

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
DECEMBER 30, 2013

The Chair called the Legislation & Administration Committee meeting to order at 7:04 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

Present: Suzanne Testani, Chairman, Enrico Constantini, Vice Chairman, Joseph Pifko and Daniel Marconi.

Absent: Edna Colucci, Patrick Helfrich, Ken Martin, Sr. and Thomas Christiano.

Also Present: Town Council Chairman Carl A. Massaro, Jr., Deputy Chief Glenn Byrnes, Town Council member Vicki Tesoro, Planning & Zoning Chairman Anthony Chory, Director of Planning & Development Jamie Brätt and Town Attorney Vincent Marino.

DISCUSSION ITEM:

▪ *Alarm Abatement Ordinance*

Ms. Tesoro stated residents have contacted her regarding having been fined for not registering their alarm systems. Ms. Tesoro distributed the attached packet to the committee and indicated her concern over the residents' notification of the ordinance. The residents who are upset had no idea they had to register their alarms. Ms. Tesoro has spoken to Chief Kiely about the matter. The minutes included in the packet reference a statement made by the Town attorney about the importance of a graduated enactment of the ordinance so the public is made aware. Chief Kiely has done everything he said he would do to notify the public. There have been 3 articles in the Trumbull Times and the Patch, notice was included in the tax bills and has since been added to the website. Ms. Tesoro stated that more still needs to be done, of the 3,000 alarm systems in Town only 900 have registered and suggested notifying the public by a mass mailing, Facebook, Twitter or by any other social media opportunities. The robo calls/reverse 911 calls were not able to be done based on the State's limitations of the use of the system. Mr. Massaro explained at the time of the ordinance being enacted by the council imposing the responsibility to notify and register the residents on the alarm company but did not become part of the ordinance and noted that he would not know how that could be imposed. The property owner or user has the burden of registering the alarm. Mr. Massaro stated he shares Ms. Tesoro's sentiments on the subject and has had a lot of discussion on how to educate the public since the ordinance has been passed. The Chair suggested a public informational meeting. Mr. Massaro stated at the time the ordinance was passed there was great concern of the public being notified. When a law is passed the people are notified by the publication of its adoption. Some people have gotten the message and have registered some have not gotten the message or some have gotten the message and have chosen not to register. Mr.

Massaro has had conversations with Chief of Police and the Chairman of the Police Commission's. Perhaps they will have other educational efforts to offer. Ms. Tesoro stated that notification was sent out in the tax bills but it was small and most people probably did not look at it. Ms. Tesoro suggested a postcard mailing since it costs less and/or social media. The robo calls was a good idea but unfortunately it can not be done. There is a 3 time pass on the fines only if the system is registered. There is no pass for not registering. The Chair noted that there is no guarantee that the residents will read the postcard if they did not read the tax mailing insert. Ms. Tesoro understands that adoption of the law had been published but suggested more needs to be done to notify the public since there are fines involved. Mr. Marconi questioned since his alarm system has been inoperable for a number of years if he were to activate it now would he be fined for the time he had it but was inoperable? Mr. Massaro stated that per the ordinance the system has to be operational in order to be a *user*, if the system is armed you are a *user* and therefore the system must be registered and if the system falsely reports and is not registered a fine would be levied. Mr. Marconi suggested that there be an advertisement reminder to register the alarms as is done to change the batteries in your smoke alarms. Mr. Massaro suggested the Town Clerk's monthly newsletter. Ms. Tesoro agreed. Mr. Pifko suggested the possibility of waiving the fine for not registering the system on the first false alarm. When the officer goes to the alarm he could bring the registration form, waive the fine and give them 30 days to register the system or the \$100 fine would then be imposed. Mr. Massaro stated the delayed period of enforcement that was written into the ordinance was for the education of the public could take place. Even though this has taken place not everyone is going to register. Mr. Constantini stated it is incumbent upon the public to pay attention to the mailings that come from the Town, i.e. the tax bill inserts, short of going door to door notifying the public, it is impossible to make sure every alarm user knows of the ordinance. Mr. Massaro stated this will be brought to the police department's attention to see if more communication can be developed.

1. RESOLUTION TC25-05: Moved by Mr. Marconi, seconded by Mr. Pifko.
BE IT RESOLVED AND ORDAINED, That Chapter 18, Article V, Section 18-63 and 18-64 of the Trumbull Municipal Code is hereby amended by transposing the language, *for five (5) fiscal years following the date of death* from Section 18-64 to Section 18-63. (*Revised Ordinance Attached*)

Mr. Massaro explained after the ordinance was passed he had spoken with Town attorney Darin Callahan. They recognized the language was placed in the wrong section, it was placed in the Eligibility Section, but it speaks to the Tax Abatement. This resolution represents a corrective measure; there is no other change to the ordinance.

The Chair OPENED the Public Hearing at 7:28 p.m.
There was no one from the public to speak for or against the resolution.
The Chair CLOSED the Public Hearing at 7:29 p.m.

VOTE: Motion CARRIED unanimously.

2. RESOLUTION TC25-06: Moved by Mr. Constantini, seconded by Mr. Marconi.
BE IT RESOLVED AND ORDAINED, That Chapter 2 Administration, Article III Boards, Commissions, Committees, and Agencies, Division 3 Central Emergency Dispatch Commission of the Trumbull Municipal Code is hereby amended and repealed; BE IT FURTHER RESOLVED AND ORDAINED, that the Central Emergency Dispatch Commission is hereby disbanded for a job well done.

Deputy Chief Byrnes stated the Central Emergency Dispatch Commission was formed in 1989. At the time the dispatching system was arranged with a separate fire dispatching center in the police department. There is a divided dispatch system now, the police answer the calls and will send the call either to the fire dispatch within the building or to EMS. The Fire Department is looking to move their service to an outside vendor on a temporary basis until the Town's emergency services are consolidated into the newly constructed center. The subsequent resolution speaks to the system that they would like to create. Deputy Chief Byrnes was a member of the commission which is the subject of this resolution. The commission's primary purpose was to work on the plans for consolidation. Recently a smaller task force was assembled and created a report which has been submitted in October 2013 to the First Selectman and the Town Council. The report contained a more precise plan for consolidation of the Town's emergency services. The process is underway for consolidation and the language should be brought up to the current status. This resolution will remove a conflict.

The Chair OPENED the Public Hearing at 7:32 p.m.
There was no one from the public to speak for or against the resolution.
The Chair CLOSED the Public Hearing at 7:33 p.m.

VOTE: Motion CARRIED unanimously.

3. TC25-07: Moved by Mr. Pifko, seconded by Mr. Constantini.
BE IT RESOLVED AND ORDAINED, That Chapter 2 Administration, Article III Boards, Commissions, Committees, and Agencies, Division 37 Police Commission is hereby amended to include a section entitled Public Safety Answering Point (PSAP) to read as follows: The Police Commission shall be the governing and designating authority for the Public Safety Answering Point (PSAP) and emergency dispatch calls in the Town.

Deputy Chief Byrnes stated the controlling agency for all 911 services within the State is overseen by the Office of Statewide Emergency Telecommunications. They designate for each municipality which agency is responsible for receiving 911 calls. In our Town the police department is and always has been designated the PSAP coordinator. There is no change in the proposed resolution before the council and there is no conflict with this designation by the State's OSET's office. The Town Council adoption of this resolution would reaffirm what has been designated by the State and will remove the conflict that was in the previous resolution.

The Chair OPENED the Public Hearing at 7:35 p.m.
There was no one from the public to speak for or against the resolution.
The Chair CLOSED the Public Hearing at 7:36 p.m.

VOTE: Motion CARRIED unanimously.

4. RESOLUTION TC25-09: Moved by Mr. Marconi, seconded by Mr. Constantini.
BE IT RESOLVED, That Section 5, Order of Business of the Town Council Rules and Procedures is hereby amended to include Public Comment. (Full Resolution Attached)

Ms. Tesoro stated she had brought this resolution to the Town Council's attention at the organizational meeting. The BOF and the BOE allow for public comment and believes the council should. Most town councils in the State do allow for public comment, some allow it at the

beginning and the end of the meeting. Ms. Tesoro distributed a list of towns that do. Ms. Tesoro stated the Town Council is the body of the people and should allow for them to speak. The Town Council delivers services to youth, families and seniors, ensures public safety and security, and promotes participation on boards, commissions and committees. If people want to come to speak to something on the agenda they should be allowed to. The Chair stated after reviewing the list distributed that the town of Monroe's Town Council is an "At Large" as opposed to Trumbull's Town Council which represents a district of people. People can speak to a councilman at any time. Public comment could result in keeping the staff and the attorneys at the meetings longer resulting in an additional cost to the Town. Mr. Pifko stated the limit of time to 5 minutes does not limit the number of people. If there were 50-60 people that could lengthen the meeting by hours. Ms. Tesoro stated if there was an issue that brought 50-60 people they should be able to speak and suggested amending the resolution to 3 minutes. It is the Chairman's discretion to limit the time always. Mr. Marconi spoke in favor of the resolution and added that the amount of time that we would see public comment would not be often. Mr. Massaro stated the Town Council traditionally has not had a public comment section, a lot the council's business involves public hearings, (i.e. budget, all ordinances, some grants and some state laws. All of the council is accessible to their constituents. Mr. Massaro has been discussing with the Town's IT Dept the possibility of getting each councilman a Town email address. The council's meetings are lengthy by adding public comment it will lengthen them especially if the comments are not germane to the items on the agenda. The Chairman always has discretion to allow someone to speak. Mr. Pifko stated the council is a representative form, there are opportunities to come to public hearings on major issues and would be concerned public comment would lengthen the meeting and could be a position for grandstanding for some. The system has worked for years the way it is. Mr. Constantini agreed with Mr. Massaro that the council is a representative form of government and all of the councilmen are accessible and spoke against lengthening the meetings and the possibility thereof with comments that are not germane to the agenda.

VOTE: Motion FAILED 1-3 (AGAINST: Testani, Constantini and Pifko)

5. RESOLUTION TC25-27: Moved by Mr. Constantini, seconded by Mr. Pifko.
BE IT RESOLVED, That First Selectman Timothy M. Herbst, be and the same is hereby authorized to sign a predevelopment grant application under the Housing For Economic Growth Program pursuant to CGS 8-13 (m-x). (Full Resolution Attached).

Ms. Brätt explained the resolution would endorse an application for a \$20,000 grant known as Housing for Economic Growth Grant (HEG). The Planning & Zoning Commission has endorsed this grant. This is a predevelopment planning grant from the State of CT with no local match requirement and its purpose is to hire a qualified third party consultant to help the Town evaluate Incentive Housing Zones (IHG) for mixed income housing within the Town. Ms. Brätt reviewed the summary sheet with the committee. The State has set a goal for all towns and cities to set aside 10% of its building stock as affordable housing. Trumbull has implemented key measures already and is at 5%. Towns that don't reach the 10% are vulnerable to litigious and large scale developments known as 8-30g appeals, which puts the Town in a defensive stance and allows the developer to override local zoning codes. In the mid 1990's Trumbull like other desirable towns in the State experienced an 8-30g development wave. As an economy recovers from a recession it is important to be proactive rather than reactive. Research has shown by providing mixed income housing it allows for aging seniors to stay in Town and provides housing for young professionals, (i.e. teachers, emergency service personnel etc). This process can produce developments in character with the Town. The State has developed a new tool known as Incentive Housing Zone

(IHZ), putting the town in control of its own mixed use requirements. The State is offering grant money to explore the option of this IHZ without any local funding match, no requirement to implement the zoning or build affordable housing. Fairfield, Ridgefield, Greenwich, Guilford, Madison and Milford are using this money to explore the option. Ms. Brätt distributed the complete list (*attached*) of towns that are receiving or will be receiving this grant. Mixed income housing allows for only a small portion of the total units offered to individuals making less than the average area median income, (AMI). The AMI for Trumbull is \$106,000. When a town explores an IHZ 20% of the units would be offered to those who make 80% of the AMI. A 40-unit development would have 8 units considered affordable and the balance would be at market rate. For Trumbull a family with an income of \$85,000 would qualify for affordable housing. The 80% AMI rule is considered the highest tier of affordability, some planners refer to it as workforce housing. Some people who work in Town would not be able to live in Town at the market rate. For example 2% of Trumbull's Town Hall workforce out of the 254 full time employees could afford to live in Trumbull's average house. 5% fall between the \$85,000 to \$100,000 brackets. The other 93% of workers could not afford it even at the affordable rate. Trumbull is 98% developed, but there are redevelopment opportunities. Mr. Chory stated the reason P&Z is in favor of this is if someone wanted to come in with an 8-30g, it can only be denied if it can be proved that there is health, safety and welfare involved. When the State looks at moratoriums they would see that Trumbull already has the 5% and if there is a plan in place they tend to heed to towns that are proactive with a plan in place. It is good to be proactive. If someone were to develop a property with another Avalon Gates it could overwhelm the school system. If there is a plan in place Trumbull could control the densities of the project. Atty. Marino explained the Town is trying to be proactive and control its destiny as opposed to being reactive. Nothing will guarantee that the Town will not be met with an 8-30g application. The Town does not have regulations and the goal would be to have 8-30g regulations that the applicant would have to conform to. Hubble in Orange had a 376 excess acreage in addition to their corporate. An 830-g application came forward for 236 units with 30% affordable. What they really wanted was the Town to purchase the property, the application scares the public by the fact the schools would be overwhelmed. This puts the public officials in a position where they have to protect the community and results in the town having to spend \$7 million to purchase the acreage. That is what the applicants do, they are not always really looking to build the development but want something else. This would allow the zoning commission to determine what is in the best interest of the community. Someone can still bring an 8-30g application, but this would build a case for the court that this is a not a community that has not given any thought to affordable housing. It has been thought out, been researched, a plan has been developed and the town has its own regulations. The Town can show the court that the developer does not meets its regulations and wants to propose their own. Ms. Brätt stated if the Town should choose to implement IHZ's those specific parcels of land are boxed out from ever being the subject of an 8-30g. This resolution is to approve the grant to investigate and determine if this is something the Town wants to do. Mr. Chory stated there is a process to follow before the Town would implement IHZ's, it would involve a public hearing. Trumbull is at 5% already and has done a good job to date.

VOTE: Motion CARRIED unanimously.

There being no further business to discuss and upon motion made by Mr. Marconi seconded by Mr. Constantini the Legislation & Administration Committee adjourned by unanimous consent at 8:04 p.m.

Respectfully Submitted,

Margaret D. Mastroni
Town Council Clerk

TAX ABATEMENT ORDINANCE

Chapter 18. TAX ABATEMENT FOR SURVIVING SPOUSE OF POLICE OFFICERS, FIREFIGHTERS AND EMERGENCY MEDICAL TECHNICIANS

Sec. 18-60. – Generally.

The Town hereby enacts a tax abatement program with respect to real property owned and occupied as the principal residence of the surviving spouse of a police officer, firefighter or emergency medical technician who dies while in performance of such officer's or firefighter's or technician's duties pursuant to Connecticut General Statute § 12-81x and on the terms and conditions provided herein.

Sec. 18-61. – Purpose.

The purpose of this Ordinance is to honor police officers, firefighters and emergency medical technicians who die while in the performance of his or her official duties and to ease the resulting financial burden on such officer's, firefighter's or technician's surviving spouse.

Sec. 18-62. – Definitions.

For purposes of this Ordinance, the following terms shall be defined as follows:

- (1) **Police Officer.** The term "*police officer*" shall be defined as any person who is a duly employed member of a state or municipal police department in the State of Connecticut, serving in an official capacity, full-time or part-time, with or without pay.
- (2) **Firefighter.** The term "*firefighter*" shall be defined as any person who is a duly employed or volunteer member of a fire department in the State of Connecticut, serving in an official capacity, full-time or part-time, with or without pay.
- (3) **Emergency Medical Technician.** The term "*emergency medical technician*" shall be defined as any person who is certified as an emergency medical technician by the State of Connecticut Office of Emergency Medical Services and is a duly employed or volunteer member of a municipal emergency medical services department in the State of Connecticut, serving in an official capacity, full-time or part-time, with or without pay.
- (4) **Police Duties.** The term "*police duties*" shall be defined as duties which an officer is obligated or authorized by law, regulation, or written condition of employment to perform.
- (5) **Fire Duties.** The term "*fire duties*" shall be defined as duties performed while traveling to, at, or returning directly from fires or fire related calls, alarms of fires or

calls for mutual aid assistance, or tests or trials of any apparatus or equipment normally used by the fire department; while instructing or being instructed in fire duties; or while engaging in any other duty ordered to be performed by a superior or commanding officer in the fire department.

(6) EMT duties. The term "*EMT duties*" shall be defined as duties performed while traveling to, at, or returning directly from all dispatch calls routed through the emergency dispatch center, or tests or trials of any apparatus or equipment normally used by the emergency medical services department; while instructing or being instructed in EMT duties; or while engaging in any other duty ordered to be performed by a superior or commanding officer in the emergency medical services department.

(7) Surviving Spouse. The term "*surviving spouse*" shall be defined accordance with the Connecticut General Statutes.

Sec. 18-63. – Tax Abatement Program

Subject to the eligibility terms and conditions set forth herein, there is hereby established effective the Grand List of October 1, 2013 an abatement of 100% of municipal real property taxes due for five (5) fiscal years following the date of death with respect to real property in the Town of Trumbull owned and occupied as a primary residence by the surviving spouse of the following persons:

- (1) a police officer who dies in the performance of his or her police duties; or
- (2) a firefighter who dies in the performance of his or her fire duties; or
- (3) an emergency medical technician who dies in the performance of his or her EMT duties.

Sec. 18-64. – Eligibility.

Municipal real estate taxes due on the real property shall be abated ~~for five (5) fiscal years following the date of death~~ until the earlier of the following events:

- (1) the real property ceases being the surviving spouse's primary residence;
- (2) the surviving spouse conveys legal title to the real property;
- (3) remarriage of the surviving spouse; or
- (4) 90 days after the death of the surviving spouse.

Notwithstanding subparagraphs (1) and (2) above, if a surviving spouse subsequently purchases a different real property in the Town of Trumbull as his or her primary residence and all other qualifying criteria are satisfied, the tax abatement shall

apply to the newly purchased property. The tax abatement may only apply to one property at a time.

Sec. 18-65. – Administration.

The Tax Collector and the Tax Assessor shall prescribe such forms and procedures as they deem necessary and appropriate to implement this Ordinance.

The Tax Assessor, in addition, shall take steps as necessary and appropriate to satisfactorily establish the facts that support the eligibility of the surviving spouse for abatement of municipal real property taxes on an initial and continuing periodic basis.

Further, the Tax Collector and the Tax Assessor shall create and maintain records of the sum of the total monies abated as a result of this Ordinance on a fiscal and ongoing basis to be submitted for review by the Town Council and Board of Finance upon request.

Sec. 18-66. – Effective Date.

This Ordinance shall be effective upon the date of adoption.

RESOLUTION TC 25-27: BE IT RESOLVED, That First Selectman Timothy M. Herbst, be and the same is hereby authorized to sign a predevelopment grant application under the Housing For Economic Growth Program pursuant to CGS 8-13 (m-x);

Whereas the Planning & Zoning Commission has recommended this grant application as an opportunity to explore the possibility of incentive housing zones in the Town of Trumbull; and

Whereas the draft Plan of Conservation & Development identifies the need to diversify housing options within the Town of Trumbull; and

Whereas a diverse housing stock is known to contribute to a resilient local economy and community fabric; and

Whereas current Zoning Regulations do not adequately address opportunities for future provision of diverse housing options;

Therefore, be it resolved that the Town Council of the Town of Trumbull:

- (1) Authorizes submission of the Pre-development grant application under the Housing for Economic Growth Program referenced in section 8-13(m-x) of CGS; and**
- (2) Identifies, Timothy Herbst, First Selectman, as an individual authorized to sign the pre-development grant application and administer the grant. Summary of such grant application is attached to and made a part of this record.**

HOUSING FOR ECONOMIC GROWTH (HEG) GRANT APPLICATION

BACKGROUND: State law requires all cities and towns to provide 10% of its building stock as affordable housing. Trumbull has implemented key measures to advance towards this goal, but still remains at about 5% affordable. Towns that do not meet the state's 10% affordable requirement are vulnerable to litigious and often large-scale affordable developments known as 8-30(g) appeals, which automatically put the town in a defensive stance and allow the developer to override local zoning codes. Like many other desirable towns in the state, Trumbull experienced 8-30(g) developments especially during the bullish economy of the mid-1990s. As the economy recovers from the recession, it is increasingly important to be proactive rather than reactive when considering how to diversify local housing options.

WHAT DOES AFFORDABLE REALLY MEAN?

For some, the term "affordable housing" conjures negative associations with public housing projects, poor living conditions, or even overcrowded schools. It is important to know that today's planning models call for mixed-income housing, where a small portion of the total units are offered to individuals making less than the area median income (AMI). The AMI is a number set by the federal government. Today's AMI in Trumbull is \$106,000 per year.

When a town considers an Incentive Housing Zone (IHZ), it is exploring the possibility of a development where at least 20% of the units would be offered at 80% of the area median income. For a family of four in Trumbull, that would mean a family income of \$85,000 per year. The vast majority of the units would be offered at "market rate" and would not be subject to this affordability restriction.

The 80% AMI rule is widely considered the highest tier of affordability - some planners refer to it as "workforce housing". As the name implies, workforce housing is targeted towards working families, many of whom might work in same town or county, but who would not be able to afford to live locally if not for the provision of some housing units that are lower than the average market rate.

THE OPPORTUNITY: Research has shown that providing some mixed-income housing is important for seniors to age in place, and for young professionals as well as community servants such as teachers, nurses, emergency services personnel, etc. Recognizing that the 8-30(g) process can sometimes produce developments that are incongruous with local community character and zoning, the state has developed another tool known as Incentive Housing Zones (IHZ). This method puts the Town in control of its own mixed-income requirements, including where the structures go, how big they are, and how they relate to the surrounding community. The state is offering grant money for towns to explore the option of IHZ, without any "strings attached". No local funding match, no requirement to implement IHZ zoning or build affordable housing. Peer towns such as Fairfield and Ridgefield have used HEG grant money to explore the option of Incentive Housing Zones.

GRANT SUMMARY

Grant Amount: \$20,000

Application Due: Jan 31, 2014

Local Match: None

Recommended By: Planning & Zoning

Funding Source: State of CT - OPM

Purpose: To hire a qualified third-party to help the town evaluate "Incentive Housing Zones" for mixed-income housing within the Town. The grant does not require that the Town implement said zoning, or build mixed-income housing. We would only be committing to a planning study about Incentive Housing Zones.

QUESTIONS? PLEASE CONTACT

Jamie Bratt | Director of Planning & Development

203-452-5047 | jbratt@trumbull-ct.gov



False Alarm Abatement Ordinance
Summary of Notification Information

L& A Minutes 6/26/12

[http://www.trumbull-ct.gov/filestorage/10623/1279/1312/6968/6972/10299/06-26-2012 L%26A Minutes.pdf](http://www.trumbull-ct.gov/filestorage/10623/1279/1312/6968/6972/10299/06-26-2012%20L%26A%20Minutes.pdf)

Chief Kiely explained that notification to the residents of the alarm ordinance will be posted on Channel 17, advertised in the Trumbull and local media and would also be included in the tax bills. They could also utilize the system the department has in place that could call every residence in Town.

Minutes of TC Meeting 7/2/12

[http://www.trumbull-ct.gov/filestorage/10623/1279/1312/3815/10417/07-02-2012 TC Minutes.pdf](http://www.trumbull-ct.gov/filestorage/10623/1279/1312/3815/10417/07-02-2012%20TC%20Minutes.pdf) See pages 2-4

Minutes of L&A Meeting 7/30/12

[http://www.trumbull-ct.gov/filestorage/10623/1279/1312/6968/6972/10299/07-30-2012 L%26A Minutes.pdf](http://www.trumbull-ct.gov/filestorage/10623/1279/1312/6968/6972/10299/07-30-2012%20L%26A%20Minutes.pdf) See pages 3-5

Minutes of TC meeting 8/6/12

[http://www.trumbull-ct.gov/filestorage/10623/1279/1312/3815/10417/08-06-2012 TC Minutes.pdf](http://www.trumbull-ct.gov/filestorage/10623/1279/1312/3815/10417/08-06-2012%20TC%20Minutes.pdf) See pages 5-7. Also ordinance attached, pages 13-18

AFTER JANUARY 1, 2013 THE FOLLOWING ENFORCEMENT PROVISIONS SHALL APPLY TO THIS ORDINANCE:

Attorney Walsh stated from a legal perspective a graduated enactment is important so that the public is fully made aware of the terms and conditions of the violations so that they are fully informed before any violations are asserted. Chief Kiely concurred and added that this was important to allow the time necessary for the TPD to make the public aware. In response to Mr. Palmieri, Chief Kiely indicated that they have established the formal process to implement this ordinance; they had a slight setback as Brian Casey was in charge of this. Those duties do have to be reassigned; having this in place for January 1, 2013 is a sufficient amount of time.

Chief Kiely indicated for Ms. Tesoro that the TPD will make the public aware of the ordinance by doing press releases, putting the information on Channel 17 and the Town website. They will also go out in the neighborhoods with the command truck to answer the public's police questions and provide the public with an opportunity to register as alarm users. Ms. Tesoro added that the information could be included in the Town Clerk's newsletter rather than doing a Town mailing which save the Town the cost of mailing. Ms. Tesoro stated that the public has not been made aware as to where they are voting on August 14, 2012. The Chair suggested registration forms should be made available on the website, at the Town Clerk's office, the Police Department. A copy of the ordinance should

be made available with the registration. Anyone who records a deed should be given a copy of the ordinance as well.

A letter to Trumbull realtors would also be another way to make the public aware. The bigger issue is with businesses since they do not regularly go to the Town Hall. Chief Kiely indicated that they will have to work with the mall management on this. The Chair indicated that if there is not enough public awareness they may need to revisit this and delay it further.

Mr. Pia suggested approaching the Alarm companies. Chief Kiely stated that there are numerous Alarm Companies but there is a limited amount of alarm answering services, they will be reaching out to them. This ordinance was designed with the alarm industry and will be working with them on implementing it.

Ms. Evangelista suggested that since the public gets two free violations, that would suffice as their notification.

- 1) Attempt to authenticate, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been authenticated and confirmed by video and/or audible means.
- 2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
- 3) Communicate any available information about the alarm.
- 4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

SECTION 5: PROHIBITED ACTS

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes and is deemed to be a runaway alarm as defined under Section 1 entitled "Definitions."

SECTION 6: ENFORCEMENT OF PROVISIONS

AFTER JANUARY 1, 2013 THE FOLLOWING ENFORCEMENT PROVISIONS SHALL APPLY TO THIS ORDINANCE:

- (a) **Failure to register.** Any alarm user as defined in Section 1 herein, who fails to register their alarm system, will be charged \$100.00 for each year said alarm system is not registered. If an alarm user is notified of a failure to register, then in addition to the \$100.00 charge provided for herein, the alarm user shall pay \$50.00 for each false alarm until the alarm system is registered in accordance with the provisions of this ordinance.
- (b) **Excessive false alarms.** It is hereby found and determined that three or more false alarms within a permit year from the date of the first violation is excessive, constitutes a public nuisance, and shall be unlawful. Costs for excessive false alarms may be assessed against an alarm user as follows:

Third, Fourth, Fifth violation.....	\$100.00
Sixth, Seventh, Eighth violation.....	\$125.00
Ninth & subsequent violations.....	\$150.00
- (c) **Cancellation.** If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm and no fee will be assessed.
- (d) **Multiple activations.** Multiple activations within a twenty-four hour period may be considered as one false alarm for the purpose of charged fees

2,600 to 1,200 to 1,500. Chief Kiely confirmed for Ms. Testani that the police department that false alarms cost the department approximately \$57,000 per year which is equivalent to one officer's annual salary. Chief Kiely confirmed for Mr. Palmieri that the department would not be enforcing the registration. Ms. Waizenegger spoke in favor of the removal of the registration fee and echoed Mr. Palmieri's point that the registration rule is not enforceable. It was clarified that when the ordinance language refers to the term *permit*, it is referring to the registration of the alarm. In response to the Chair, Chief Kiely confirmed the start up cost to implement the ordinance is estimated at \$19,400, although there are new employees that will be coming into the Records Division, the job description(s) have been rewritten to include these functions. At the start of the implementation it will have the most data that would need to be entered, but over time it will only be a matter of updating the information and would expect the workload to be manageable.

Ms. Mark asked if the municipal buildings could be removed from the ordinance. Chief Kiely indicated that the alarm system at the Town Hall is adequate but it does need to be replaced, it would be possible to amend the ordinance to reflect that Town buildings would not be included in the ordinance for a year. Ms. Mark spoke in favor of amending the ordinance. Ms. Mark indicated that the ordinance includes a remedy for the alarms that are not connected to a service; the ordinance does not allow an alarm to sound for more than ten (10) minutes. Ms. Mark suggested that if the residents were to take the Alarm User Class that they be allowed one alarm with no fine.

Ms. Waizenegger stated she would not support excluding Town buildings from the ordinance, Mr. Ciocci agreed with Ms. Waizenegger.

Chief Kiely explained that notification to the residents of the alarm ordinance will be posted on Channel 17, advertised in the Trumbull and local media and would also be included in the tax bills. They could also utilize the system the department has in place that could call every residence in Town.

First Selectman Herbst spoke in favor of Chief Kiely's suggestion of a year grace period for Town and BoE buildings. The Town Hall is broken into different zones, many are shared zones. The alarm system is complicated.

Ms. Mark suggested the following:

- Under Section 1. Definitions of the final ordinance the word *verify* needs to be defined in the same way it used in Section 4 (e) 1) with the only exception being for panic or robbery; this would clarify the language and keep the language parallel.
- Section 6. Violations: Ms. Mark noted that Monroe and Shelton have vastly different amounts, \$50 and \$35 seem to be starting numbers, and the Trumbull numbers are higher.

Chief Kiely stated that there are approximately 400 3-time offenders and 200 2-time offenders; there are some locations/residences that may go off multiple times per week.

In response to Mr. Palmieri, First Selectman Herbst confirmed that counsel has reviewed the ordinance and added that the Chief has consulted with the Chiefs of Police in Fairfield

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around to side where the football field is, and followed by the student parking lot. The sidewalks and curbing will have to be replaced; they will go out to bid on those. The Town will do the asphalt and curbing associated with the parking lots and the project will contract out the sidewalks and the concrete curbing. They were able to use the architect's drawings for the technical, O&G is working with JCJ on the specs and they will be going out to bid very quickly. They will go in and pull the parking lot out, put in a base followed by the sidewalk and the curbing simultaneously, the majority should be completed before the opening of school, if everything goes perfectly. This is an aggressive schedule and has been coordinated with the Town. The Building Committee at their last meeting authorized AFB to approve the OT (overtime) AFB will go back to the committee to report every two weeks on this item. It is their goal not to spend for overtime unless needed. The contractors have committed, their schedules reflect that JCJ is now on site everyday to respond to RFI's (Requests for Information). They will have as much of the project completed as they can before the opening of school. Mr. A. Barbarotta confirmed for the Chair that the interior of the school will be done with exception of M-Wing, the upstairs Media Center and the old boiler room however the word done means "safe and occupiable". They are scheduled to have a punch-list working until December 2012. Every space they need to occupy for September will be ready and believes they are on schedule to do that. The Building Committee has looked at some options for the concession stand, at this point they are in reach of the budget. The design has been simplified and has taken into account council members suggestions. They are trying to determine the minimum that has to be met. Everyone believes the best thing to do with the existing concession stand is to abandon it, give it to the school system, if they want to fix it up they can do so using their money and time. The Building Committee will concentrate on the bathrooms and getting the kitchen up and running they may not be able to purchase all of the equipment they want, but have to have a certain amount of bathrooms. The number has come down substantially and believes that they are in striking distance at this point. The Bill Silvers' estimate was \$139,000 for renovating the existing concession stand and \$278,000 for new bathrooms.

In response to Ms. Testani, Mr. A. Barbarotta agreed Ludlowe's concession stand is a good model. Mr. A. Barbarotta indicated for Mr. Scinto that they will be out of the school by the first of the year that would be with a punch list, there are also some outstanding legal issues that will take a while to settle. Having all of the spaces that are needed up and running for the start of school is a huge commitment; he believes they will get there. Channel 17 has been an issue, they would like to stay operational all summer, there was a plan to locate them temporarily because they are building four (4) classrooms in the space that they are in currently. The cable company that runs the fiber can not until July 18th. Mr. Hackett is looking into something else on a temporary basis. If they can not move them out right now and completed by the 18th, they will then be three (3) weeks behind on the four (4) classrooms, this will be unacceptable to the school. Mr. A. Barbarotta will forward an updated change order list to Mr. Scinto.

1. RESOLUTION TC24-48: Moved by Deyoe, seconded by Mr. Pia.

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.

The Legislation & Administrative Committee met on Tuesday, June 26, 2012 held a public hearing and voted unanimously to send to the council without recommendation.

(Chief Thomas Kiely indicated that the point of this ordinance is not fines; it is to reduce the number of calls. They have 2,800 false alarms per year and are increasing. Car and medical call volumes are increasing as well. The only calls the department can decrease are false alarm calls. Any town that has such an ordinance, in a matter of 2-3 years has reduced their false alarm calls by 48% -50%. If they are able to reduce the false alarm call volume Trumbull PD they will provide better service, this will make Trumbull a safer community. The police will be more visible. Every community around Trumbull has an ordinance, we can not continue with this call volume for false alarms. This proposal was drafted by the alarm industry and IACP. This is a national program. We have a responsibility to provide good service to the community.

Mr. Pia spoke in favor of the ordinance. Chief Kiely highlighted the changes reflected in the final draft of the ordinance distributed at this meeting as follows:

The \$10 fee was removed; language with regard to the robbery in progress was cleaned up; the Alarm Class was added.

Chief Kiely indicated for Mr. Scinto that the police department will have an alarm administrator at the police department, in the case where a house changes hands to a new owner and they have gone over the 31 day provision for updating the information or adding the alarm to the data base, the department will have discretion as to whether the person would be fined or not.

(Mr. Palmieri echoed Mr. Pia's statement. Chief Kiely explained with regard to Section 6, a. Failure to Register Alarm, if the resident had not registered the alarm the first year and they are now into their second year it, this provision would take the games out of it and gives them the department the ability to enforce. It is better to leaves this provision in as an option rather than taking it out of the ordinance completely. In response to the Chair, registering is the same as obtaining a permit.)

Chief Kiely indicated for Mr. Basbagill that the language in Section 6 b. "in the same permit year" could be stricken. Chief Kiely confirmed that an audible alarm is still eligible to register. Mr. DelVecchio deferred to the Chief's recommendation of having such an ordinance, but stated the ordinance needs to be tightened up a bit, recommending that the ordinance be sent back to committee.

Moved by Mr. DelVecchio, seconded by Mr. Basbagill to send Resolution TC24-48 back to committee.

VOTE: Motion CARRIED 16-2 (Against Evangelista and Pia).

Ms. Testani stated that she was in favor of the ordinance and indicated that if there was one more month to work on it would have a favorable outcome.

Ms. Mark indicated that she had reviewed the final draft of the ordinance (distributed at this meeting) and believes that it is on target it only needs a couple minor adjustments.

2. RESOLUTION TC24-49: Moved by Mr. DelVecchio, seconded by Mr. Palmieri.
BE IT RESOLVED, That the reappointment by the First Selectman of Richard Girouard of 18 Firehouse Road, as a member of the Inland Wetlands and Watercourses Commission, be and the same is hereby approved for a term extending to December 1, 2014.

Committee Report: The L&A Committee met on Tuesday, June 26, 2012 and voted unanimously.

VOTE: ADOPTED unanimously.

3. RESOLUTION TC24-50: Moved by Mr. DelVecchio, seconded by Ms. Testani to read the title and Section 1 of the 2012-2013 CIP bond resolution in their entirety and to waive the reading of the remainder of the resolution, incorporating its full text into the minutes of this meeting. VOTE: CARRIED unanimously.

Committee Report: The Finance Committee met on Tuesday, June 26, 2012 and voted unanimously to amend the resolution to \$2,577,655 and voted unanimously as amended.

Ms. Waizenegger read the title and section 1 of the resolution as follows:

RESOLUTION APPROPRIATING \$3,430,000 FOR THE TRUMBULL BOARD OF EDUCATION CAPITAL IMPROVEMENT PLAN 2012-2013 AND AUTHORIZING THE ISSUE OF \$3,430,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$3,430,000 is appropriated for the planning, acquisition and construction of the Town of Trumbull Board of Education Capital Improvement Plan 2012-2013, as adopted and amended by the Town Council from time to time, and consisting of: (i) Life Safety; (ii) Energy efficiency (iii); (iv) miscellaneous other school system wide improvements, and for appurtenances, equipment and services related thereto, or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs to the extent paid therefrom, said appropriation to be in addition to all prior appropriations for said purpose. The Town Council may by resolution transfer funding herein authorized among projects within the 2012-2013 CIP. *(Full Resolution Attached)*

The Chair recognized the amendment in committee.

Moved by Mr. Pia, seconded by Ms. Mark to amend the resolution to \$2,577,655.

VOTE: Motion Carried unanimously

In response to Mr. Scinto, Mr. A. Barbarotta stated in order to maximize their reimbursement on all of the projects they need to hire and architect, which they will do immediately and file an EDO 49. Lead abatement window replacement is a health issue and would not expect any issue with state with regard to that, asbestos floor replacement is reimbursable. The Madison roof needs to be designed and approved, the state will reimburse a total roof replacement, it has not been designed yet, but would be their intent. The state does not reimburse for oil tank replacements. Out of the four (4) projects, two (2) are absolutes that they will get reimbursement, the roof would need to be applied for, the design needs to be approved first. The schedule would be

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.

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- 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 I: 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. Ciocci 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*)

2. RESOLUTION TC24-34: HELD IN COMMITTEE

3. RESOLUTION TC24-48: Moved by Mr. Palmieri, seconded by Mr. Pia.

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.

The Legislation & Administration Committee met on July 30, 2012 and voted to amend unanimously and unanimously as amended.

The Chair recognized the amendment in committee.

Moved by Mr. Palmieri, seconded by Pia to accept the L&A Committee ordinance amendments in full.

VOTE: Motion CARRIED unanimously.

The Chair explained he had recommended two (2) additional amendments to the ordinance and read the proposed amendment to Section 2: Alarm Permit, subsection (f) into the record as follows:

- (f) **Confidentiality of Records.** Any and all records prepared, created and kept by the Town of Trumbull in compliance with the requirements of this section, shall be confidential and exempt from disclosure under the provisions of the Freedom of Information Act under Connecticut General Statute Section 1-210 including but not limited to Section 1-210 (b) (19).

The Chair had sent the two (2) proposed amendments to the Town Attorney and the Chief of Police for review and is recommending the amendments to the Town Council. It is his opinion that this is confidential information, those individuals and businesses should be protected against the unscrupulous. It is believed that this would be a proper exclusion for the Town under the Freedom of Information Act.

The Chair entertained a motion for the proposed amendment.

Moved by Ms. Jankovic-Mark, seconded by Mr. Ciocci to amend Resolution TC24-48 inserting the following language to Section 2: Alarm Permit on page 3 after subsection (e) of the ordinance as follows:

- (g) **Confidentiality of Records.** Any and all records prepared, created and kept by the Town of Trumbull in compliance with the requirements of this section, shall be confidential and exempt from disclosure under the provisions of the Freedom of Information Act under Connecticut General Statute Section 1-210 including but not limited to Section 1-210 (b) (19).

Attorney Walsh indicated that this is an important amendment to keep the information confidential, if these records were disclosed it would be a public safety issue. There is a provision under the Freedom of Information Act Section 1-210, it provides for the balancing of the public's safety and the right for the public to have this information. Under these circumstances it is important to have the confidentiality. Attorney Walsh indicated for Mr. London that some type of record documenting of the alarm systems would be necessary for the ordinance to have any effect. There will be a record and will need to protect the record. Chief Kiely stated that it is important to have valid information that is up to date when they get to the alarm call, if an open door is found the TPD has to contact someone to secure the door, the registration information facilitates the contact of the proper people. The TPD can not leave the door open which in turn leaves the officer on site until the proper person is contacted and is able to come and secure the door proper record will facilitate with getting the officer back to patrolling the Town sooner. This ordinance is standard around the country.

VOTE: Motion CARRIED 16-1 (AGAINST: London)

The Chair indicated that after he had reviewed the committee's action on the ordinance, he saw that an effective date had not been included, once a resolution is adopted and has been published the legislation is effective upon a specific date, all alarm users would then be subject to prosecution. This would not be fair since the public has not been made aware. Delaying the enforcement provision would allow the Town to give adequate public notice and extend the registration period. The language was provided to the Attorney Walsh, Chief Kiely and Councilman Donofrio.

Moved by Mr. Pia, seconded by Ms. Jankovic-Mark to amend Resolution TC24-48 inserting the following language after Section 6: ENFORCEMENT OF PROVISIONS the following language:

AFTER JANUARY 1, 2013 THE FOLLOWING ENFORCEMENT PROVISIONS SHALL APPLY TO THIS ORDINANCE:

Attorney Walsh stated from a legal perspective a graduated enactment is important so that the public is fully made aware of the terms and conditions of the violations so that they are fully informed before any violations are asserted. Chief Kiely concurred and added that this was important to allow the time necessary for the TPD to make the public aware. In response to Mr. Palmieri, Chief Kiely indicated that they have established the formal process to implement this ordinance; they had a slight setback as Brian Casey was in charge of this. Those duties do have to be reassigned; having this in place for January 1, 2013 is a sufficient amount of time.

Chief Kiely indicated for Ms. Tesoro that the TPD will make the public aware of the ordinance by doing press releases, putting the information on Channel 17 and the Town website. They will also go out in the neighborhoods with the command truck to answer the public's police questions and provide the public with an opportunity to register as alarm users. Ms. Tesoro added that the information could be included in the Town Clerk's newsletter rather than doing a Town mailing which save the Town the cost of mailing. Ms. Tesoro stated that the public has not been made aware as to where they are voting on August 14, 2012. The Chair suggested registration forms should be made available on the website, at the Town Clerk's office, the Police Department. A copy of the ordinance should be made available with the registration,

anyone who records a deed should be given a copy of the ordinance as well. A letter to Trumbull realtors would also be another way to make the public aware. The bigger issue is with businesses since they do not regularly go to the Town Hall. Chief Kiely indicated that they will have to work with the mall management on this. The Chair indicated that if there is not enough public awareness they may need to revisit this and delay it further.

Mr. Pia suggested approaching the Alarm companies. Chief Kiely stated that there are numerous Alarm Companies but there is a limited amount of alarm answering services, they will be reaching out to them. This ordinance was designed with the alarm industry and will be working with them on implementing it.

Ms. Evangelista suggested that since the public gets two free violations, that would suffice as their notification.

VOTE: Motion CARRIED unanimously.

Ms. Tesoro stated that a Public Hearing had been held in committee and noted that the ordinance has changed and suggested that another public hearing should have been conducted. Ms. Tesoro spoke in favor of the resolution.

VOTE: ADOPTED as amended 16-0-1 (ABSTENTION: London)
(Ordinance Attached Hereto)

4. RESOLUTION TC24-54: Moved by Mr. DelVecchio, 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.
Committee Report: The Legislation and Administration Committee met on July 30, 2012 and voted unanimously.

Mr. Ciocci indicated that he would be voting in favor of this resolution. Even though this money is being recuperated from work done by the Town Clerk's office and will be spent in the Town Clerk's office, there is a cost associated with that process and the bureaucracy of it. First Selectman Herbst requested a clarification of the term "recuperate funds". Mr. Ciocci indicated that when he says "recouping the money", he means that the Town Clerk's office has performed duties mandated by the state, they have been forced to charge for those services, they are then forced to send that up to the state, but the funds are for services that the municipal employed Town Clerk has performed.

VOTE: ADOPTED unanimously.

5. RESOLUTION TC24-55: Moved by Mr. Whitmoyer, seconded by Ms. Tesoro.
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

Trumbull Patch Articles

Police: Trumbullites Must Register Alarm Systems

Posted by Aaron Leo

Trumbull police are reminding residents that they must register their alarm systems with the Police Department under the town's false alarm abatement law.

Failure to register means a penalty of \$100 and \$50 for every false alarm after that if the system remains unregistered. There are also fines for more than two false alarms in one year.

In passing the ordinance, the police department said in total, responding to all false alarms each year would keep two police officers off the road for a year. Two officers must respond to false alarms.

Police respond to almost 3,000 false alarms a year, Police Chief Thomas Kiely has estimated.

The fines would increase for each offense:

- Third, fourth, fifth violation\$100
- Sixth, seventh, eighth violation \$125
- Ninth and subsequent violations\$150

"If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm and no fee will be assessed," according to the rule. "Multiple activations within a twenty-four-hour period may be considered as one (1) false alarm for the purpose of charged fees."

But an alarm user who takes an "alarm awareness class" can have their first fine dismissed. The fines can also be appealed.

The complete Municipal Code can be viewed and/or printed on the Police Department Home Page <http://www.trumbull-ct.gov//content/10623/10655/11011/15514.aspx>.

Under Police Forms and Documents click on [False Alarm Abatement Ordinance - Eff. 1-1-13](#). A registration form can be downloaded on the same web page by clicking on [Trumbull Alarm Registration Form](#).

Registration Forms can also be picked, up anytime, at the Police Department.

Trumbull Cops: Register Your Home Burglar Alarm by Oct. 15

Posted by Aaron Leo

Trumbull police have issued a reminder that home burglar alarm users can register their alarms up to Oct. 15, but a penalty applies after that.

Failure to register means a penalty of \$100 and \$50 for every false alarm after that if the system remains unregistered. There are also fines for more than two false alarms in one year.

In passing the ordinance, the police department said in total, responding to all false alarms each year would keep two police officers off the road for a year. Two officers must respond to false alarms.

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Under Police Forms and Documents click on *False Alarm Abatement Ordinance - Eff. 1-1-13*. A registration form can be downloaded on the same web page by clicking on *Trumbull Alarm Registration Form*.

Registration Forms can also be picked up anytime at the Police Department.

Some Trumbull Residents' Alarms Still Unregistered

Posted by Aaron Leo

Trumbull Police continue to remind residents with home alarms to register their systems with police or pay a fine for false alarms and for failing to register.

"To Date, 970 Burglar Alarms have been registered, 149 letters have been sent reporting a violation and 31 residents have responded with payment so far," Deputy Police Chief Michael Harry said recently. "Letters are sent on a staggered basis relative to when the alarm is received - explaining why not all violations have been addressed by the homeowner yet."

First time false alarms with registered systems can attend class, but those with unregistered systems will be fined immediately for false alarms.

Trumbull Police have said all of the town's false alarms take two officers off the road for a year. Two officers must respond to false alarms, police say.

Failure to register means a penalty of \$100 and \$50 for every false alarm after that if the system remains unregistered. There are also fines for more than two false alarms in one year.

Police respond to almost 3,000 false alarms a year, Police Chief Thomas Kiely has estimated.

The fines increase for each offense:

- Third, fourth, fifth violation\$100
- Sixth, seventh, eighth violation \$125
- Ninth and subsequent violations\$150

"If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm and no fee will be assessed," according to the rule. "Multiple activations within a twenty-four-hour period may be considered as one (1) false alarm for the purpose of charged fees."

But an alarm user who takes an "alarm awareness class" can have their first fine dismissed. The fines can also be appealed.

The complete Municipal Code can be viewed and/or printed on the Police Department Home Page <http://www.trumbull-ct.gov//content/10623/10655/11011/15514.aspx>.

Under Police Forms and Documents click on False Alarm Abatement Ordinance - Eff. 1-1-13. A registration form can be downloaded on the same web page by clicking on Trumbull Alarm Registration Form.

Registration Forms can also be picked up anytime at the Police Department.

Trumbull Website info

12/6/2013 - Important Reminder: Alarm Ordinance Registration

Alarm Ordinance Registration

Important Reminder

If you have an Alarm system in your home, you are required to register your system with the Trumbull Police Department. Registration forms can be found [here](#).

Failure to register will result in a \$100 fine plus a \$50 fine for the false activation. If your alarm is registered, no fines are imposed until the 3rd false alarm within a one-year time period.

The Alarm Ordinance can be found on the Town's Website under Municipal Ordinance 14-12.

Trumbull Times Articles

False Alarm? Ordinance will fine repeat offenders, unregistered alarm owners

By Kate Czaplinski on September 12, 2013 in [Lead News](#), [News](#), [Police & Fire](#), [Town Government](#) · 0 Comments

With police responding to roughly 15 false alarm calls a day, according to Police Sgt. George Florida, the town is implementing a new "false alarm abatement" ordinance on Sept. 15 that requires home and business security systems to be registered with the town.

Failing to register or having multiple false alarms a year will mean fines under the new ordinance. It applies to every home and business with an alarm installed, but does not include cars or boats. Town buildings and state buildings are also exempt.

"About 97% of the alarms we respond to are false," Florida said.

There are some chronic offenders when it comes to false alarms, Florida said, but police respond to all alarms as a matter of public safety.

Registering the alarm is free and entails filling out a one-page form that asks for address, contact information, property keyholders and information on the kind of alarm. Each permit will be assigned a unique permit number and the user shall provide the permit number to the alarm company, according to the ordinance.

Under the ordinance, residents can be fined \$100 a year for failing to register and will be charged \$50 for each false alarm without registration.

The ordinance also addresses "excessive" false alarms. Two false alarms in a permit year are forgiven, but once there are three or more, owners will have to pay. The third, fourth and fifth false alarm means a \$100 fine. The sixth, seventh and eighth is \$125 and above that, it will cost \$150.

"If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm and no fee will be assessed," the ordinance reads.

Any alarm user who attends an "alarm awareness class" will be entitled to have the first false alarm violation dismissed. There is also an appeals process, as laid out in the ordinance.

Notice of the new ordinance was initially sent out with property tax bills and so far, about 50 to 75 alarm systems have been registered.

"We have 13,000 residences and 5,000 businesses, so if even half of those are alarmed it's a lot," Florida said.

The alarm ordinance was supposed to take effect Jan. 1, but delays and updates pushed it back to Sept. 15.

The entire ordinance may be viewed at www.trumbull-ct.gov/content/10623/10655/11011/15514.aspx, under "False Alarm Abatement Ordinance" and a registration form may be downloaded on the same page

under "Trumbull Alarm Registration Form." Forms are also available at the Police Department front desk, at 158 Edison Road. Completed forms should be mailed or dropped off at the department.

Alarms must be registered by Oct. 15

By Kate Czaplinski on October 10, 2013 In [Lead News](#), [News](#), [Police & Fire](#), [Town Government](#) · 0 Comments

Residents and business owners must register their burglar alarms by Tuesday, Oct. 15, in order to avoid a penalty.

The town began implementing a false alarm abatement ordinance Sept. 15, requiring home and business security systems to be registered with the town. Failing to register or having multiple false alarms a year will mean fines under the new ordinance. Under the ordinance, residents can be fined \$100 a year for failing to register and will be charged \$50 for each false alarm without registration.

Registering the alarm is free and entails filling out a one-page form that asks for address, contact information, property keyholders and information on the kind of alarm. Each permit will be assigned a unique permit number and the user shall provide the permit number to the alarm company, according to the ordinance.

Forms are available at the Police Department front desk, at 158 Edison Road. The entire ordinance may be viewed at www.trumbull-ct.gov/content/10623/10655/11011/15514.aspx, under "False Alarm Abatement Ordinance" and a registration form may be downloaded on the same page under "Trumbull Alarm Registration Form."

Completed forms should be mailed to or dropped off at the department.

Police Sgt. George Florida said that about 500 alarms have been registered so far. Our original story on the ordinance can be viewed [here](#).

Register alarms with Police Department

By [Trumbull Times](#) on December 9, 2013 In [Lead News](#), [News](#), [Town Government](#) · 0 Comments

Residents with an alarm system in the home are required to register the alarm with the Trumbull Police Department. Registration forms can be found at the station, 158 Edison Road.

Failure to register will result in a \$100 fine plus a \$50 fine for the false activation. If an alarm is registered, no fines are imposed until the third false alarm within a one-year time period.

The Alarm Ordinance can be found on the town's website under [Municipal Ordinance 14-12](#).



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Current IHZs

- **Approved by OPM**
E. Lyme
N. London
Sharon
Torrington
Old Saybrook
Canaan/Falls Village
- **Pending Final Approval**
Westbrook
Windham
- **Asked to Resubmit**
Branford
O Saybrook2
Oxford
- **OPM Prelim approval**
Watertown
- **Going to Submit**
Wallingford

Expected to Apply by Jan. 31

Madison
Clinton
Ledyard
Barkhamsted
North Haven
Greenwich
Guilford
Trumbull
Woodbridge
W Locks
Enfield

May Apply

Southbury
Redding
Ansonia
New Canaan

Grants Just Approved

Stonington
N. Stonington
Ridgefield
Brookfield
Canton
Burlington
Haddam
Durham
Milford
Fairfield

David Fink, Policy Director

November 13, 2013