-55: Moved by Mr. Palmieri, seconded by Ms. Jankovic-Mark. BE IT RESOLVED, That First Selectman Timothy M. Herbst, be and the same, is hereby authorized to sign and execute and agreement entitled “Agreement Between the State of Connecticut and the Town of Trumbull for the Construction, Inspection and Maintenance of the Pequonnock River Trail Utilizing Federal Funds From the Urban Component of the Surface Transportation program” between the State of Connecticut, Department of Transportation and the Town of Trumbull.

Mr. Nielsen explained this is an agreement between the State and the town of Trumbull to construct a section of the Pequonnock River Trail, along Quarry Road, Trumbull Road and River Road. The engineer’s estimate for the project is \$1.8 million and is expecting the bids to come in less. The project would normally require a 20% local match but in this case the work completed in Twin Brooks Park is being credited as the local match. The Town will not be required to come up with any local dollars for this work. By accepting federal dollars the Town accepts the responsibility for maintaining the trails. An exact maintenance cost is not easily identified; he has seen the cost range from \$2,000-\$10,000 per year. This section is a unique project because the property the trails are going on is a state park and is under the control of the Department of Environmental Protection. GBRC has gotten the DEP’s authorization to move forward. The length of the trail is 5,100 ft. This project is part of a regional trail and will eventually extend to the Bridgeport train station. Each town will be responsible for the construction within their own town. Bridgeport is not a party to this agreement. The trail will go under Route 8. The old River Road is still there at a width of approximately 24’-28’. This project will clean up the overgrowth on that road. The old River Road paved surface will be reduced to 10’ wide, and will be constructed of porous pavement resulting in less run off to the river. The state of CT will take responsibility of the design and construction of the section of the trail that will go over the Merritt Parkway. There will be clear zones on either side of the paved surface at the River Road section for safety reasons. Mr. Paris stated that the upper section of the trail is forested so they encounter tree work as opposed to mowing which gets incorporated into a maintenance plan. Mr. Paris explained that he and Mr. Nielsen have worked closely together in designing the lower section of the trail with an eye on efficient maintenance.

Mr. Ciocci spoke against the resolution questioning how the justification for spending \$1.8 million on this project when the federal deficit is approaching \$1 trillion dollars and the current state of the economy. Mr. Nielsen explained that this program is funded through the gas tax, and is made available to the states for transportation improvement projects. The funds have been specifically allocated to the greater Bridgeport area on an annual basis. The project began in 1992; they are building an alternate transportation corridor from downtown Bridgeport up to the Monroe and Newtown line, approximately 16 miles in length. It will provide access to the train station and ferry. A study has not been done on how many people will use the trail to commute to work. Ms. Waizenegger echoed Mr. Ciocci's comments, noting people are being excessively taxed; those funds are then given to someone else, noting that is wrong.

In response to Ms. Waizenegger's question, Mr. Nielsen explained that there is a difference between the \$1.8 million figure, (the design engineer's report) and the amount of the contract which reads \$1.6 million. The total cost of the project is expected to cost \$1,294,000, the credit for the work at Twin Brooks is \$323,000 bringing the total federal cost of the project to \$1,618,000.

Ms. Mark spoke in favor of the project, believes it is a good use of federal funds and will provide much enjoyment to the residents of the inter-municipal participants.

VOTE: Motion CARRIED 3-2 (Against: Waizenegger and Ciocci).

*Moved by Ms. Waizenegger, seconded by Mr. Palmieri to take TC24-48 out of order.
VOTE: Motion CARRIED unanimously.

3. RESOLUTION TC24-48: Moved by Ms. Waizenegger, seconded by Mr. Palmieri.
BE IT RESOLVED AND ORDAINED, That a False Alarm Abatement Ordinance is hereby established;
WHEREAS, excessive false alarms throughout the Town create an unnecessary burden on the law enforcement resources of the Trumbull Police Department; and
WHEREAS, the Town proposes to reduce false alarms through the enactment of reasonable standards to ensure alarm users are held responsible for the use of their alarm systems;
NOW THEREFORE BE IT RESOLVED AND ORDAINED , That Chapter 14 Offenses and Miscellaneous Provisions, of the Trumbull Municipal Code is hereby amended to include Section 14-12 an ordinance establishing an abatement of false burglar alarms in the Town of Trumbull.

Attorney Walsh reviewed with the committee the revisions that had been made to the ordinance per Chief Kiely's recommendation and review by him and Town Attorney Nicola. The changes are as follows:

- The name of the ordinance had been changed from *False Burglar Alarm Ordinance* to *False Alarm Abatement Ordinance*. The ordinance encompasses more than just unlawful entry, fire alarms as well.
- SECTION 1. DEFINITIONS - The word verify has been changed to authenticate.
- SECTION 2: ALARM PERMIT (a) *Permit Required* - There will be no charge for the permit.

- SECTION 2: (c) *Transfer of possession* and (d) *Reporting updated information* - There had been an issue raised with regard to the 30 day window being too short, and has been changed to 60 days in both sections.
- SECTION 6: ENFORCEMENT OF PROVISIONS (a) *Failure to register* - This section had previously read as *any person*, person was not set forth under DEFINITIONS, *Alarm User* was. Person was changed to Alarm user to be consistent with the definitions.
- SECTION 6: ENFORCEMENT OF PROVISIONS (a) *Failure to register* - Made clear in this section that if there is a failure to register and an alarm incident occurs that the charge of \$50.00 is in addition to the \$100.00 fine for failure to register for each false alarm during the period of time the person is unregistered.
- SECTION 6: (g) *Alarm Awareness Class* - Pointed out that any person who attends the class will be entitled to have their first false alarm violation dismissed.
- SECTION 6: (h) *Violations of Municipal Ordinance* - This represents a catch all if a violations does not fall specifically under this ordinance then Section 7-148 of the CGS is referred to, the municipal power section would apply.
- SECTION 9: GOVERNMENTAL IMMUNITY AND DISCLAIMER - Attorney Walsh was concerned that the Town did not waive any governmental immunity right that would normally have by establishing some type of specific relationship with the alarm user which could constitute a waiver of governmental immunity. The language was changed to make it more detailed. In the second paragraph a Hold Harmless, indemnification provision was added to protect the Town.

Atty. Walsh clearly concurred with Chief Kiely how beneficial this ordinance is.

Moved by Ms. Jankovic-Mark, seconded by Ms. Waizenegger to amend Section 6 (g) *Alarm Awareness Class*: the word *person* to read as *Alarm User* to keep the language consistent. VOTE: Motion CARRIED unanimously.

In response to Ms. Waizenegger Chief Kiely indicated that there would be a one year period to educate the Town agencies, and are currently trying to construct a new alarm and entry system for Town Hall The current Town Hall alarm system is archaic. Mr. Nelson explained that the system is based on 7 zones throughout the building with multiple users in one zone. Chief Kiely confirmed for Mr. Palmieri that when a new owner moves in they would need to register their information in order to be able keep the contact information up to date. Chief Kiely could provide Ms. Tesoro with the breakdown of how many alarm calls have been to the Town Hall and BoE buildings. Ms. Tesoro stated that many Towns include an exception for the Town buildings and spoke in favor of the exception. Ms. Mark stated that she was against the municipality being held accountable. Ms. Waizenegger spoke against the use of Town funds to pay this fine, but struggles with the Town not be held accountable. Atty. Walsh indicated that it is important if a period of time is specified for education for the municipality that it should also be specified for the private sector. Ms. Jankovic-Mark suggested removing the language from SECTION 1: DEFINITIONS - *Alarm User*: “governmental or educational entity”. Attorney Walsh stated that Westport’s ordinance does include an exception paragraph. Chief Kiely spoke in favor of educating the Town and BoE, and if after a year it is still an issue it could be addressed at that point in time. Attorney Walsh suggested the Town of Westport’s paragraph which includes exception language in addition to the

deletion of the phrase governmental and educational entity. Chief Kiely indicated for Ms. Waizenegger that the Town and BoE buildings are not a great percentage of the false alarm calls. Mr. Meisner spoke in favor of excluding municipal buildings, since the fines would be paid from Town accounts, not directly from the employees. Mr. Ciocchi spoke against bureaucratic transfers and would be willing to support taking the government out of this ordinance if an effort is made to educate and to punitive measures if that education fail. This ordinance is about keeping the police on the roads. Atty. Walsh cautioned that there is no enabling law that allows that particular action against the governmental employee. Atty. Walsh indicated that it would be subject to collective bargaining. Mr. Nelson concurred. Mr. Palmieri stated that policy is beyond the council's prevue. Mr. Nelson stated they could make an effort. Chief Kiely stated training could be implemented.

Moved by Mr. Palmieri, seconded by Ms. Jankovic-Mark to send without recommendation.

Mr. Palmieri withdrew his motion.

The committee confirmed for Mr. Massaro that they would like to see exception language added to the ordinance.

Moved by Ms. Jankovic-Mark, seconded by Ms. Waizenegger to amend the ordinance to include the addition of the following language:

“Exceptions.

- A. The provisions of this chapter shall not apply to alarm devices owned and operated by the Town or one of its departments or agencies, including the Board of Education, the State of Connecticut or the United States of America, nor to alarm devices installed in motor vehicles or boats, unless said motor vehicles or boats are used as dwellings or businesses.
- B. The department head having control over the building owned by the Town if Fairfield or one its agencies, the State of Connecticut or the United States Government shall receive notification of false alarms so that corrective measures may be taken to avoid future unnecessary dispatches.”;

And to delete said language under the DEFINITION of *Alarm User* the following words: governmental and educational entity.

VOTE: Motion to amend CARRIED unanimously.

In response to a question from Mr. Massaro, the Chief stated that if the alarm does not have the feature which ties it to the fire or police department and it is not an exterior sounding alarm than it is not considered a false alarm. Mr. Palmieri referred to Section 6 (h) describes that scenario, Ms. Mark stated that Section 5 (b) also cover this issue.

VOTE: Motion CARRIED as amended unanimously.

4. RESOLUTION TC24-34: Moved by Mr. Palmieri, seconded by Ms. Waizenegger. BE IT RESOLVED AND ORDAINED, That Chapter 14 Offenses and Miscellaneous Provisions, Section 14-11 Blight Prevention of the Trumbull Municipal Code is hereby amended to include paragraph (9) Municipal Performance. (*Full Resolution Attached Hereto*)

Mr. Nelson stated that the ordinance is being reviewed by the Town Land Use Attorney; they have incorporated some of the new elements of the act that will take effect October 1, 2012, and are still reviewing some other municipal ordinances. Mr. Nelson suggested holding this resolution in committee.

Moved by Mr. Palmieri, seconded by Ms. Waizenegger to hold in committee.
VOTE: Motion CARRIED unanimously.

The Chair opened the Public Hearing at 8:35 p.m.
There was no one present from the public to speak.
The Chair closed the Public Hearing at 8:26 p.m.

5. RESOLUTION TC24-54: Moved by Mr. Ciocci, seconded by Mr. Palmieri.
BE IT RESOLVED, That First Selectman Timothy M. Herbst is hereby authorized to sign on behalf of the Town of Trumbull an application and contract with the State Library for a Historic Preservation Grant.

Mr. Nelson stated that this is an annual grant; this grant money is funded by the fees collected at the local level and are redistributed back to the Town. The Town receives approximately \$10,000 to \$12,000 per year. The funds are used for upgrades in the Town Clerk's office.

Mr. Ciocci stated that this is not the typical grant he opposes, this recuperates money that the Town Clerk has collected for activities she is mandated to perform, and they are sent to the State and are then sent back to the Town.

VOTE: Motion CARRIED unanimously.

6. RESOLUTION TC24-59: Moved by Ms. Jankovic-Mark, seconded by Mr. Ciocci.
BE IT RESOLVED, That the Beautification Commission is hereby disbanded for a job well done.

Mr. Nelson explained that the Town does not fund any money that is in the commission's budget it comes from the Mallett Trust to perform an activity such as, "Adopt an Island". The commission has been defunct for 6-7 months, the activities have been slowly assumed by the Parks Department. The problem with the Adopt an Island program has been maintenance. Mr. Paris indicated the commission wanted to improve various areas of the Town and give local business exposure, some of which maintain and some do not. As the program has faltered some of the larger programs have fallen into the Parks Department to manage them, i.e. the Vietnam Memorial. Approximately 2 years ago there was a last attempt to reformulate a set of rules and policies, but it did not work. The Trust funds would be allocated to other needs such as when the Council Chambers' tables were purchased with these funds and for community development. The trust can be used for those examples and many other sources. The intent was to replace on an annual basis some of the signs that are damaged throughout Town and to set a program where sponsors pay a fee to sponsor an island; the fees would offset the cost of the Parks Department maintenance of the program. The intention is to bring the programs to the next level. Mr. Nelson stated that the commission has done its best.

VOTE: Motion CARRIED unanimously.

There being no further business to discuss and upon motion made by Mr. Ciocci and seconded by Ms. Jankovic-Mark the Legislation & Administration Committee adjourned by unanimous consent at 8:46 p.m.

Respectfully Submitted,

Margaret D. Mastroni
Town Council Clerk

ATTACHMENT

RESOLUTION TC24-34: BE IT RESOLVED AND ORDAINED, That Chapter 14 Offenses and Miscellaneous Provisions, Section 14-11 Blight Prevention of the Trumbull Municipal Code is hereby amended to include paragraph (9) Municipal Performance stated as follows:

(9) Municipal Performance. In the event any owner, agent, tenant, or person in control of real property located in the Town of Trumbull fails to abate or correct any violation under this section, after the issuance of a citation as prescribed in Sec. 14-11(4)(d) of the Trumbull Municipal Code, the Town of Trumbull, acting through its Blight Prevention Officer, may cause or take such action as is necessary to correct such violation. The Town of Trumbull may designate agents to enter property during reasonable hours for the purpose of remediating blighted conditions, although neither the municipality nor its designated agents may enter any dwelling house or structure on such property, without the express consent of such owner, agent, tenant, or person responsible for such property or by order of the Connecticut Superior Court or other court of competent jurisdiction. The cost to take such action shall be a civil claim by the Town against such owner, agent, tenant, or person responsible for such property and the Town Attorney may bring an action to recover all such costs and expenses incurred.