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Trumbull

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LEGISLATION & ADMINISTRATION COMMITTEE  
Minutes  
August 27, 2012

Chairwoman Suzanne Testani called the Legislation and Administration Committee to order at 7:03 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

Present: Chairman Suzanne Testani, Vice Chairman Chadwick Ciocci, Kristy Waizenegger, Jeff Donofrio (Voting), Fred Palmieri, Jr. James Meisner, (Alternate arrived at 7:07 p.m.) (Not Voting), and Martha Jankovic-Mark.

Absent: Jeff Jenkins.

Also Present: First Selectman Timothy M. Herbst, Chief of Staff Daniel Nelson, Town Council Chairman Carl A. Massaro and Mr. Alfonso Barbarotto of AFB Construction Management.

- 
1. RESOLUTION TC24-67: Moved by Ms. Waizenegger, seconded by Mr. Palmieri. BE IT RESOLVED, WHEREAS, Trumbull High School has historically served as the Town's emergency shelter for Emergency Management purposes, and; WHEREAS, Trumbull High School has been undergoing renovations which do not maintain emergency management standards for emergency shelter purposes, and; WHEREAS, the Town of Trumbull is required by law to provide emergency plans and procedures, including shelter, and; WHEREAS, it is in the best interest of the of the residents of Trumbull for emergency services to include a shelter in the event of widespread emergency conditions in the Town; NOW, THEREFORE, BE IT RESOLVED, that Trumbull High School shall be designated the emergency shelter for the Town of Trumbull and that a plan and design shall be developed and constructed to meet all governmental standards to establish the same, and; BE IT FURTHER RESOLVED, That The Emergency Management Shelter Building Committee is hereby formed to plan, design and construct the improvements

necessary to establish Trumbull High School as the Emergency Management Shelter for the Town of Trumbull, and;

BE IT FURTHER RESOLVED, That the plan, design and construction of improvements shall be included in the scope of the renovations of the ongoing project at Trumbull High School and the cost of the same shall be paid from the bonding authorization for renovations to the Trumbull High School, and;

BE IT FURTHER RESOLVED, That the membership of the Emergency Management Shelter Committee shall consist of the Two Town Council Members of the Trumbull High School Building Committee, Emergency Management Director Lieutenant Ronald Kirby, two members of the Trumbull Police Commission and two members of the Trumbull Board of Education.

Mr. Massaro explained that the renovation of the high school does not allow the high school to continue to function as a shelter because the power generation is not sufficient to operate the building in an emergency situation. Mr. Massaro attended one of the meetings that have recently taken place on this issue. He suggested forming a committee that would make sure that the high school did meet the shelter status and fit into the renovations. There are questions with regard to what has to be done and what would qualify for reimbursement? If this is never included as part of the high school project the Town would never have the chance to receive reimbursement. The THSBC Owner's Rep. has indicated that there is a possibility that this could qualify. Mr. Massaro stated that is why he had written language into the resolution that this would be part of the high school renovation project and its funding would be applied to the shelter status. The composition of the committee would be a seven (7) member committee and were recommended for the following reasons:

The Two (2) THSBC Town Council representatives, there needs to be a connection to the THSBC. In years past the Town Council has had two (2) council reps serve on building committees. This combined with the need for the connection to the THSBC, is why the two (2) current THSBC council representatives were recommended as part of this committee.

Lt. Kirby, Director of Emergency Management has been spearheading the shelter status for the Town.

Two (2) police commissioners: they are in charge of law enforcement and public safety.

Two (2) BoE members since the high school is under the control of the Trumbull BoE.

Mr. Massaro stated that a seven (7) member committee is large enough to handle the task; a separate body will help expedite this project. At the time of this summer's discussion, the THSBC was working against the deadline to get the high school open for the start of school with all renovations completed. Chief of Police Thomas Kiely, Superintendent Iassogna, and Chairman of the BOE, Steve Wright, First Selectman Timothy Herbst and the Town Council Chairman Carl Massaro all support this resolution.

In response to Mr. Palmieri, Mr. Massaro stated he did not know when the Chief of Police or Lt. Kirby became aware that what was being renovated would not be sufficient as the Town shelter. The power in the building as it is now would not run the building if the need arose to manage an emergency from the high school. Mr. Barbarotta stated that

he was present as a taxpayer and resident; he will offer his services as the owner's rep at no cost to the Town. He is not present representing the THSBC. When a project of this magnitude begins, the educators bring their needs forward in the form of an educational specification. Mr. Barbarotta explained the process of formulating the budget from the ed-specs and the state approval process of the project in detail. Emergency management has changed drastically in the last ten (10) years. The generator that is there is designed to protect and to evacuate the inhabitants. They are now looking to house 3,600 people for a 90-day period, and are coupled with the Town of Monroe. Mr. Nelson clarified that these are the FEMA standards. Mr. Barbarotta explained that these issues were not put in front of the THSBC until less than a year ago. They are now moving towards a more complex shelter, a POD (Point of Distribution), a building that would house everything that is necessary to treat and distribute flu shots for 55,000 people, in the event of a pandemic flu outbreak. A very extensive list of what would need to be powered was provided two (2) weeks ago. Mr. Barbarotta had received verbal quotes from 3 contractors for the generator. The quotes received were \$500,000-\$600,000. The new committee will need to look at the different options and the costs associated with. Mr. Meisner stated that the generator that is at the high school is a new generator and is considerably larger than the generator it replaced.

Mr. Meisner indicated his concern is that the resolution includes language that the two (2) committees would be share a budget. The attorney has advised them not to spend the contingencies, and they need to be kept for unforeseen liabilities that could be 6-12 months away. This could significantly delay the generator project. Mr. Massaro stated that he is expecting a full THSBC budget update at the September 6, 2012 Town Council meeting. August 27, 2012 was the day the project was to be completed with the exception of a punch list, the old boiler room and the Media Center, we should have an excellent handle of what the project cost is. The addition of the \$2 million to the project was for the Town's comfort level that it was not going to obligate itself to money that it did not have authorized to spend. The last discussion that he had had was that the numbers were still in line as discussed at the last Town Council meeting; in addition \$1 million has been saved to date on paving. There should be ample money for the generator as long as the building committee had not added to the list that had been presented to the council. Mr. Massaro recommended to the L&A Committee and the Town Council to leave the resolution's language as it is. It is necessary to be part of the current project and the current bonding authorization to qualify for reimbursement.

In response to Mr. Donofrio, Mr. Barbarotta stated there may be a chance for reimbursement for the difference between the amount of what the generator that is there now and the cost of the new generator. It could be presented as an ED●-49R, a change to the original application. It is worth the effort. Ms. Jankovic-Mark stated as a separate project it may be possible to get inter-municipal grant funding. First Selectman Herbst and Mr. Massaro stated that the new committee would look into that. Ms. Jankovic-Mark suggested tabling the resolution until next month and to come back with a bonding increase. Mr. Donofrio stated the CM can not turn their contingency back to the Town until all the sub-contractors are closed and there no more charges against the GMP. Mr. John Barbarotta stated there is a possibility of third party funding and tax credits. Ms. Waizenegger questioned if state reimbursement is questionable, if there is a possibility of scoping this project based on the way we would build it without the state?

Mr. Barbarotta stated that there is not a yes or a no to that question, the options have to be researched, and fuel cell is a very viable option.

First Selectman Herbst stated that the resolution's use of the word "Plan" is significant; it is moving forward in determining a resolution. This is to empower a group of people to assess all options and to come back to the council with a recommendation. A cost benefit analysis would then be performed to determine what is in the best interest of the Town not only from a financial standpoint but more importantly meeting our public safety needs. Last year we used Madison Middle School and the Senior Center for what was technically a tropical storm. Given the volatility of the weather in recent years this is an exigent need. It is critical to have this committee meet; we need to get this done. Mr. Palmieri stated that we are not here to discuss how, this resolution is to formulate the committee. We would be morally and legally negligent if this was not pursued.

Ms. Jankovic-Mark spoke in favor of the committee but stated that we should be bonding for it at the same time. Mr. Barbarotta explained for Ms. Jankovic-Mark the reason fuel cell works is because it is gas underground. It is more efficient right now. They average pay back is 6-7 years; the cost of this power is at 2-3 cents per kwh.

In response to First Selectman Herbst, Mr. Donofrio explained the building committee's charge is much broader than the emergency management's charge. It would be a good idea to have this group look at security, since the ed-specs were written security needs and demands have changed dramatically. The ed-specs could be amended via special legislation. From the time the committee approves what it is that they will ultimately recommend to the council and the council approves that, it will take 6-8 months to procure and install the generator. Mr. Donofrio spoke in favor of forming the committee.

Mr. Meisner spoke in favor of the committee having its own budget, unless that jeopardizes the possibility of state funding. Mr. Massaro stated that language should be left in the resolution until it is determined whether it would qualify for reimbursement. The council has the option of adding this to the charge of the building committee with no change in funding. Mr. Palmieri stated suggested adding language to the resolution to alleviate any territorial overlap between the 2 committees. Mr. Massaro stated that as of today, August 27, 2012 the high school is supposed to be done except for 2 areas of the building and a punch-list, there is not a lot of overlap. It is a generator power issue with a narrow path for the new committee. One group is completing its duties and another group moving forward, he does not see a conflict. When these issues came live this summer the building committee was consumed with getting the doors to the school open for today, which they did. Giving them something that is totally extraneous from what they have been working on would be unfair to them and to the Town to expect that they would deliver this in the time that Chief Kiely would ask. Mr. Massaro sees a bridge and would expect cooperation.

Ms. Tesoro stated that she would like this to move forward but there is difficulty with the resolutions language and suggested instead of using the phrase "shall be included" to use "may be included". Mr. Massaro stated that this resolution would define the inclusion of this in the scope. Ms. Tesoro spoke against restricting the funding options and spoke in

favor of appointing the committee. Mr. Massaro clarified that the language of the resolution is about the potential for reimbursement.

First Selectman Herbst stated that it is his opinion that this should be part of the scope of the project, because before the project or design phase was started we had a high school that functioned as a shelter and had generator capacity. That capacity is no longer there. Included in the charge of the building committee was conducting an assessment of the building. When you take the building apart and put it together and there are essential elements of the building as a community building it becomes part of the charge and should be reimbursable. Ms. Jankovic-Mark stated there are a lot of unknown elements.

In response to Mr. Meisner, First Selectman Herbst stated that amount of equipment on the top of the high school has higher power needs for the new generator and is surprised this issue was not picked up during the design phase. Ms. Tesoro stated that there had been no discussion of this at the June 4, 2012 Town Council meeting, noting that there had been a meeting on this issue on May 15, 2012. First Selectman Herbst and Chief Kiely have asked the same question. This issue was brought to the attention of the building committee in December by the Chief of Police, he sent a letter in February and followed up again and another letter was sent, none of which were addresses. First Selectman Herbst clarified for Ms. Tesoro that the First Selectman's office did not request the additional \$4 million, the BoF denied the request, the Building Committee who is under the purview of the council had an obligation to bring this issue to the council, it had been discussed at building committee meetings.

Ms. Jankovic-Mark approves of setting up the committee to find a better generator system, but does not approve that the funding is mixed with the building committee's, she will vote against this. If she receives more information before the council meeting she may change her vote.

VOTE: Motion CARRIED 5-1 (Against: Jankovic-Mark)

By unanimous consent the L&A Committee took item #6, TC24-71 as the next item of business.

2. RESOLUTION TC24-71: Moved by Mr. Meisner, seconded by Mr. Palmieri.  
BE IT RESOLVED, That First Selectman Timothy M. Herbst, be and the same, is hereby authorized to sign and execute a lease agreement between the Town of Trumbull and the Richard Aiello Charitable Foundation for property and premises known as 579 Church Hill Road located in the Town of Trumbull.

Mr. Nelson explained that the property had been before the council several years ago as a purchase; the Richard Aiello Charitable Foundation subsequently purchased the property. As a result of discussions this agreement, a 49 year lease is before the council. The Town will pay \$1.00 per year; the Town would be responsible for the maintenance and the insurance for the property. Both the Town attorney and the Aiello's Foundation attorney are in favor of the agreement as well as the First Selectman.

In response to the Chair, First Selectman Herbst confirmed that the back tax issue has been resolved. This is a win-win agreement and extended his gratitude to the Aiello Foundation and Mr. Dinardo for their generosity in bringing this forward and for the substantial investment they have made in Trumbull Center. This facility is a logical extension of our Town Center, the structure bridges the Town's greatest natural resource with downtown. It is a critical piece to integrating the whole area for economic development purposes.

Mr. Ciocci left the meeting at 8:05 p.m.

Mr. Ciocci returned to the meeting at 8:06 p.m.

First Selectman Herbst indicated that bathrooms will be added to the structure for the trail users'. Mr. Nelson stated that is one of the most common complaints that there are no restrooms for the trail users. First Selectman Herbst indicated that this is a true public/private partnership; it is good for the Town and will enhance the area. Mr. Nelson stated that there was a STEAP grant a few years back for new curbing and sidewalks in the center. The lights were added as well, they are working at enhancing the area. First Selectman Herbst stated that if you are going to slow traffic down and make it more pedestrian friendly then you have to make it more inviting to walk from the trail down to the Town Center, this will help the town do so, it will become a location point.

Ms. Jankovic-Mark requested all costs associated with the agreement and project. Mr. Nelson explained to Ms. Jankovic-Mark that the property is too small for the Nature Center's use.

Ms. Waizenegger questioned how the Town could be the policy holder on the property if they are not the owner. Mr. Dinardo stated that under this lease the Town becomes like the owner of the building and has full control. His attorney negotiated extensively with the Town attorney to give the Foundation full protection, they need to be indemnified by the Town.

In response to Ms. Jankovic-Mark, Mr. Dinardo stated they would not be renovating the structure. Mr. Nelson stated that the GBRC is looking into what is available since this would be associated with the trails. First Selectman Herbst stated that the Town has a skilled force; the Public Works Director and PW Department know how to stretch a dollar. Ms. Jankovic-Mark stated she would be abstaining until she receives Mr. Nelson's figures for the full council meeting.

Mr. Massaro stated the dates for the term on page 1, paragraph 2, July 1 and June 30, need to be adjusted if this is approved. In response to Mr. Massaro, Mr. Dinardo stated a vendor clause is something they are sensitive. Mr. Massaro stated that its use is a tourist visitor center and a museum for Little League. Mr. Nelson stated that they could always revisit the lease.

Ms. Waizenegger suggested that Section 10 paragraph needs to be looked at. Mr. Dinardo explained that they do a number of leases there are at times tenants build buildings on properties in that case the tenant controls and acts as the owner and names the landlord as additionally insured. There are certain deals that allow the Town or the tenant to take

control, the Town will be able to insure at a lower rate than the foundation. If the Foundation did insure the property it would increase the cost. This is better for the Town.

Mr. Donofrio suggested an amendment to the agreement.

Moved by Mr. Donofrio, seconded by Ms. Waizenegger to amend Article 16a of the lease to read as ...requires the landlord to provide the tenant with fifteen (15) days written notice, certified mail-return receipt requested and a section identifying someone, whether it be a title or an individual, (Mr. Donofrio recommends a title), from both the landlord or the tenant to be the recipient of any notices required on the lease.

Mr. Palmieri requested a final version of the lease for the council meeting.

Mr. Nelson confirmed for Ms. Waizenegger that both Attorney Walsh and Attorney Nicola have reviewed the agreement.

VOTE: Motion CARRIED 5-0-1 (Abstention: Jankovic-Mark)

VOTE: Motion CARRIED as amended 5-0-1(Abstention: Jankovic-Mark)

3. RESOLUTION TC24-34: Moved by Mr. Ciocci, seconded by Mr. Palmieri.  
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.

Mr. Nelson stated that the most substantive change to the ordinance since the council had considered it is Section 4, paragraph e. This was borrowed from other municipal codes, and gives consideration to people who are elderly or disabled allowing them additional time to remedy the blight. In other sections the date of notice of violation and citations is started, before it was unidentified.

Ms. Mark questioned if there had been a change to paragraph (10). Mr. Nelson indicated that there had been a change.

The Chair opened the public Hearing at 8:28 p.m.

There being no one present from the public to speak the Chair closed the Public Hearing at 8:28 p.m.

Mr. Ciocci questioned the use of the term *property level* on page 4 e, #3. First Selectman stated this section is defined through the US Code. In response to Mr. Ciocci, First Selectman Herbst stated that the ZEO has been working with the P&Z Director to determine on how to get the bank owned properties to comply with blighted issues. There is a provision in the CGS that allows you to seek enforcement against the banks and have begun that process.

Moved by Mr. Donofrio, seconded by Mr. Ciocci to amend Section 10 of the ordinance at the end of the sentence that reads: *dwelling, house or structure only would give...to the owner or occupant* by adding the following language: *or an order of the court of competent jurisdiction.*

VOTE: Motion CARRIED unanimously.

Mr. Palmieri suggested to adding the language...*In no case shall this supersede any preexisting federal, state or municipal law*...that is seen at the end of the Alarm Abatement ordinance.

Moved by Mr. Palmieri, seconded Mr. Ciocchi to amend the resolution to read as:  
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 (10) Municipal Performance.  
VOTE: Motion CARRIED unanimously.

After further discussion it was noted that the term may have meant to have been read as “poverty level” or “poverty line”, not *property level* as it is printed. This will be brought to the attorney’s attention before the full council meeting.

VOTE: Motion CARRIED 5-0-1 (Abstention: Jankovic-Mark)

4. RESOLUTION TC24-68: Moved by Mr. Palmieri, seconded by Mr. Ciocchi.  
BE IT RESOLVED, WHEREAS, the Town of Trumbull, the Landlord, entered into a lease agreement known as “Communications Facility Management And Lease Agreement” with Candid Communications of Trumbull, LLC, the Tenant, on March 21, 2001; and

WHEREAS, the Landlord and Tenant agree to amend the terms of the lease agreement;

NOW THEREFORE, BE IT RESOLVED, That First Selectman Timothy M. Herbst, be and the same is hereby authorized to sign and execute an amendment known as “First Amendment To Communications Facility Management Lease Agreement,” to a lease agreement known as “Communications Facility Management And Lease Agreement” between the Town of Trumbull and Global Signal Acquisitions IV, LLC.

Mr. Nelson read into the record a letter from Attorney Mario Coppola to Chairman Testani Committee and the Legislation & Administration Committee dated August 27, 2012 (See Attached). Mr. Nelson stated he had just received the letter just prior to the meeting.

Ms. Waizenegger questioned where the language was that protected the Town. Mr. Nelson indicated that only the amended portion of the agreement was distributed. The Committee requested that the whole document be distributed to the council before the full council.

Moved by Mr. Palmieri, seconded by Mr. Donofrio to amend item #2 at the bottom of page 2 of the lease amendment to read as: extending to January 31, 2052.

VOTE: Motion CARRIED unanimously.

Moved by Ms. Waizenegger, seconded by Ms. Mark to send without recommendation. This will allow the council to see the whole document/lease before the full council meeting.

VOTE: Motion CARRIED unanimously.

5. RESOLUTION TC24-69: Moved by Ms. Jankovic-Mark, seconded by Mr. Palmieri. BE IT RESOLVED, WHEREAS, pursuant to C.G.S. Sec. 4-66c 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 \$93,970 in order to undertake the Nichols Fire District Generator Project and to execute an Assistance Agreement; NOW, THEREFORE, BE IT RESOLVED BY THE Trumbull Town Council, That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by C.G.S. Sec. 4-66c that the filing of an application for State financial assistance by the Town of Trumbull in an amount not to exceed \$93,970 is hereby approved and that First Selectman, Timothy M. Herbst, be and the same 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 Town of Trumbull.

Mr. Nelson explained that this is a pass through grant, a grant application that the Nichols Fire District has applied for solely on their own, this was a typo at the state level, it was asked if there was any way to correct, they said no the Town of Trumbull needed to act as the agent and would handle the administration of the grant.

First Selectman Herbst indicated the Fire Dept and the Town had been listed as one in the same, we are unique in the fact that we are not one in the same, so wording the resolution in this way it allows them to take advantage of the state bond commission without jeopardizing funding. This will be installed on the Shelton Road site.

VOTE: Motion CARRIED unanimously.

6. RESOLUTION TC24-70: Moved by Mr. Ciocci, seconded by Mr. Donofrio. BE IT RESOLVED, That Timothy M. Herbst, First Selectman of the Town of Trumbull, be and the same, is hereby authorized to apply for the Comprehensive Driving under the Influence (DUI) Enforcement Program, to sign and execute agreement and all documents between the Town of Trumbull and the State of Connecticut Department of Transportation for the Federal Highway Safety Program.

Mr. Nelson stated this is a grant for patrols who solely dedicate their enforcement to motor vehicles. The program is for tracking DUI, car seat, cell phone use, seat belt violations as well as a number of other motor vehicle violations including. There are several dates for the program which include certain holidays, Thursday evenings have

been added to the schedule based upon an increase of motor vehicle arrests on Thursdays. This program pays for 75% of salaries and 50% of benefits.

VOTE: Motion CARRIED 5-0-1 (Abstention: Ciocci)

7. RESOLUTION TC24-72: Moved by Mr. Palmieri, seconded by Mr. Donofrio. NOW, THEREFORE BE IT RESOLVED, the Trumbull Town Council, acting as the Town's Governing Body, approves the Long Hill Green Enhancement Initiative Plan; and

FURTHER BE IT RESOLVED, the Trumbull Town Council:

Authorizes submission of the funding application for the Long Hill Green Enhancement Initiative under the Main Street Investment Fund Program referenced in Section 78 and 79 of the PA 11-1; and

Designates the Town of Trumbull First Selectman as the individual authorized to sign the Main Street Investment Fund application for the Long Hill Green Enhancement Initiative, and administer the project should it receive funding.

Mr. Nelson indicated that the state of CT has unveiled a new grant program that can award up to a max of \$500,000 to attract businesses to commercial areas by improving aesthetics. Applications are due in September. The Directors of Planning and Development, Public Works, Parks & Recreation agree Long Hill Green District is the best fit for this program. They are working to do a sidewalk extension and significant upgrades. First Selectman Herbst encouraged everyone to go to the public meeting on September 24, 2012; there will be a bus tour. From Stonehouse Road north to the Long Hill Green on the left hand side there are preexisting non conforming lots that have multi family uses. Over time there has been commercial development in this area that has evolved on an ad hock basis. At the request of the First Selectman, the Director of Planning & Development will look at integrating this entire as one district. They are confident the Town will be able to secure this funding. Mr. Nelson added that they are working on marrying this with recreational uses, that is why they proposing the sidewalks from the trail to Long Hill. In terms of the Green itself they will add shade plantings, ornamental tree canopies, up-lighting and contemporary planting.

VOTE: Motion CARRIED 4-0-2 (Abstention: Ciocci and Waizenegger)

8. RESOLUTION TC24-73: Moved by Mr. Donofrio, seconded by Ms. Waizenegger. BE IT RESOLVED, WHEREAS, The residents of Trumbull, especially those living directly on and immediately off of White Plains Road, have a vested interest in any significant construction or redesigning of said road, and WHEREAS, The safety, convenience and home values of residents must be our primary concern, and WHEREAS, The plans currently being proposed by the Department of Transportation to redesign and reconstruct the area of White Plains Road near town center are insufficient, therefore,

BE IT RESOLVED, That the Trumbull Town Council hereby expresses the desire that said plans be reworked in conjunction with residents, The Department of Transportation and decision makers here in Trumbull in order to create a safer, less intrusive and all around more congenial solution to the issue of traffic and speeding on White Plains Road.

Mr. Ciocci stated that he and Mr. Whitmoyer had submitted this resolution in response to plans from the DOT to rework White Plains Road. There was a community meeting with the DOT. They felt the plans were insufficient and did not create the best environment for the Town's Center, Fire Dept. or residents. There are added safety concerns.

Mr. Whitmoyer stated that the proposal from the DOT is to widen 1,000' each way to create a left hand turn into 888 White Plains Road and a left hand turn light onto Reservoir Avenue. In the past few months there is a strong police presence and had hoped the state would give Trumbull more time. The project is a \$3 million project that would take 9 months. Since the area has been enhanced and is trying to make it pedestrian friendly widening the road and turning into a speedway is not the way to go. More traffic lights as Fairfield Center has, would be the better option. The DOT will take the front parking lot of the fire dept. this will result in having a fireman in the road directing traffic for the trucks to exit and enter the firehouse.

Mr. Ciocci indicated for Mr. Palmieri that the resolution is a sense of the council. It had been made clear that if the decision makers in a Town speak strongly against issues of this nature the state considers their concerns. Mr. Nelson stated that the First Selectman wants people to stop in the Town Center, the way to do that is to actually create more traffic lights, adding esplanades or median dividers although the state is not in favor or esplanades

Moved by Mr. Ciocci, seconded by Mr. Donofrio to amend the resolution to read as:  
RESOLUTION TC24-73: BE IT RESOLVED, WHEREAS, The residents of Trumbull, especially those living directly on and immediately off of White Plains Road, have a vested interest in any significant construction or redesigning of said road, and;  
WHEREAS, The safety, convenience and home values of residents must be our primary concern, and;  
WHEREAS, The plans currently being proposed by the Department of Transportation to redesign and reconstruct the area of White Plains Road near town center are insufficient, ~~therefore~~, and;  
WHEREAS, The current plan to widen White Plains Road will most likely pose a detrimental effect to the operations of the Trumbull Center Fire District (860 White Plains Road), in regards to the station access and response time in emergencies, and  
WHEREAS, A viable option alternative to road construction would be additional signage, additional traffic lights and continued police presence to enforce speed limits in the area, and;  
WHEREAS, There are additional concerns beyond traffic accidents and public safety which include but are not limited to economic interests in Trumbull Town Center and therefore,  
BE IT RESOLVED, That the Trumbull Town Council hereby expresses the desire that said plans be reworked in conjunction with residents, The Department of Transportation

and decision makers here in Trumbull in order to create a safer, less intrusive and all around more congenial solution to the issue of traffic and speeding on White Plains Road.

Ms. Jankovic-Mark suggested more specificity. Mr. Ciocci stated that more specificity would be meaningless since this a sense of the council resolution. If this passes the Council Chairman would send this the DOT with a transmittal letter.

Mr. Nelson suggested another WHEREAS that indicates that the ZBA had voted against this.

Mr. Ciocci stated that further amendments could be communicated and heard at the full council meeting.

VOTE: Motion CARRIED unanimously.

VOTE: Motion CARRIED as amended unanimously.

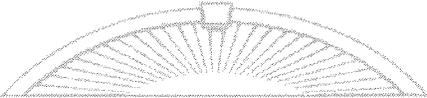
There being no further business to discuss and upon motion made by Mr. Palmieri, seconded by Mr. Ciocci the Legislation & Administration Committee adjourned by unanimous consent at 9:18 p.m.

Respectfully Submitted,



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Margaret D. Mastroni  
Town Council Clerk



**BERCHEM, MOSES & DEVLIN, P.C.**

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JODIE L. DRISCOLL  
RYAN P. DRISCOLL  
CAROLYN MAZANEC DUGAS  
ALICIAN A. FABISH  
GAIL I. KELLY  
MICHELLE DEVLIN LONG  
JEFFREY P. MOGAN  
MEGAN A. SMITH  
JUSTIN STANKO

\* ALSO ADMITTED IN CA  
\* ALSO ADMITTED IN MA  
\* ALSO ADMITTED IN NH VT  
\* ALSO ADMITTED IN NJ  
\* ALSO ADMITTED IN NY  
\* ALSO ADMITTED IN PA

VIA EMAIL ONLY

August 27, 2012

Chairman Suzanne Testani  
Legislation & Administration Committee  
Trumbull Town Hall  
5866 Main St.  
Trumbull, CT 06611

**Re: First Amendment To Communications Facility Management And Lease Agreement  
(425 Indian Ledge Dr., Trumbull, CT)**

Dear Legislation & Administration Committee:

By way of background, the Town of Trumbull entered into lease agreements with Global Signal Acquisitions IV LLC, and its predecessor in interest ("Lessee"), in March 2001 and December 2006 for the construction and use of a telecommunications tower on Town owned property at 425 Indian Ledge Drive ("Lease"). The Lease provides that the base rent paid by Lessee to the Town is sixty (60%) percent of all rent received from the telecommunications tower. The Town derives significant income each year from the Lease, which the Town relies upon as revenue each year in the annual budget. For example, in fiscal year 2011-2012, the Town received \$163,790.08 of revenue from the Lease. In 2012-2013, the Town has budgeted to receive \$150,000.00 of revenue from the Lease. My partner, Doug LoMonte, reviewed the terms of the current revenue share agreement with two different industry professionals who both concluded that the Town is getting a good deal and that if such a deal was negotiated in 2012, the Town would not receive such a beneficial split of the revenue.

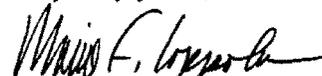
The Amendment to Lease would extend the original term of the Lease by adding five (5) additional five (5) year extension terms thereby extending the total term of the Lease to January 31, 2052, unless sooner terminated as provided in the Lease. Without the Amendment to Lease, the Lease will expire on January 31, 2027.

As part of the Amendment to Lease, we negotiated a \$50,000.00 dollar signing bonus which the Town will receive upon its execution of the Amendment to Lease. The Lessee initially offered a signing bonus of only \$500.00. Additionally, per recommendations we received from the Town's telecommunications consultant, Eric Fine of Northeastern Communications, Inc., we negotiated revisions to Section 30 of the Lease which will allow the Town to upgrade the municipal antennas and related equipment which the Town has a right to install on the tower. The revisions to Section 30 will allow the Town to install antennas and equipment which will be used as part of the Town's plans to upgrade its communications functionality and participate in a regional emergency communications plan.

In accordance with Connecticut General Statutes § 8-24, the Trumbull Planning and Zoning Commission considered the proposed Amendment to Lease at a public hearing and unanimously voted to recommend approval by the Town Council.

It is my opinion that it is in the Town's best interests, both current and long term, to enter into the proposed Amendment to Lease. Please do not hesitate to contact me at any time if you have any questions or if I could provide you with any further information or assistance. Thank you for your time and consideration.

Very truly yours,



Mario F. Coppola

cc: Timothy Herbst, First Selectman  
Daniel Nelson, Chief of Staff  
John Ponzio, Town Treasurer  
Maria Pires, Finance Director