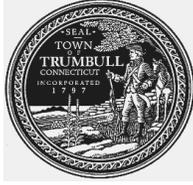


TOWN COUNCIL
Town of Trumbull
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TOWN HALL
Trumbull

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LEGISLATION & ADMINISTRATION COMMITTEE
February 25, 2013
MINUTES

The Chair called the Legislation & Administration Committee to order at 7:00 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

The clerk called the roll and recorded it as follows:

Present: Suzanne Testani, Chairman, Kristy Waizenegger, Martha Jankovic-Mark, Fred Palmieri, Jr., Jeff Donofrio, Alternate (Not Voting) and James Meisner, Alternate, (Not Voting).

Absent: Chadwick Ciocci, Vice Chairman and Jeff Jenkins.

Also Present: Chief of Staff Elaine Wang, Town Council Chairman Carl A. Massaro, Jr., Director of Public Works, John Marsilio, and Director of Facilities Allen White and Chief of Police Thomas Kiely.

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1. RESOLUTION TC24-112: Moved by Ms. Waizenegger, seconded by Mr. Palmieri.
To consider and act upon a resolution which would appoint Michael Reilly of 12 Crocus Lane as a member of the Trumbull Day Commission for a term extending until December 7, 2013.

Mr. Michael Reilly of 12 Crocus Lane was present and indicated his party affiliation as democrat. He comes from the event world and has done hundreds of profit and not for profit events. He would like to come in on budget or under budget and build Trumbull Day into something real. Ms. Jankovic-Mark extended her gratitude to Mr. Reilly for willingness to serve.

Ms. Wang explained that Mr. Reilly would fill Ms. Pioli's seat due to the fact that Ms. Pioli had formally resigned and confirmed for Ms. Tesoro that Ms. Adams had never been sworn in. Ms. Adams and Ms. Pioli's terms were the same extending to September 1, 2014.

Moved by Ms. Jankovic-Mark, seconded by Ms. Waizenegger to AMEND to read as:
RESOLUTION TC24-112: BE IT RESOLVED, That Michael Reilly of 12 Crocus Lane, be and the same, is hereby appointed as a member of the Trumbull Day Commission for a term extending until September 1, 2014.

VOTE: Motion CARRIED unanimously.

VOTE: As amended CARRIED unanimously.

2. RESOLUTION TC24-104: Moved by Ms. Jankovic-Mark, seconded by Mr. Palmieri.
BE IT RESOLVED, That the Trumbull Day Commission shall be reduced to nine members appointed by the First Selectman with the approval of the Council.

Mr. Massaro stated the resolution was drafted to make the commission more efficient; a 9 member commission would only need 5 members present for a quorum v. six 6. With Mr. Reilly's assumed appointment at the March 4, 2013 meeting the commission would have 9 members, the other 2 members whose terms are ongoing and have not resigned technically fill the commission to 11 seats. Ms. Wang has tried to contact both non-active members (Adams & Derrig). They have either been unavailable or unresponsive. Time is short, the commission has met and have decided to have Trumbull Day at the end of this coming June. Ms. Wang clarified one of the members does not have voicemail and the other had never been sworn in, therefore she did not try to contact the member never sworn in. Mr. Palmieri suggested delineating which terms would be removed. Ms. Tesoro stated that the commission has a lot of work, they have doubled up on the committees, leaving the commission as it is would allow them to add members next year if they find that that 11 members would be more efficient than 9 members. The 11-member board only needs one more member (6) for a quorum and suggested holding the resolution in committee. Trumbull Day is 4 months away and is now a one day event. Ms. Jankovic-Mark spoke in favor of not reducing the number of commissioners and requested that Ms. Derrig be contacted noting she values Ms. Derrig's input. Ms. Wang asked that if anyone knows Ms. Derrig if they would ask her to contact the First Selectman's office since she does not have voicemail. Ms. Tesoro stated that she does know someone who knows her and Ms. Testani stated that she does see her in Town fairly often but does not have her contact information.

VOTE: Motion FAILED 1-3 (Against: Waizenegger, Jankovic-Mark and Palmieri).

3. RESOLUTION TC24-115: Moved by Ms. Waizenegger, seconded by Mr. Palmieri to Hold in Committee.
BE IT RESOLVED, That First Selectman Timothy M. Herbst, be and same, is hereby authorized and directed, on behalf of the Town of Trumbull, to execute and deliver the C-PACE Agreement, substantially in the form attached to this Resolution, for the purposes provided therein, together with such other documents as he may determine to be necessary and appropriate to evidence, secure and otherwise complete the C-PACE Agreement. *(Full Resolution Attached)*

Mr. Massaro and Ms. Testani explained that the resolution is not ready and is being reviewed by Town attorneys.

VOTE: Motion to HOLD IN COMMITTEE CARRIED unanimously.

4. RESOLUTION TC24-117: Moved by Mr. Palmieri, seconded by Ms. Jankovic-Mark.
BE IT RESOLVED, That Antinozzi Associates is hereby approved as the engineering consultant and architect for the design of the additional generator and related electrical system at Trumbull High School.

Chief Kiely explained that the renovation at the high school design did not include the shelter; the current generator supplies the minimum amount of power, just enough power to keep the units on the roof warm so they do not freeze. This firm was brought in; they went through public health sheltering and determined which rooms were necessary to power the shelter. The generator will not be fueled by fuel cell but by diesel. Mr. White added that the unit would have its own storage capability. Mr. Massaro and Mr. Marsilio confirmed that the generator that is currently there would remain; this would be an additional unit. This was put out to bid, 8 bids were received. Mr. Marsilio stated that Homeland

Security requires the Town to be able to take care of 2% of the population for a certain amount of time, Lt. Kirby, Director of Emergency Management and Ms. Sulik, Director of the Trumbull Monroe Health District have collaborated on the needs of the Town in the event of a catastrophic event. There are electrical requirements for the shelter. None of this will work if they do not have sufficient power. Ms. Jankovic-Mark spoke in favor of the efficiency of the additional generator since it will supplement what is currently there. Mr. Donofrio clarified that CGS §10-287 requires that contracts for architectural or construction management services on public projects receiving State aide be procured through a RFQ or a RFP process. Mr. Marsilio stated that the highest qualified entity on the RFQ will be asked for fee proposals; they are subsequently interviewed and selected. This process was followed with the Town's on-call engineers and architects. Chief Kiely confirmed for Ms. Waizenegger that the 2% of the population requirement would be 2% of the town of Trumbull. Mr. Massaro explained in the event of a power failure, that this proposal for the generator is going to power more spaces in the school than the new current generator. The 2% rule is governed by State statute and the shelter requirement. This proposed generator will satisfy the shelter requirements. After this is completed there will be enough power and space, if necessary that it could serve as a regional point of distribution. This proposal is for the Town's shelter.

VOTE: Motion CARRIED 3-0-1 (ABSTENTION: Jankovic-Mark)

5. RESOLUTION TC24-118: Moved by Ms. Waizenegger, seconded by Mr. Palmieri.
BE IT RESOLVED, That a budget not to exceed \$800,000 is hereby approved for the design and construction of improvements to Trumbull High School relating to Emergency Management Shelter needs.

Mr. Massaro stated that the shelter committee was looking at 2 options- the cost of the diesel generator, (the design choice of the committee), and natural gas. The cost of the recommended diesel powered generator is \$751, 650 and the cost of the natural gas system was \$1,349,650. The committee chose diesel because the Town is familiar with it, we have one there now and thought that to be the most logical way to go. The "*not-to-exceed*" number of \$800,000 is based upon the identified cost of \$751,650 and the fact that there may be additional costs. Rather than having to come back with another resolution and appropriation Mr. Massaro rounded the number to the "*not-to-exceed*" number of \$800,000. Chief Kiely confirmed for Mr. Palmieri that the generator would need to be serviced and maintained. There are diesel mechanics on Town staff. Mr. Massaro explained for the Chair that the funding would be charged against the bonding of the High School renovation, this language was included in the resolution that created the committee. The generator is technically not reimbursable to date; it has not been designed, submitted or approved by the State although they do plan to submit. Mr. Massaro explained to Ms. Jankovic-Mark that this is a preliminary cost estimate; it still needs to be bid. Mr. Marsilio explained to Mr. Meisner that FEMA has store houses throughout the region and in fact had provided a generator for the Town Hall, food, water and cots during the Hurricane Sandy. That is their function during an emergency to provide life support needs and they do an incredible job.

VOTE: Motion CARRIED 3-0-1 (ABSTENTION: Jankovic-Mark)

6. RESOLUTION TC24-119: Moved by Mr. Palmieri, seconded by Ms. Waizenegger.
BE IT RESOLVED, That Antinozzi Associates is hereby approved as the engineering consultant and architect for the design of the concession stand at the Trumbull High School football field and;
BE IT FURTHER RESOLVED, That Antinozzi Associates is directed to prepare a schematic design of the concession stand which shall be submitted to the Trumbull Town Council by March 21, 2013.

Ms. Waizenegger stated that the Town has already paid architects quite a sum of money for the design. Mr. Marsilio confirmed that the Town does have those plans and further explained that the bids for that design came in at \$800,000. The design is unbuildable for the Town's budget. He has spoken with Chairman Massaro and both the Health and Building Departments. Chairman Massaro has asked them to replicate the concession stand built at Ludlowe High School in Fairfield, CT. Mr. Marsilio has received a set of Fairfield's plans, bid documents and a configuration. He and Chairman Massaro are in agreement that they are going to try to bring this in for \$300,000. A large amount of money comes for the underground utilities to bring it to code. The runs are very long and expensive; the original bid had hundreds of thousands of dollars for this alone. They are relatively sure they know where the sanitary sewer is and that they will not have to tear up the pavement. Antinozzi has given them an estimate of \$48,000. The bids will be "*not-to-exceed*" bids and will only pay for what they tell them to do. It will be done in phases: The Conceptual phase, Schematic Design phase, Design Development phase followed by going out to bid. They have committed the Public Works Department to do portions of the project in-house. He has confidence they can do the food portion, with some outside carpentry and electrical work, but he has not seen the final program yet. Running the utilities will need to be done outside of the Public Works Dept. Per the Building Dept. and based on the seating of the stadium 45 stalls for women and 25 stalls for men would be required per State code. They are not going to do that, they are expecting they will do 5 and 5; the high school will be open for the overflow. Currently there are a dozen port-a-potties on site. Ms. Testani noted to rent those costs \$1,000 per month. Mr. Marsilio stated if the council approves this they can trust the Public Works Dept. to come up with a plan to meet the goal, although he is not promising anything, the Health Director has already been very specific of what has to be approved, essentially it depends on what the menu. The menu will dictate what the Director of Health will require and the configuration thereof. Ms. Waizenegger stated that there is a list of what is wanted for the concession stand, not all items on the list are needs. Mr. Marsilio stated that they have taken this out of the purview of the Building Committee; they will do what they have to do to bring this in at \$300,000 resulting in an additional savings of \$500,000. The Health Director has said the menu dictates requirements, if salads are wanted they should be bought outside and brought in, preparing them on-site will add to the cost of the project. Mr. Marsilio will provide estimated costs; the Town Council will make the decisions. The goal is to complete the project by September if they can get everybody to agree.

For the record Ms. Jankovic-Mark asked whether the \$150k plan had been considered by Mr. Marsilio (prefabricated option). Mr. Meisner stated that he is not sure if Mr. Marsilio had ever gotten the plan. Mr. Marsilio confirmed he had not. Mr. Meisner had done research on pre-fabricated concession stands, a company named Ron-Tech offers an option for \$150,000, it is recommended by surrounding towns i.e. Bridgeport. Mr. Marsilio stated the \$150,000 would not include the foundation or utilities. Mr. Marsilio explained they are considering keeping the existing structure and adding another building for the bathrooms. If they can get all of the utilities to the units for \$50,000, the bathrooms for \$150,000, the kitchen and concession stand for \$50,000, the design fees kept to \$20-\$25,000 the project would come in at \$300,000. Mr. Marsilio asked Mr. Meisner to send the information on the prefabricated concession directly to him. Mr. Meisner agreed. Mr. Meisner voiced his frustration that they had spent \$50,000 on the original design and are potentially going to spend it again. Mr. Donofrio stated that the concession stand is part of the State (BSF) approved project. The Town attorney or himself will have to sign a letter at the end of the project that §10-287 was complied with before the State will do the audit, he needs to know what the plan is if he is going to certify compliance. §10-287 requires that every contract has to be awarded to the lowest qualified bidder. Mr. Marsilio suggested further discussion on this issue at a later time. If they can use a modular unit they will not have a need for any further design. Mr. Meisner stated that Ron-Tech is on a many state contract lists and is unsure if they are on the CT State Bid list. Mr. Donofrio stated if what they want is on the State bid list then there is not an issue. Mr. Donofrio

stated he wanted to raise the question whether they were considering State reimbursement or not. Mr. Donofrio explained that if the project is done for \$300,000 with a portion done in-house and a portion bid, they can have a conversation with the managing attorney at BSF explaining if they do this the statutory way the State would be reimbursing at \$800,000 if we do our way they would ask them to reimburse at \$300,000, but don't want them, when they do the audit in 2024, to have to figure out why we did the project this way. Mr. Donofrio stated that this has to be discussed, and planned accordingly. Those present questioned if the reimbursement would be 31% or 15%. Mr. Marsilio stated by bidding this out the Town is required to take the lowest responsible bidder.

Mr. Massaro stated to Ms. Jankovic-Mark that funding for the schematic design would come from the high school renovation project's bonding. Ms. Jankovic-Mark spoke against duplication and asked if there was any way to use/adjust the plans we already have. We may now be looking at a prefab unit and/or the new plans at a cost approximately \$48,000. Mr. Marsilio stated if the council wants him to take on this project he would ask them to approve the resolution because he needs the technical services to get the project done, he noted that he does not care whether he does this or not since has plenty on his plate. He will do everything he can to bring this in at this number, but if the council does not give him what is needed to do the job then he does not really want to do it. Mr. Palmieri stated the concession stand has been an albatross since the beginning; they are almost at the end and explained there is trepidation on their part. Mr. Marsilio stated that through the whole project he has been drawn into certain aspects, the paving of the parking lot, the generator and now the concession stand, he does have work to do. He is happy to do the work and to save the Town money, he knows that the council does not have a great deal of confidence on how the project had previously moved forward, and asked them to trust that the Public Works Dept. will do what is in the best interest of the Town in the least expensive, efficient way to give the Town a product that you want. It will not be the Tashma Hall as a lot of people envisioned, and added that the council never wanted that. Ms. Testani agreed. Mr. Marsilio asked that they approve the resolution, he does not know what the final number will be, but it will be as low as possible, without the approval he can not deliver.

Mr. Marsilio explained to Ms. Jankovic-Mark that Antinozzi is the Town's on-call architects. Ms. Jankovic-Mark stated that this would be coming from the building committee's budget and stated that she does not understand that. Mr. Marsilio stated that the \$48,000 is a "not-to-exceed" number and represents the outside limit of work based on starting from scratch to design the concession stand. When the council approves this the following 4-step process would be followed it is as follows: Conceptual design, Schematic Design, Design Documents and Bid Drawings. The construction portion of the project is done in 3 steps: Schedule, Budget and Quality.

In response to Mr. Meisner, Mr. Marsilio stated that the current plans cost \$800,000 to build and confirmed for Mr. Meisner that other parts of this project have been designed down to make it less expensive. Mr. Meisner questioned that the Town had paid money for the original design, what was designed was not practical and questioned why JCJ could not redesign something that was practical. Mr. Massaro recapped and explained the options that the council has considered they are as follows: The port-a-potties could remain and the existing building renovated. This would suffice for the Health Dept. This would be least expensive option. What was there before would be back. It seemed that no one at the council level wanted that, everyone wanted to upgrade the site since the school building is being upgraded. Once the bathrooms are incorporated the bathroom and there are no more port-a-potties the design goes to six figures. What the Building Committee and JCJ designed was demolition of what is there, site work (hundreds of thousands of dollars of running utilities) and a restaurant. That is completely different than what Mr. Marsilio is presenting at this meeting. We are now going to renovate what is there and add a bathroom building that may be contiguous or may not be. It is not possible to use

the old plan it includes a design for a restaurant inclusive of demolition. If no more funds are spent on design fees the plan can be scrapped, the port-a-potties would remain and the current building would be renovated or we can go forward with Public Works Dept, eliminating all of the trappings of the \$800,000 design. One line item of the \$800,000 plan included paying someone \$75,000 to supervise the construction of the concession stand. The Town could renovate the building for the same \$75,000 and be done. Mr. Meisner suggested that we speak to JCJ with regard to redesigning this based on the fact that we have already paid them for unusable plans. Ms. Testani stated the council had already had that discussion with JCJ at the last month's meeting and it did not receive a favorable response. Mr. Massaro reminded the committee that JCJ has a lot more work to do just to finish the renovate-as-new project than to redesign the concession stand. Mr. Marsilio suggested that Mr. Meisner look at the original plans, once he sees the plans he would come to same conclusion that it is overbuilt. All present stated that they are aware that they are overbuilt. Mr. Marsilio stated the building committee turned the design over to the architect, there was no schematic design, design development, there were no people in there saying this was too much and all along the scope kept increasing.

Ms. Jankovic-Mark spoke in favor of looking at all possibilities including the pre-fab unit. Mr. Marsilio stated that he will do what the council wants him to do, he will evaluate the feasibility of the pre-fab option, he will then come back to the council and tell them what it is, what it will cost and ask if that is what they want, they will not spend as much as \$48,000. The project has not been designed and the scope has not been determined yet. A place holder, an estimate, has to be put in place. Ms. Jankovic-Mark stated that everyone has trepidation on this because they have already spent money on a design that can not be used. Mr. Marsilio stated if this is approved they will engage in a process, and guarantees at the end of the process all will be mildly satisfied, but because we don't want it to blow us away we want it to be mildly satisfying. Mr. Palmieri explained that the money that was spent on the plan is gone, he hates to say that but it has been spent and is gone, if the Town wants to recoup the money that is a separate issue. Mr. Marsilio has already proven what the Public Works Dept. can do when they took over the paving, either we have faith in what they can do or we don't. Mr. Palmieri called the question.

VOTE: Motion CARRIED 3-0-1 (ABSTENTION: Jankovic-Mark)

There being no further business to discuss the Legislation & Administration Committee adjourned by unanimous consent at 8:20 p.m.

Respectfully Submitted,

Margaret D. Mastroni
Town Council Clerk

Attachment

RESOLUTION TC-115: WHEREAS, Section 157 of Public Act No. 12-2 of the June 12, 2012 Special Session of the Connecticut General Assembly (the “Act”) established a program, known as the Commercial Property Assessed Clean Energy (C-PACE) program, to facilitate loan financing for clean energy improvements to commercial properties by utilizing a state or local assessment mechanism to provide security for repayment of the loans; and

WHEREAS, the Act authorizes the Clean Energy Finance and Investment Authority (the “Authority”), a public instrumentality and political subdivision of the State charged with implementing the C-PACE program on behalf of the State, to enter into a written agreement with participating municipalities pursuant to which the municipality may agree to assess, collect, remit and assign, benefit assessments to the Authority in return for energy improvements for benefited property owners within the municipality and for costs reasonably incurred by the municipality in performing such duties; and

WHEREAS, the Commercial Property Assessed Clean Energy (“C-PACE”) Agreement (the “C-PACE Agreement”) between the Town of Trumbull and the Authority, as attached hereto, constitutes the written agreement authorized by the Act.

NOW, THEREFORE, BE IT RESOLVED, That the Town Council constituting the legislative body of the Town of Trumbull, hereby approves the C-PACE Agreement, and

BE IT FURTHER RESOLVED, that First Selectman Timothy M. Herbst, be and same, is hereby authorized and directed, on behalf of the Town of Trumbull, to execute and deliver the C-PACE Agreement, substantially in the form attached to this Resolution, for the purposes provided therein, together with such other documents as he may determine to be necessary and appropriate to evidence, secure and otherwise complete the C-PACE Agreement.