

TOWN COUNCIL
Town of Trumbull
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TOWN HALL
Trumbull

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LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
February 28, 2011

Call to Order: Chairwoman Suzanne Testani 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: Chairwoman Suzanne Testani, Vice-Chairman Jeff Jenkins, Mark Altieri, Chad Ciocci, Kristy Waizenegger and Michael Rappa.

Also Present: Chief of Staff, Mr. Dan Nelson, Town Council Chairman, Carl A. Massaro Jr., Town Attorney Edward Walsh and Ms. Deborah Cox, Town Economic Developer, Attorney Thomas Lee, Trumbull American Legion Post 141 and Veterans of Foreign Wars Post 10059 member, Mr. Bill Ayle, VFW Post Commander, Mr. George Areson, American Post 141 Commander and Attorney Russo representing the City of Bridgeport.

Mr. Rappa moved, seconded by Mr. Altieri to take Resolution TC 23-149 as the first item of business. VOTE: Motion carried unanimously.

1. RESOLUTION TC23-149: Moved by Ms. Waizenegger, seconded by Mr. Rappa.

BE IT RESOLVED, That an amendment to a lease agreement dated March 28th, 1983 between the Town of Trumbull and the Trumbull American Legion Post 141 and the Veterans of Foreign Wars Post 10059, is hereby approved.

Atty. Lee explained the resolution represents an amendment to the lease concerning two (2) issues:

1. Authorization of the rental of the facility to the public at large.
2. Change in the property and casualty insurance.

The insurance cost is approximately \$1,500-\$2,000. Mr. Areson explained that the town has been carrying the coverage on the building since it is a town-owned building. The organizations will continue to carry the liability insurance. The rental of the facility to the public has been on-going, although had never been written into the lease

Atty. Lee explained that Paragraph 2 & 3 was amended due to language stipulating that repairs be made in a certain amount of time in the event of a fire, etcetera. Since the town carries the insurance, that language should be amended. The town attorney has approved the proposed amendments. Paragraph 4 of the original lease was not amended.

Ms. Waizenegger suggested that the Town of Trumbull be named as an additional insured in the liability policy. Town Attorney Walsh agreed. Attorney Lee agreed. Town Attorney Walsh suggested the following amendment, "The lessee hereby agrees to name the Town of Trumbull as an additional insured on its liability policy which is in full force effect during the term of the lease".

Ms. Waizenegger moved, seconded by Mr. Jenkins to add language to the Amended Lease, Paragraph 6, titled INSURANCE, as recommended by Attorney Walsh at this meeting. VOTE: Motion to amend the lease carried unanimously 6-0.

VOTE: Motion to recommend, contingent upon the language suggested by Attorney Walsh at this meeting be incorporated in writing into the Amended Lease carried unanimously 6-0.

2. RESOLUTION TC23-150: Moved by Mr. Altieri, seconded by Mr. Jenkins.

BE IT RESOLVED, That the Town of Trumbull hereby supports and approves the STP Urban Transportation project 144-H015, the paving of Merritt Boulevard. (Full Resolution-Attachment #1)

The Chair opened the public hearing at 7:28 p.m.

There was no one present from the public to speak at this meeting.

The Chair closed the public hearing at 7:29 p.m.

Mr. Nelson explained that the resolution includes language that the town would be responsible for 100% of the cost above the incurred amount. It has been confirmed that the same cost sharing mechanism of the 80%-20% will remain in effect if the project exceeds the projected cost.

Ms. Cox explained that Merritt Blvd. meets the requirements set because it is connected to a state highway. Nutmeg and Commerce, the connecting roads do not connect to a state highway, therefore if they were to be repaved it would be 100%

town funded. Every year the RPA, this includes Bridgeport RPA and the Valley are allocated \$5.7 million for various projects which have an impact on the region and particularly distressed communities. We are eligible in this case because this will generate jobs for the region. Revitalization of the area is necessary.

Mr. Altieri moved, second by Mr. Jenkins to amend Resolution TC23-150 paragraph 8 to read as, “ WHEREAS, The anticipated cost is \$1,366,000; the Town of Trumbull being responsible for the same 80%-20% cost sharing mechanism ,consistent with the STP funding incurred over that amount;”

VOTE: Motion to amend carried unanimously 6-0.

Mr. Nelson explained that this resolution is a pre-step to personal service agreement, which would include the required signatory language. The agreement would come to the Town Council for approval.

Mr. Ciocci spoke against the resolution based upon the use of program funds. Mr. Jenkins agreed with Mr. Ciocci.

VOTE: Motion carried 4-2 (Against: Ciocci and Waizenegger)

3. RESOLUTION TC23-152: Moved by Mr. Ciocci, seconded by Mr. Jenkins.

BE IT RESOLVED, That the Inter-municipal agreement between the City of Bridgeport and the Town of Trumbull for the provision of police and emergency medical services to the Fairchild-Wheeler Memorial High School is hereby approved.

The Chair opened the public hearing at 7:43 p.m.

There were 3 people from the public present to speak. (See Attachment #2)

The Chair closed the public hearing at 7:53 p.m.

In response to Mr. Rappa's question, Mr. Nelson explained that normally the P&Z acts on an item and it would then go to the Town Council; at the last P&Z meeting, the P&Z extended their deadline an additional 65 days to allow the Town Council to consider the agreement before approval of zoning changes. To date the Bridgeport City Council's Ordinance Committee has approved the agreement unanimously. It still needs to go before the Bridgeport City Council and the Trumbull Town Council. The 65-day extension began on February 16, 2011.

In response to the Chair, Atty. Russo stated that the PILOT payment (a total of a million dollars, \$100,000 per year for a ten year period) will be a line item in the Bridgeport City budget and will start the year the certificate of occupancy is issued. The Trumbull Volunteer Fire Department has made a separate agreement with the City of Bridgeport; the city of Bridgeport will pay the Fire Department \$55,000 per

year over a 5-year period for Bridgeport to provide all of the school's fire services. Police and EMS services are included in this agreement. The magnet school project has already been approved by the state; therefore the Governor Malloy changes made with regard to magnet schools would not apply to this project. There are fewer than ten magnet schools in Fairfield County; there are over 30 magnet schools in New Haven County, this school will level that disparity.

The property is deed restricted as a park land or as a school.

In response to Mr. Ciocci, Atty. Russo stated that truancy is handled by the Bridgeport BoE security. If there were criminal activity on Trumbull property it would be the responsibility of the Trumbull Police.

In response to Mr. Rappa, Mr. Nelson stated the building of the magnet school would increase the traffic to the neighboring roads Old Town & Quarry Road. Bridgeport has received communication enhancements, Trumbull has requested similar enhancements. Trumbull pursued those requests with the State; the State denied both the communication enhancement and paving requests. The City of Bridgeport has agreed to install the amplifier and to 1.6 miles of milling and repaving of Quarry and Old Town Road.

The Chair stated that it would be difficult to consider this item without schematics to review. Mr. Ciocci agreed with the Chair.

In response to Mr. Jenkins, Atty. Russo stated that the state will pay for 100% of the school and it will cost Trumbull nothing to send up to 125 children to the school. Bridgeport will be responsible to bus Trumbull children attending the magnet school.

Mr. Jenkins moved, seconded by Mr. Ciocci to hold Resolution TC23-152 in committee due to the fact that negotiations are on-going.

Mr. Nelson stated schematics and/or correspondence requested by the Town Council will be made available to them.

Mr. Altieri stated that he would like to make sure all possibilities have been vetted out, is uncomfortable with the Town Council not acting last and that the Chief of Police; the Chief of the Fire Company, Fire Marshal and the BoE should come before the town council to speak to this resolution before a decision is made. Mr. Jenkins agreed noting that there were three residents present at this meeting and it would be helpful for them to hear from the Trumbull Police Chief and other parties.

VOTE: Motion to hold Resolution TC23-152 in committee carried unanimously 6-0.

4. RESOLUTION TC23-146: Moved by Ciocci, seconded by Mr. Altieri to postpone until next month due to Mr. Knight's absence.

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

VOTE: Motion carried unanimously.

Adjournment:

Upon motion made by Mr. Altieri, seconded by Ms Waizenegger the Legislation & Administration Committee adjourned by unanimous consent at 8:14 p.m.

Respectfully Submitted,

Margaret D. Mastroni,
Council Clerk

Attachment 1:

RESOLUTION TC23-150: BE IT RESOLVED, WHEREAS, The Town of Trumbull submitted an application through the Greater Bridgeport Regional Planning Agency to the Connecticut Department of Transportation to utilize Federal STP-Urban funds to perform pavement rehabilitation on Merritt Boulevard; and

WHEREAS, The proposed project length is 3,665 feet beginning at the Merritt Boulevard cul-de-sac and ending 220 feet before the Woodcrest Avenue overpass; and

WHEREAS, The proposed project will require full depth pavement reclamation on Merritt Boulevard for 3,665 feet, excavation of excess material, a re-grade to establish the cross slope and a 4 inch Hot Mix Asphalt (HMA) overlay, with no proposed geometric changes in the horizontal alignment and a minor adjustment to the vertical alignment to improve the cross slope, as well as the resetting of catch basin and manhole tops, slip formed concrete curbing, lane striping and the installation of 13 new catch basin tops; and

WHEREAS, The Town of Trumbull has published a legal notice display advertisement in daily newspaper, mailed a news release to a number of officials and agencies, and mailed a formal letter to abutting property owners announcing a public informational meeting on the proposed STP Urban Transportation project known as 144-H015; and

WHEREAS, A public informational meeting was held at 6 :00 pm on February 22, 2011, at 5066 Main Street in the Town of Trumbull, at which meeting residents had an opportunity to voice their concerns; and

WHEREAS, The Bridgeport Regional Planning Agency has selected this project as a regional priority and has agreed to utilize federal funds for right-of-way and construction activities; and

WHEREAS, The project is located on a municipally owned road, all phases including preliminary engineering, right of way and construction will be performed by the Town of Trumbull or the Town's consultant, utilizing 80% Federal funds and 20% Town funds for all phases; and

WHEREAS, The anticipated cost is \$1,366,000; the Town of Trumbull being responsible for 100% of any costs incurred over that amount; and

WHEREAS, The Town Council has considered the concerns of the residents from the public informational meeting and finds that the proposed Merritt Boulevard paving project # 144-H015 is in the best interest of the Town of Trumbull, and will promote the health, safety and general welfare of its residents and provide for the convenience and safety of the motoring public;

THEREFORE, BE IT RESOLVED, That the Town of Trumbull hereby supports and approves the STP Urban Transportation project 144-H015, the paving of Merritt Boulevard.

Attachment #2

Public Hearing - RESOLUTION TC23-152

There were three (3) people from the public present to speak.

1. Allan Zaglauer of 1470 Sylvan Avenue.

Mr. Zaglauer stated that his property adjoins Fairchild Wheeler, a Trumbull resident for 33 years and is against turning over any rights to Bridgeport with regard to fire and police. His home has been broken into 5-6 times speaking against overlapping departments.

2. Greg Martin of 1473 Sylvan Avenue.

Mr. Martin's property abuts Fairchild Wheeler Park, reiterated Mr. Zaglauer's concerns, when police and fire are called out it would be Trumbull's departments requesting that there be clarity, so that the 911 calls are not rerouted, there should not be concern over who would be monitoring the property. If it is a school will Bridgeport be monitoring the property 24/7 the same way Trumbull polices it? Whatever the agreement is should stipulate the monitoring of the property 24/7.

3. Mr. Gary Thoma of 24 Wilson Avenue a resident of Trumbull for 34 years.

Mr. Thoma spoke against the school project and its design of the parking lot under the school, citing that as a fire hazard. The park is meant to be a park not a school; there was a 99 year lease which would bring you to 2022. The police and fire department will be problematic as it is with the Stratford Airport. There was a petition circulated within his neighborhood, 44 people were against the whole situation. The Henderson property in Trumbull is a 17 acre site which could be a better location for the school. Mr. Thoma has attended all of the P&Z meetings with regard to this project. Some people want a fence others do not. Mr. Thoma spoke in favor leaving the property as a park