

## AGREEMENT

**THIS AGREEMENT** is dated September \_\_, 2015, and is by and between Joan Bate, as Trustee for the Dwight C. Hansen Living Trust, with an address of 14 Glenwood Drive, Essex Junction, VT 05422 (the "Donor") and the Town of Trumbull, a body corporate and political subdivision of the State of Connecticut (the "Town"), with an address of 5866 Main Street, Trumbull, Connecticut 06611.

## WITNESETH

WHEREAS, the Donor is the owner of property located on Huntington Turnpike opposite Carriage Drive located in the Town of Trumbull and shown on that certain Re-subdivision Map, dated 11/11/14, prepared for Dwight Hansen, a copy of which is attached hereto as Exhibit A (the "Property").

WHEREAS, on March 9, 2015, the Town's Park and Recreation Commission (the "Park Commission") unanimously voted to accept the Donated Land from the Donor. A copy of the minutes from the Park Commission's March 9, 2015 meeting is attached hereto as Exhibit B.

WHEREAS, on May 27, 2015, the Donor submitted a Re-Subdivision Application, Application #15-24 (the "Application"), to the Planning and Zoning Commission (the "P&Z Commission"), which application appeared on the P&Z Commission's June 17, 2015 agenda.

WHEREAS; the Donor advised the P&Z Commission that as part of the Application, the Donor intended to convey the northern most portion of the Property to the Town to be combined with the Mischee Brook Park (the "Donated Land"), which was created in 1970 through a 16.6 acre donation of land by the Donor's grandfather. The property description of the Donated Land is attached hereto as Exhibit C.

WHEREAS, the P&Z Commission unanimously approved the Application. A copy of the minutes from the P&Z Commission's June 17, 2015 meeting is attached hereto as Exhibit D.

WHEREAS, on September 3, 2015, the Public Works Committee unanimously voted to recommend to the Town Council the Donated Land. A copy of the minutes from the Public Works Committee September 3, 2015 meeting is attached hereto as Exhibit E.

NOW, THEREFORE, in consideration of One and 00/100 (\$1.00) Dollar and other valuable consideration as hereinafter stated, and subject to the approval of and acceptance by the Town Council at its meeting scheduled for September 10, 2015, the parties agree as follows:

1. **THE PROPERTY:** Subject to the terms and provisions of this agreement, the Donor shall convey good and marketable title to the Town of that certain piece or parcel of land consisting of approximately 1.71 acres being more particularly described in the Schedule A attached hereto and made a part hereof as Exhibit F.

2. PURCHASE PRICE: The purchase price for the Donated Land shall be \$0 (ZERO) Dollars. The Town expresses its gratitude to Donor and acknowledges receipt of the Donated Land as a gift.

3. CONDITION OF THE PROPERTY: The Town expressly acknowledges and agrees to accept the Donated Land AS IS, WHERE IS, without any warranties or representations by the Donor whatsoever.

4. CONVEYANCE DATE: The Donor shall convey title to the Donated Land to the Town on a mutually convenient date and time selected by the Donor or the Donor's representative and the Town Attorney on at date not later than twenty (20) days following the acceptance of the Donated Land by the Town Council.

5. CLOSING ADJUSTMENTS: All costs and expenses incident to transfer of title, including, without limitation, conveyance taxes, if any, shall be paid for and adjusted as of the Conveyance Date in accordance with the custom in Fairfield County. Donor shall have no obligation to pay real property taxes for the Donated Land to the Town after the Conveyance Date; any taxes thereafter due and payable with respect to the Property shall either be assumed by the Town or waived.

6. TITLE. (a) If, upon the date for the delivery of the deed as hereinbefore provided, the Donor shall be unable to deliver or cause to be delivered a deed or deeds conveying a good and marketable title to the Premises, subject only to the items set forth in Schedule A and Paragraph 6(e) hereof, then the Donor shall be allowed a reasonable postponement of closing not to exceed thirty (30) days within which to perfect title. If at the end of said time the Donor is still unable to deliver or cause to be delivered a deed or deeds conveying a good and marketable title to the Donated Land, subject as aforesaid, then the Town (i) may elect to accept such title as the Donor can convey, or (ii) may reject such title. Upon receipt of a notice of termination, this Agreement shall terminate and the parties hereto shall be released and discharged from all further claims and obligations hereunder.

(b) The title herein required to be furnished by the Donor shall be marketable, subject only to the items set forth in Schedule A and Paragraph 6(e) hereof, and the marketability thereof shall be determined in accordance with the Connecticut General Statutes and the Connecticut Standards of Title of the Connecticut Bar Association. Any and all defects in or encumbrances against the title which come within the scope of said General Statutes and/or Connecticut Standards of Title shall not constitute valid objections on the part of the Town, if such Statutes or the Connecticut Standards of Title do not so provide, and provided the Donor furnishes any affidavits or other instruments which may be required by the applicable Statutes or Connecticut Standards of Title, and further provided title will be insurable at standard premiums by a title insurance company licensed in the State of Connecticut. Where the Statutes and Connecticut Standards of Title conflict or are found to be inconsistent, the Connecticut General Statutes shall control.

(c) The Donor represents that the Donated Land and the present use thereof are not in violation of any governmental rules, codes, permits, regulations or limitations, unless same have become legally nonconforming, and there are no violations of any enforceable restrictive covenant, agreement or condition subject to which title to the Premises is to be conveyed in accordance with the terms hereof. Between the date of this Agreement and the conveyance, the Donor will not do anything or allow anything to be done on or about the Premises which will result in any such violation. The Donor represents that Donor has not received any notice of zoning or building violations and that there has been no attempt to enforce same against the Donor during the time in which the Donor has owned the Premises. Donor represents that Donor has no knowledge of any special assessments levied or to be levied against the Premises which are not yet a lien on the Premises and has no knowledge of any existing improvements or work done on the Premises which may result in special taxes or assessments to be paid thereon.

(d) Notwithstanding anything to the contrary contained in this Agreement or any riders attached hereto, in the event the Donor after due diligence cannot obtain a release for any existing mortgage on the Premises at the time of the conveyance of title from the holder of said mortgage, or any assignee thereof, either because said holder will not release the mortgage without first receiving payment or because the holder has delayed in sending the attorney for the Donor the release of mortgage, then the Town and Donor agree to close title notwithstanding the absence of the release of mortgage, provided the attorney for the Donor furnishes the attorney for the Town, at the closing, with the written payoff statement and a copy of the payoff check evidencing that payment of the unreleased mortgage is to be made in full at the time of the closing, and with an undertaking to make said payment in accordance with said payoff statement, and further provided the Town's Title Insurance Company will issue a fee policy at no additional premium which takes no exception for said mortgage or mortgages or which provides affirmative coverage against loss or damage by reason of said unreleased mortgage or mortgages. Donor shall exercise due diligence to obtain any such release or releases and will upon receipt thereof immediately record the same and forward a copy or copies thereof to Town's attorney with recording information. If Donor has not obtained such release within sixty(60) days after closing, she shall give to Town's attorney the affidavit provided for in Connecticut General Statutes Section 49-8(a), as amended, together with the necessary recording fee. This provision shall survive the closing.

(e) The Donated Land will be conveyed to and accepted by the Town subject to:

(i) Any and all zoning and/or building restrictions, limitations, regulations, ordinances, and/or laws; any and all building lines; and all other restrictions, limitations, regulations, ordinances and/or laws imposed by any governmental authority and any and all other provisions of any governmental restrictions, limitations, regulations, ordinances and/or public laws, provided the Donated Land are not in violation of same at the time of closing.

(ii) Real Property Taxes on the Current Grand List and any and all existing tax payments, municipal liens and assessments, coming due on or after the date of closing; the Town shall by acceptance of the deed assume and agree to pay, any and all such tax payments, liens and assessments which may on or after the date hereof be assessed, levied against or become a lien on the Donated Land.

(iii) Any state of facts which a survey and/or physical inspection of the Premises might reveal, provided same do not render title unmarketable as determined under Paragraph 6(b) hereof (such exception is for purposes of this Agreement only and shall not be included in the deed, unless it was in the deed which Donor received upon purchasing the property).

(iv) Common law, riparian or littoral rights of others and/or other rights, if any, in and to any natural watercourse or body of water flowing through or adjoining the Premises, and all statutory and other rights of others in and to any such watercourse or body of water.

(v) Unless otherwise specifically agreed between the parties in writing, any municipal assessment other than taxes (such as for sewers and the like) shall be paid on a current basis by the Donor and the balance assumed by the Town at closing.

(vi) Such encumbrances as shown on Schedule A, if any.

7. DEED. The Seller shall convey to the Purchaser by good and sufficient warranty deed (the "Deed"), marketable fee simple title to the Property free and clear of all liens and encumbrances whatsoever, except: (i) those items of record accepted by Purchaser in accordance with Article VII, if any; and (ii) the Permitted Encumbrances, as set forth in Exhibit B attached hereto and made a part hereof, subject to Purchaser's review and agreement to same.

8. REPRESENTATIONS. Unless otherwise specified in writing to the contrary, none of the representations made in this Agreement including all Attachments shall survive delivery of the deed and all representations by Donor are made to the best of Donor's knowledge and belief. Further, said representations shall be as true and accurate at the time of closing as they were as of the date hereof. Except in the event of an intentional misrepresentation, if Purchaser discovers any material representation contained in this Agreement including all Attachments to be untrue or inaccurate, the remedy of the parties shall be those available to them in the event of a valid defect in or objection to title.

9. EFFECT: This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors, and permitted assigns of the respective parties.

10. GENDER: In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within Agreement may require.

11. COUNTERPARTS: This Agreement may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original, and all of which when taken together shall constitute one and the same Agreement.

12. ENTIRE AGREEMENT: All prior understandings, agreements, representations and warranties, oral and written, between Seller and Purchaser are merged in this Agreement. This Agreement completely expresses the agreement of the parties, and has been entered into by the parties after discussion with their respective attorneys and after full investigation, neither

party relying upon any statement made by anyone else that is not set forth in this Agreement. Neither this Agreement nor any provision hereof may be waived, changed or cancelled except by a written instrument signed by both parties.

13. CAPTIONS: The captions preceding the paragraphs in this Agreement are for ease of reference only and shall be deemed to have no effect whatsoever on the meaning or construction of the provisions of this Agreement.

14. GOVERNING LAW: This Agreement shall be governed by and construed in accordance with the laws of the State of Connecticut. If any provisions of this Agreement shall be unenforceable or invalid, such unenforceability or invalidity shall not affect the remaining provisions of this Agreement.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands and seals, the day first above written.

In the Presence of:

**DWIGHT C. HANSEN LIVING TRUST**

By: \_\_\_\_\_  
Joan Bate, as Trustee for the  
Dwight C. Hansen Living Trust  
Duly authorized

\_\_\_\_\_  
\_\_\_\_\_

**THE TOWN OF TRUMBULL**

By: \_\_\_\_\_  
Timothy M. Herbst  
Its First Selectman  
Duly authorized

\_\_\_\_\_  
\_\_\_\_\_

STATE OF VERMONT     )  
                                  )  
COUNTY OF            )     ss:                   , 2015

Personally appeared Joan Bate, signer and sealer of the foregoing instrument, and acknowledged the same to be her free act and deed, and the free act and deed of the Dwight C. Hansen Living Trust, before me.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

STATE OF CONNECTICUT)  
                                  )  
COUNTY OF FAIRFIELD )     ss:                   , 2015

Personally appeared Timothy M. Herbst, signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed, and the free act and deed of the Town of Trumbull, before me.

\_\_\_\_\_  
Vincent M. Marino, Esq.  
Commissioner of the Superior Court

# EXHIBIT A



# EXHIBIT B

PARKS AND RECREATION COMMISSION  
MARCH 9, 2015

The regular monthly meeting of the Commission was convened at Town Hall at 7:00 p.m. with the following in attendance:

Robert Ferrigno (Presiding)  
Richard Moore  
Marie Petitti  
Michael Trivisano

Kevin Bellows  
Matthew Carron  
Nancy Walsh

Also,  
Dmitri Paris, Parks Superintendent  
Mary Markham, Recreation Director (for Guest portion of meeting)  
Edward Laverioich, Economic & Community Dev. Director

Guests:

Dave Bjorklund, Spath, Bjorklund Assoc., representing the Dwight Hanson Family  
Kevin Drake, 192 Edison Road, Trumbull Lions Club and Historical Society.  
Jeff Cook, 149 Stonehouse Road, Trumbull Lions Club  
Elizabeth Parenzan, 26 Meadowview Drive, Trumbull BMX TRACK  
Linda and Patrick Quinn, 12 Eldor Lane  
Angelo and Donna Rici, 26 Eldor Lane  
Nellie Tyburski, 11 Eldor Lane

Dave Bjorklund, Spath, Bjorklund Assoc. Engineers representing the Dwight Hanson Family:

Distributed maps of property...Estate of Dwight Hanson, married into the Moore Family, Richard Moore Sr. was the person who instituted the creation of Mischee Park, and they are proposing the donation of a 1.697 acres parcel with frontage on Huntington Tpke. and is contiguous to the Park and contains Mischee brook as it comes off Huntington Tpke. It is land that cannot be utilized for any type of development. The family is proposing a two-lot subdivision and the parcel to be donated is excess land; and, the Hanson Family thought to follow Richard Moore Sr.'s past donation of Mischee Brook Park property that it would be appropriate to give this excess land to the Town. He explained that the property is contiguous to the park on the West side and on the North side. The foremost resource is the water course itself and wetland network. This is a piece that doesn't have a lot of utilization, there isn't a lot of up-land on it, but its value is the protection of the brook corridor that goes along the park.

Chairman stated it appears we have the opportunity of assuming this land if it is passed to the Town and then dedicated as parkland and feels that this is something this Commission should seriously consider. It is being offered to us at no charge, going to protect the open space and the wildlife in that area, as well as the water source...this stream leads into the Pinewood Lake and ultimately the Pequonnock River and into Twin Brooks Park.

Commissioner Richard Moore stated he spoke to Richard Hansen at Wayne Moore's funeral; and, he is glad that the parkland is going to get this additional property as long as the Town absorbs any associated transfer costs.

Chairman was not certain about legal ramifications but the Town's legal department would handle it. Mr. Bjorklund stated that there will be some things needed, a legal description (Bjorklund and Assoc are going to do that pro-bono), map recording, etc. Didn't think it would bring a lot of expense for the family. Ultimately for the Town to accept this parcel, it will go to the Town Council for approval, then dedicated as parkland. The process will start here.

Kevin Drake, Trumbull Lions Club and Trumbull Historical Society, Civil War Day at Abraham Nichols Park:  
Proposing to have a Civil War Day here in Trumbull on June 13 and 14<sup>th</sup> at Abraham Nichols Park upper area, lavatory and small building as well as the Historical Society Building which would encompass demonstrations, re-enactors, vendors and make it an over-all Town Day. They plan to have schools involved with a drawing for a weekend vacation at Gettysburg. They are looking to make this a yearly event hosted by the Lions and the Historical Society. Civil War this year, next year World War II. (put something out at this event leading to next year's event), good for young children learning about history and the town they live in. They request an over-night camp-out June 13<sup>th</sup> from 5:00 p.m. until 6:00 a.m. June 14<sup>th</sup> with some of the town fathers and children with the re-enactors. The Event Day would be from 11:00 a.m. June 14<sup>th</sup> to 5:00 p.m. Need the facility 8:00 a.m. to 6:00 p.m. to allow for clean-up. They have put in a request for the Town tent to be installed to accommodate their speakers and demonstrations. Rain Date, following weekend June 20<sup>th</sup> and 21<sup>st</sup>.

Jeff Cook, Lions Club:

- Would also put on talks throughout the day.
- Civil War bands.
- Tent for displays and speakers throughout the day.
- Fife and Drum Corp.
- Flag presentation.
- Re-enactors to mingle with the crowd.
- Will try to get some of the schools involved...soldier history from Trumbull....participate....research through the Historical Society.
- Parking: St. Joseph's H.S. and shuttle to grounds, Nothnagle, NIA, Methodist Church parking.
- Police for traffic and Rangers for park.
- Expected attendance between 500 /1000 throughout the day.
- Food vendor to be Mr. Mac's Canteen, (Ray MacPadden, Merritt Canteen) has required licenses. Will coordinate with the Health Director.

Superintendent: Proposal in concept for approval...details must be presented for final approval. Need porta-johns. Coordinate with Superintendent and Police Dept. Police officers on Shelton Road and Huntington Tpke. Rangers on property.

Elizabeth Parenzan, Trumbull BMC TRACK

Presented Schedule for the 2015 Season.

Chairman stated there is other paper work required by the Facilities Use Policy, ie. insurance certificate, tax and financial paperwork, Profit and Loss statement, Rosters, background checks. All needed for approval.

Edward Lavernoch, Town Economic & Community Dev. Director:

Distributed maps concerning his presentation for a proposed Verizon Cell Tower in Town parkland near Jeffrey Place.

He explained that some areas of town have had cell coverage problems for a long period of time. There have been a number of carriers who have looked throughout the town to try and solve some of the Trumbull Center Area; and, Verizon has been persistent in looking for a site. Early in 2014 they identified a bluff on property that was combined with Beach Memorial Park property, excess property exchanged during Route 25 Connector construction off Jeffrey Place. Town gave them access to run some tests for that location and both the physical attributes of the location and potential for cell coverage in that location are thought to be a location feasible for dramatically improving the coverage for the areas unable to get cell coverage.

They were told there would probably be a few concerns from the Parks Commission and others in town...might center on how much natural habitat they would be disturbing in order to put the cell tower in there, whether they would do anything to disrupt the current activities of the park. Verizon put together plans which would pretty much address these concerns. The lack of cell coverage is a quality of life issue for a lot of people in this immediate area of town, certainly hampers commerce in that area, and Police Commission and Trumbull Center Fire District will also tell you that it's a real public safety issue. So, knowing this, and having what they think is a reasonable site plan proposal, he was asked to seek the approvals for this site knowing that the parks are entirely under the Parks and Recreation Commission control. This presentation is the first step to getting approvals.

Focused on physical site first: It's a 120 foot tower (originally talked about an 85 foot tower which would put them right at the top of the trees in this immediate area and would have been barely visible) which would poke about 30 feet above the trees in this immediate area but it would have a coverage area that's dramatically greater than what the 85 foot coverage would be. With 120 feet, they would be able to accommodate about five cell providers. And when they ultimately go for State approval of the Siting Council they will have to not only accommodate other cell providers to the extent they have room but they will have to accommodate any public safety apparatus that our Fire Department or Police Department would want to put on the top. The Plan that they propose off the end of Jeffrey Place would involve a gravel access road with drainage system that would be adequate. Approval of the project could be conditioned upon getting a satisfactory result of the design of the road and drainage by our Town engineers.

Chairman questioned if we wanted a two or three step process...agree in principal to this happening, then next phase would be more details coming back to the Commission (engineering issues, drainage issues, secondary approval) we would want to be involved in the process as we progress, and the public may want to participate as well.

Response: Yes. If the Commission gives conceptual approval tonight, pending future specifics along the line, his next step would be to get the informal endorsement of the Police Commission. Subsequent to that, any transaction that the Town is involved with either with granting, selling or leasing land or acquiring property in any way has to go to the Planning and Zoning Commission before it goes to the Town Council for what is called an 8-24 Review...reference to State Statue. They have to find that what's occurring in this proposal is consistent with their Plan of Conservation and Development. He thought here are two things they would rely on; first, they would want to know that the Parks and Recreation Commission thought it was consistent with the use that you're trying to encourage in the park; and secondly, that it's consistent with the provisions that they have in the Plan of Conservation and Development...updated in 2013/2014 adopted specific policy language

about improving cell coverage in town. He felt the Planning and Zoning Commission would have a favorable report. They would rely on the Parks and Recreation Commission call related to whether this is an acceptable use in the park.

Chairman questioned the impact to the area...what will happen to this area...trees taken down, path they're using is it bituminous, is it gravel (it's a gravel path), how long is it (from end of Jeffrey Place paved area to compound they are trying to create terrain very up-hill...Ec. Dev. Director believes it's about 55 or 60 yards. The last lot on that road is owned by the Town of Trumbull.)

Chairman: What would be the end result as far as land to be used for development?

Response: The gravel road is predicted about 12 feet wide. But there will be drainage berms on either side. that would be created...rip rap (large stone). At the top of the hill, they envision 100 x 100 sq., within that would be a permeable surface within the square there would be a fenced off area that would be protection for the tower, their electrical generator, and the diesel generator they would have as a back-up power supply...it would all be within the 50 x 50 sq.

Where would be the closest home be?

There are two, Mr. Ricci's home at the very end of Eldor Lane, and there's a home owned by Geraldine Dunn.

How close is it to the military memorial at the top of Hedgehog?

Aerial photo referred to, probably 350 yards up the hill.

Mr. Moore: In Beach Park but not part of the dedication?

Yes...came to us after Beach Park. State allocated land. Two other parcels after Beach dedication...all added to the name Beach Park.

Dr. Trivisano, I'm sure more than one site tested, and this spot was chosen, can we see the reports so that we could see the other sites?

No we don't have a report. The other site that was contemplated was the Public Works Garage. Another at Unity Park. Density of that residential neighborhood or right in the middle of the park there wasn't enough space. Public Works site has a number of buildings that are 60 years old, good chance the entire public works site is going to be re-designed and right now going through an exercise with the site to get the Army Corp of Engineers to recognize a new path for the stream that goes through the site which has to get done before they even start to plan the Public Works project. So, Public Works site cannot be an option at this point.

They traipsed around in the woods here, but when you move away from the site that we're contemplating, further up the hill you actually are cut-off to a certain degree by the bluff where this is to be located. The lower influence of the coverage would be blocked off by the bluff. You need it near the edge of the bluff to get the coverage that is depicted on the map.

Police Station tower is going forward but can't cover Trumbull Center.

Chairman: Is there any benefit to the Town as far as revenue?

Yes. They proposed a revenue stream \$30,000 for the Town itself, and they would share at a 50% split all the revenue from additional providers. (A little different from the one at Indian Ledge. The last documents he saw they had six providers at 60% split. We estimate the revenue would be \$75,000 and taxes, as much as \$125,000. Access road would be private, would be fenced off and they would maintain it.

Residents in attendance given opportunity to address the Director of Economic and Community Development concerning the cell tower.

Linda and Patrick Quinn, 12 Eldor Lane:

Right around the corner from Jeffrey Place so obviously we don't want to be looking out our window at a tower. Concerned about the wild life, how long it would take to build, all the construction vehicles during construction, our real estate value is a major concern, the providers will tell you that there's really no medical issues with using a cell phone imagine how much more damage a cell tower would be. They have only been out for 20 years and no one knows what the damage will be with power that close to your home, another concern this will become a gathering place for high school students...to hang-out there...a hidden area, there's a church there that's rarely used and kids have gone back there in the past and have access to the woods, would there be a gate in front of the road (it's envisioned that there would be a gate to the access road so vehicles couldn't go up there; there would be pedestrian access to the park; provisions immediately around the tower to keep people away from the tower.) The wildlife that we see in there...deer, coyotes...what would happen to all these? This is parks land that they all live in. This is very disruptive.

Chairman: How close are you to the potential site? Fifty feet, 100 feet?

Estimated we were a little over 100/115 yards from Mr. Ricci's house. From road about 55 yards to the pad. (Less than 600 feet....less than two football fields.) Mr. Quinn about 175 yards. Mr. Ricci the most impacted. House on Jeffrey Place the closest house (resident not here). The Gerald and Jeanne Dunn house the closest house on Jeffrey Place and the Church (probably about 80 feet).

Mrs. Quinn: Questioning why as close as we are to this proposed site that we weren't notified. I know all the other sites, those homeowners were notified. Curious, we found out saw surveyors.

Richard Moore, we fought the power plant in Nichols and I was one of the houses that was right across the street; but, two houses down didn't get notified. It's a certain amount of feet from the actual property line.

Chairman: This is just a proposal. The Commission is just hearing tonight the same as the residents. We put it on our agenda.

Mr. Quinn: How high is the steeple on the church? ( Don't know, but the church is ground level.)

Angelo and Donna Ricci, 26 Eldor Lane:

Been there 18 years. Beautiful property, pristine, outside nothing to see except some trees. I pride myself on taking care of those woods, picking up trash and garbage, feeding the animals and the birds, very natural consistently comfortable place to live, and to have something like this put in...honestly I'm going to hire an attorney. My property value will definitely go down 15/20 percent, how could it not. So, here's my dream home I always wanted. Come to my house, you could see towers all the way to Bridgeport (I don't mind that) but this is right in my back yard, I have grandchildren, they're going to be romping around and playing in these

woods. And whether or not there's any harmful effects with radiation 700 megahertz of transmission, who knows five or six towers on there be transmitting even more, there may or may not be health risks but I'm sure it's not healthy. I went to buy beautiful homes that had high tension wires and were all discounted 20/30 percent. Nobody wants to live next to a tower. You want to live next to a tower? Neither does anybody else. I know there's a need for the community. There's a need for better cell towers. Nobody wants it in their back yard. I sure don't want it. The other problem is litter. It only takes once to break that gate. You'll be taking out that trash for a week. That's my major concern. There probably be more meetings and at this point I'll do a little more homework.

Nellie Tyburski, 11 Eldor Lane:

Lives exactly across from the Quinn's. Main concern is number one that we weren't notified and I want to know why. Number two is they are considering putting it up on the park property. My husband was always under the impression that once you let something into a park, it will not stop there. And where they are planning this, I think that's all rock...ledge...that means you will have to blast.

(Response: They can't say for certain...a lot different than it used to be and can understand they will have to have a separate public hearing if in fact they have to blast.)

We've walked up there so I know there's a lot of rock up there and the drainage...a tremendous amount of water comes down to a ditch on my property...and out to Eldor Lane...and I don't want any more water.

Chairman, I assume that would be addressed in the development process.

(Response: They proposed a drainage plan for the access road as they envision it being developed but would suggest to the Park Commission that if you give conceptual approval for this it would be final approval would be upon having a drainage plan that the Town Engineer convinced us was satisfactory and wouldn't cause any damage.)

Actually, I hope that they don't construct it due to the fact that it is park land. I don't think it's really necessary to put it on park land.

Chairman questioned if this areas is 100 x 100, chain link fence around it, I assume. Well, chain link fence around the tower 50 x 50...what would be around that fence...some kind of landscaping would be done...or just a plain site. How would that work.

(Response: Pretty much whatever you (the Commission) would think you want there. I think we could get them to comply. I would suggest that if that's important to you, you have some conditions in a final approval.)

Chairman questioned of the residents if that would address their concerns? A landscape plan for that particular area...50 x 50 area...how would that settle with you folks? Do we want to explore that option with you?

Mrs. Quinn stated that the drainage issue is important...right in front of their house...ever since the SternVillage expansion it has increased. They get all that water...like a river right down Eldor and it clogs the drains.. turns to ice in the winter.

(Ec. Dev. Dir: The example of Stern Village...a great deal of permanent structure at that location...this plan all permeable...some of the gravel road will be addressed by the drainage plan down the road and need to be suitable for the town engineer to approve. I think a dramatically different type of development that's being proposed. As to the Notice Provision, we have to go through several steps through the Town; but, when this goes to the State Siting Council they're going to have their own process that they're going to be required to go through and that in fact is an extensive public hearing process that they require at the municipal level to occur before they give their approval. Associate notice, they are familiar with. This wasn't any attempt to by-pass any of the legal notice provisions.)

Dr. Travisano: From conception, how long to complete?

(Response: In this case because it's public land we're going through steps we wouldn't have to do on a private property. So, in front of Parks and Recreation Commission, Planning & Zoning Commission once our approval, and then the Town Council. That is one/two month process. The Siting Council process is typically a six to nine month process. Requires extensive design for the Town to occur and exhaustive Public Hearing Process at the State Level. After that, in season, it's probably a six to twelve month build-up on tower itself.)

Chairman, talking about a year or two.

Mr. Quinn: You said it would take six to twelve months to build the whole site...

(Response: It's hard to say, if they encounter things they didn't anticipate...ledge...how much and to what extent it will hamper the road construction and anchoring the tower).

Mrs. Walsh: Where are other cell towers in town and are there a number of them?

(Response: Not many on this side of town.)

As many as close to residents as this is proposal?

Mr. Moore stated on White Plains Road, Lutheran Church is just going for approvals with the church members to put on the steeple.

(Response: Won't help much of Trumbull Center. All has to do with 'line of sight', difficult because of the nature of Trumbull's terrain. Tower in a straight line can serve two and a half miles. That's very difficult given our hills and valleys here.)

Mrs. Quinn asked what type of tower...like a fake tree?

(They are capable of doing simulated photos and present a group of options...come back to us. We could look at the simulated options they offer and make a selection. The tree is an option but honestly it can look worse in the way it might fold into the hillside...terrain is such that the hill goes up much higher even behind this...better off not creating the tree tower...one very, very big lonely tree. Just having the tower it would fade into the background.)

Chairman: This the first presentation to us and the details we don't know. Is it possible to get an idea where it would be and lay it out...can you paint an area where the road would be and where the site itself would be?

Superintendent said he could just take Commission there....layout where the road is going to be, where the pad is going to be...where specifically it's going.

Ed Lavernoich stated that he thought the plans presented here this evening gave that information.

Chairman asked if stakes or something could be installed to designate where the construction as well as where the pad is going to be so we can physically look at it so that rather than looking at a map we can look at it in person and better address the impact on the neighborhood and on whatever else is happening. So we can get a clear picture of what's happening to that particular piece of park property, is that possible, I'm asking the question.

(Response: It's definitely possible to look at it ...no one is going to walk up that hill without snow shoes right now.)

Chairman noted there is no hurry...have engineers sign off on site, so we know their intention. He said this was a great presentation; however, it's hard to visualize on these maps what's going to happen in the real world. There are questions that Commissioners may have. It's not like looking at maps and arbitrarily saying yes or no.

One resident stated that cell providers actually put a balloon up to show the height of where and how the tower is going to look and that way you can actually visualize seeing this and seeing it from areas of the town, see the impact of where the height's going to be.

Mr. Moore noted they could come back in two years and say we want another 30 feet like the Police Headquarters.

Mr. Ricci: Or... a change in technology and we wouldn't even need the towers anymore.

Chairman mention to the residents that this Commission has approved a cell tower in the past...we took a piece of park land at Indian Ledge and worked with the developers, with the Engineering Dept, with Planning and Zoning and it worked out very successfully. We've monitored it for a long time...22 years. This Commission has overseen, developed and monitored a cell tower site and had good results with that.

Resident commented, but with no residents around.

Chairman said there was still impact. Park being utilized for a commercial endeavor. This is something we are familiar with. Might not be two, three or four house involved but impact on the environment was significant. Indian Ledge tower 180 feet...a lot higher than what we are dealing with now. Can see it from Route 25, neighbors across the highway.

Chairman questioned if encompassing the area with landscaping is considered? Maintenance of the site, drainage, road, landscaping? No impact to the taxpayers of the town written in the contract. Any noise?

(Response: Absolutely, they expect when they get with the property owner, there would be conditions.)  
Didn't ask about noise, will ask. Diesel generator for backup.)

Superintendent: Starting with global view of this proposal it has to take it step by step through the process. This is the very, very first step.

Residents questioned when would be the next discussion.

Chairman said probably within the next few Parks Meetings. Snow won't be off for a month.

Commissioners:

- Would like to hike the right of way off Jeffrey.
- Let the snow dissipate, have engineering mark the property, Commission to visit property.

Chairman thanked the residents for attending noting the Commission will take their concerns under serious consideration.

Chairman thanked the Economic and Community Development Director for his presentation.

Recreation Director exited at 8:00 p.m.

Chairman announced to the Commission that we had just heard that past long-time Parks Commissioner Gene Cellini's father passed away this evening.

**MOTION** by Mr. Moore, second by Dr. Travisano, unanimously passed closing guest portion of the meeting.

**MOTION** by Mr. Carron, second Mrs. Petitti, unanimously passed approving the minutes of the February 17, 2015 meeting.

Old Business:

Chairman has been in contact with the Town Attorney with regard to the Town's new policy concerning League Contractors doing work on Town property being required to process all work through the Town's Purchasing Department and the expressed concern of league on any current contracts default issues. The Town Attorney cannot make an opinion on the contracts until reviewing specifics of any current contracts. Depending upon the language of the contracts, they may be valid. The Town Attorney will issue a directive to be sent to all leagues requesting copies of any current contracts they may have entered into for review by the Town Attorneys. If a contract can be voided without a default issue then we can proceed under the new policy.

Superintendent, Recreation Director and Athletic Director have met on an initial structure for scheduling based on the requests received last month. Some scholastic scheduling at Indian Ledge. The addition of the new field space at the high school campus and Indian Ledge I being on line at the beginning of the season, it looks like we will have space for Trumbull Youth Lacrosse more time on the artificial surfaces. One request of them will be to shift their start times by one-half hour to allow even more games to be played. Start at 8:00 instead of 8:30 at night would allow for Trumbull United to get a game in after that. That's beneficial, keeps them off the natural turf.

Initial grid put together and will be submitted to the Chief of Staff for review. Once finalized, he will get copies to the Commission as well to be able to address specifics. If we have the document showing what is available for each group it helps our position better. Nothing to be put into effect until the administration has had a chance to review it. Once released, he will get copies out. Breakdown of each field and its usage.

Abraham Nichols Park Request:

Superintendent: Portalets should be a part of the approval.

Approval in concept, now put together their official proposal for parking, food vendors, etc.

**MOTION** by Mrs. Walsh, second by Mrs. Petitti, unanimously giving conceptual approval of request by Trumbull Lions Club and Historical Society to hold a Civil War Event at Abraham Nichols Park upper level and Historical Society Building on Saturday, June 13, 2015 from 5:00 p.m. through 9:00 a.m. on Sunday, June 14, 2015, with a rain dates of June 20th and June 21<sup>st</sup>, for an overnight camping event for parents with their children; and, on Sunday, June 14, 2015 a Civil War encampment on the upper grounds with large tent for demonstrations by professional re-enactors, exhibits, with campsites including a food vendor . Final plans including parking plans, police on the streets, rangers on the grounds and health department requirements to be presented at the April meeting of the Parks and Recreation Commission for final approval.

**MOTION** by Dr. Travisano, second by Mr. Moore, unanimously passed to **table** approval of Trumbull BMX TRACK spring scheduling until further required information is received.

**MOTION** by Mr. Moore , second by Dr. Bellows, unanimously giving conceptual approval, of a proposal by Spath Bjorklund Assoc on behalf of the Dwight Hansen family, to donate a 1.697 acres parcel with frontage on Huntington Tpke. and contiguous to Mischee Brook Park subject to a physical audit of the property by relevant town departments as well as the Town absorbing any costs related to the transfer of the property.

**MOTION** by Mr. Moore, seconds by Mrs. Petitti and Dr. Travisano, unanimously passed to **table** a request by Economic & Community Development Director to consider conceptual installation of a cell tower on property in Beach Memorial Park near Jeffrey Place until such time as winter weather conditions permit a physical site inspection by members of the Parks and Recreation Commission.

Superintendent's Report:

- This month...snow, snow, snow removal.
- Concentrated on Beach Pool Filter House work.
- Doing work at Mary Bill property prepared for Ranger Station move.
- Ranger Station on White Plains Road being renovated for other town uses and Recreation Department being considered for this location.

**MOTION** to adjourn at 9:00 p.m. by Dr. Bellows, second by Mr. Moore, unanimously passed.

Respectfully submitted:

Joan E. Plouffe,  
Clerical Administrative Assistant

PARKS AND RECREATION COMMISSION  
MARCH 9, 2015  
MOTIONS

**MOTION** by Mr. Moore, second by Dr. Travisano, unanimously passed closing guest portion of the meeting.

**MOTION** by Mr. Carron, second Mrs. Petitti, unanimously passed approving the minutes of the February 17, 2015 meeting.

**MOTION** by Mrs. Walsh, second by Mrs. Petitti, unanimously giving conceptual approval of request by Trumbull Lions Club and Historical Society to hold a Civil War Event at Abraham Nichols Park upper level and Historical Society Building on Saturday, June 13, 2015 from 5:00 p.m. through 9:00 a.m. on Sunday, June 14, 2015, with a rain dates of June 20th and June 21<sup>st</sup>, for an overnight camping event for parents with their children; and, on Sunday, June 14, 2015 a Civil War encampment on the upper grounds with large tent for demonstrations by professional re-enactors, exhibits, with campsites including a food vendor . Final plans including parking plans, police on the streets, rangers on the grounds and health department requirements to be presented at the April meeting of the Parks and Recreation Commission for final approval.

**MOTION** by Dr. Travisano, second by Mr. Moore, unanimously passed to **table** approval of Trumbull BMX TRACK spring scheduling until further required information is received.

**MOTION** by Mr. Moore , second by Dr. Bellows, unanimously giving conceptual approval, of a proposal by Spath Bjorklund Assoc on behalf of the Dwight Hansen family, to donate a 1.697 acres parcel with frontage on Huntington Tpke. and contiguous to Mischee Brook Park subject to a physical audit of the property by relevant town departments as well as the Town absorbing any costs related to the transfer of the property.

**MOTION** by Mr. Moore, seconds by Mrs. Petitti and Dr. Travisano, unanimously passed to **table** a request by Economic & Community Development Director to consider conceptual installation of a cell tower on property in Beach Memorial Park near Jeffrey Place until such time as winter weather conditions permit a physical site inspection by members of the Parks and Recreation Commission.

**MOTION** to adjourn at 9:00 p.m. by Dr. Bellows, second by Mr. Moore, unanimously passed.

# EXHIBIT C

Legal Description  
Open Space Parcel  
Huntington Turnpike  
Trumbull, CT

A certain piece or parcel of land situated in the Town of Trumbull, County of Fairfield, and the State of Connecticut as shown on the following map titled: Resubdivision Map Lot 2, Prepared for Dwight C. Hansen, Date: Nov. 11, 2014, Revised: 5-20-15. HUNTINGTON TURNPIKE (RTE. 108); TRUMBULL, CONNECTICUT; SCALE: 1"=30'; SHEET 1 OF 1 prepared by The Huntington Company, LLC, being more particularly bounded and described as follows:

Beginning on the westerly street line of Huntington Turnpike at the common corner of open space parcel and 2217 Huntington Turnpike thence SW 16.31 feet, SW 10.29 feet, SW 32.87 feet, SW 26.92 feet, SW 30.11 feet, SW 23.93 feet, SW 52.52 feet, SW 71.15 feet, SW 80.14 feet, SE 38.01 feet, NE 101.22 feet, NW 73.12 feet, NE 399.32 feet, NE 142.84 feet, NE 114.06 to the westerly street line of Huntington Turnpike, SE 53.26 feet along westerly street line of Huntington Turnpike, SE 62.70 feet, SE 50.51 feet along westerly street line of Huntington Turnpike to the point of beginning.

Containing 1.71 acres. Said parcel is to be incorporated in Mischee Brook Park.

# EXHIBIT D

## **PLANNING AND ZONING**

**June 17, 2015**

The Planning and Zoning Commission, of the Town of Trumbull, met for a regularly scheduled meeting on Wednesday, June 17, 2015 in the Council Chambers of the Trumbull Town Hall.

Members Present: Richard C. Deecken, Chairman  
Anthony Chory, Vice-Chairman; Tony Silber, Secretary  
Fred Garrity, David W. Preusch and alternate Don Scinto

Also Present: Jamie Brätt, Director of Economic and Community Development  
Vincent M. Marino, Town Attorney  
Bill Maurer, Engineering Department

The following is a brief summary of the meeting. A complete record is on tape, on file, in the office of the Planning and Zoning Commission located in the Trumbull Town Hall.

With a quorum being present the Chairperson called the meeting to order at 7:30 p.m.

The voting members for tonight's meeting were as follows: Chairman Deecken, Anthony Chory, Fred Garrity, David Preusch and Tony Silber.

### **PUBLIC HEARING**

A letter submitted by Attorney John Knuff, advising that Application #15-17 (Amending of Art. III) has been withdrawn, was read for the record.

The Chair then called for a motion to move the agenda to allow the proposed minor modifications to Special Permit #14-25 to be heard following the public hearing for Application #15-23, as they are interrelated.

MOTION MADE (Chory), seconded (Silber) and unanimously carried to move agenda item "Minor Modification of Existing Special Permit" out of order.

### **LIQUOR LOCATION PERMIT**

Application #15-23 – Sitting Duck Tavern  
4244 Madison Avenue

David Rutigliano, proprietor and Alan Webber, CFO of M.F.DiScala & Co. came forward. Mr. Rutigliano made known that he serves as the State Representative from the 23<sup>rd</sup> District but is before this Board tonight in the capacity of small business owner.

Ms. Brätt informed that in the process of applying for a State Liquor Permit there were several potential events checked off that would not be in conformance with the Town's zoning regulations. Responding to an inquiry, as to whether State permitted uses would supersede zoning requirements, the Town Attorney advised that in this instance local zoning ordinances would have precedence. Mr. Rutigliano advised that his intent was to comply with all zoning requirements.

The public hearing for Application #15-23 was concluded and the Commission took action as follows. MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-23, as presented.

The public hearing was then recessed to hear agenda item "Request for Minor Modification of Existing Special Permit" out of order.

### **Minor Modification of Existing Special Permit**

Application #14-25 – M&F DiScala & Co.  
4244 Madison Avenue

- a) Minor modification to permit installation of Captrate Combo Filters and CaptiveAire's CASRE Utility Set Fan to satisfy condition pertaining to establishment of an exhaust system for restaurant use that addresses and mitigates odors.
  
- b) Minor modification to permit two anchor tenant signs on the front edifice of 4244 Madison Avenue, which conform with regulations pertaining to signage in the Village Retail Overlay Zone.

The proposed modifications were presented by Alan Webber of M&F DiScala & Co and David Rutigliano. Mr. Webber began by presenting a packet of technical information on the proposed system, which he indicated would be more cost effective but equal to what was originally proposed.

A copy of the notification letter, sent at the request of the Commission, to the abutting property owners informing them of the proposed changes, was also distributed. A letter submitted by the Lower Long Hill Coalition was then read. The correspondence indicated approval of the alternative filtration system but it requested that the following conditions be considered.

Condition #1 dealt with the cleaning and maintenance of the filters.

It was agreed that this area would fall under the purview of the Fire and Health Departments.

Condition #2 requested that the exhaust fans, tied to the kitchen hoods, be of a high velocity up-blast type, which Mr. Webber indicated is what is being proposed.

Condition #3 asked that the exhaust fan be mounted as high as possible so that the air is discharged further up to reduce odors at ground level.

Mr. Rutigliano informed that the mounting will be on the roof 16 to 20 feet off the ground, which complies with the original site plan approval. He noted further that a higher elevation would not make a difference, as no odors would penetrate the surrounding area from either level.

Upon inquiry, Mr. Webber advised that the proposed exhaust fan creates no added noise and is no louder than any standard fan.

The presentation was then completed and the Commission took action as follows.

MOTION MADE (Deecken), seconded (Preusch) and unanimously carried to approve proposed minor modification to Special Permit #14-25 to permit installation of Captrate Combo filters and CaptiveAire's CASRE Utility Set Fan; subject to the conditions submitted by the Lower Long Hill Coalition (letter of June 5, 2015), which were modified and approved as follows.

1. Condition #1 not under the purview of Planning and Zoning, as the maintenance and cleaning of the filter system remains under the jurisdiction of the Fire and Health Departments.
2. Conditions #2 and #3. Condition #3 to be modified as follows: Exhaust fan assemblies shall be mounted in accordance with the approved minimum height requirements.

The second portion of the modification request was then addressed.

- b) Minor modification to permit two anchor tenant signs on the front edifice of 4244 Madison Avenue, conforming with regulations pertaining to signage in the Village Retail Overlay Zone.

Alan Webber presented. A modification of the approved sign bands for two locations is requested. Mr. Webber explained that the two restaurant tenants will require signage with more height and less width, as they have more frontage. The proposed carved/dimensional painted signage for the Sitting Duck Tavern was viewed. Several Commissioners indicated preference for the new signage commenting that the proposed design adds to the character of the plaza.

Following the presentation the proposal was considered and the Commission took action as follows.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve proposed minor modifications to sign dimensions pertaining to Application #14-25, as presented.

The public hearing then resumed.

## **PUBLIC HEARING**

### **SUBDIVISION**

Application #15-24 – Richard Hansen

Re-subdivision Map, dated 11/11/14, Prepared for Dwight C. Hansen  
2 Lots Huntington Turnpike opposite Carriage Drive

David Bjorklund and the applicant conducted the presentation.

The subject parcel is the remainder of the subdivision initiated in 2001. The remaining 3.90 acres is now the subject of the current application to create two one acre building lots.

The Commission was advised that the northern most portion of the parcel would be deeded to the town and combined with Mischee Brook Park, which was created in 1970 through a 16.6 acre donation of land by the applicant's grandfather.

Mr. Bjorklund advised that the necessary waiver for lot frontage was approved by the ZBA in 2014. IWWC approval to construct two single family dwellings has also been received along with DOT approval

for the two proposed curb cuts. Upon inquiry, the project engineer advised that the Parks Commission has voted favorable to accept the 1.7 acres as park land.

Jamie Brätt indicated that with the necessary waivers in place the proposal meets with all applicable subdivision standards. She also confirmed that the March 2015 minutes of the Parks and Recreation Commission reflects approval of the subject donation of land.

Upon further discussion and review the following motion was made.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-24, as presented and plans submitted.

### **SPECIAL PERMIT**

Application #15-20 – Marsel Huribal  
2991 Nichols Avenue

Pursuant to Art. II, Sec. 6, Special Permit/Adaptive Reuse to convert existing dwelling into medical/professional office use. HEARING CONTINUED FROM MAY 20, 2015.

Attorney Christopher Russo came forward advising that the applicant wishes to withdraw the application to provide opportunity for P&Z staff to review a proposed alternative traffic plan providing ingress and egress from Nichols Avenue. Mr. Russo indicated that the intent is to re-submit at the August meeting.

Commissioner Garrity made note of the existing heavy congestion on Nichols Avenue and suggested that entry and exiting from Huntington Turnpike be reconsidered. Ms. Brätt also advised that a report from the traffic division of the Police Department will be required prior to re-submittal. Bill Maurer commented further that as both Nichols Avenue and Huntington Turnpike are State roads, the DOT will have the final say as far as egress and ingress.

Application #15-25 – Eslam Gebriel & Joanne Mekawi  
63 Lauderdale Drive

Pursuant to Art. II, Sec. 1.2.2.7 to establish 1,025 sq. ft. accessory apartment within existing footprint.

Eslam Gebriel came forward. The submitted plans indicated all construction to be within the footprint. Ms. Brätt advised that the proposal, as presented, conforms to zoning standards.

MOTION MADE (Chory), seconded (Silber) and unanimously carried to approve Application #15-25, as presented and plans submitted.

This concluded the Public Hearing.

## REGULAR MEETING

### Acceptance of Minutes

MOTION MADE (Chory), seconded (Silber) and unanimously carried to approve the minutes of the May 20, 2015 regular meeting, as recorded.

### Request for Extension of Time

**For Filing of Subdivision Map** – Application #15-14

Mary Grace Mandanici and John Mandanici, Jr.  
4 Lot Subdivision  
254 Shelton Road

The letter of request submitted by the applicant's representative, Attorney Raymond Rizio, was read.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve a 90 day extension, to November 3, 2015, for the filing of the approved subdivision map pertaining to 254 Shelton Road.

### Municipal Improvement

Pursuant to CGS 8-24 request for P&Z recommendation regarding donation of five (5) parcels of land from the State of Connecticut to the Town of Trumbull.

Jamie Brätt came forward and provided a detailed description of the proposed acquisition. Pursuant to Public Act No. 04-186, Section 26 the State of Connecticut is required to initiate transfer of excess land to the local municipality. The Act also stipulates that the land must be utilized as either open space or for recreational purposes or the property will revert back to the State.

The five parcels being offered have been recognized as access land by the State. The properties in question are located in various locations in the vicinity of Route 25 and were identified, as follows.

- Parcel 1 – 6.1 acres abutting Twin Brooks Park
- Parcel 2 – 16.3 acres off of Parlor Rock Road and Overlook Place
- Parcel 3 – Old Mine Road and Tunsen Circle
- Parcel 4 – Area leading into Old Mine Park
- Parcel 5 – Behind the State salt shed located on Monroe Turnpike

There was general consensus of agreement that the acquisitions would be beneficial to the Town.

MOTION MADE (Chory), seconded (Preusch) and unanimously carried to recommend Town Council approval of the proposed transfer of 5 parcels of land to the Town of Trumbull by the State of Connecticut.

There being no further business to discuss, the June 17, 2015 meeting of the Planning and Zoning Commission adjourned at 8:45 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Zoning Commission will be held on Wednesday, August 19, 2015 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

The Planning and Zoning Commission has no meetings scheduled for the month of July.

Respectfully submitted,

Helen Granskog  
P&Z Administrator/Clerk

# EXHIBIT E

TOWN COUNCIL  
**Town of Trumbull**  
CONNECTICUT  
[www.trumbull-ct.gov](http://www.trumbull-ct.gov)

TOWN HALL  
Trumbull

TELEPHONE  
(203) 452-5000



PUBLIC WORKS COMMITTEE  
MINUTES  
SEPTEMBER 3, 2015

The Chair called the meeting to order at 7:06 p.m. All present joined in the Pledge of Allegiance.

The clerk called the roll and recorded it as follows:

PRESENT: Ken Martin Sr., Chairman, Tony Scinto, Vice Chairman, Vincent DiMasi, Jr., Ennio DeVita, Daniel Marconi, Michael London, (arrived at 7:41 p.m.), Alternate and Vicki Tesoro, Alternate.

ABSENT: Mary Beth Thornton.

ALSO PRESENT: Director of Economic & Community Development Jamie Bratt, Town Attorney Vincent Marino, and Westfield Mall Attorney Knuff.

- 
1. Resolution TC25-195: Moved by Mr. DeVita, seconded Mr. Marconi  
BE IT RESOLVED, That Lori Hayes-O'Brien of 103 Old Tree Farm Lane, be and the same is hereby appointed as a member of the Senior/Community Center and Library Study and Building Committee.

Ms. Hayes-O'Brien was present. Ms. Hayes-O'Brien stated she had previously served on the Preschool Building Committee. She has kept up on how this project is developing and would like to be involved in its development. Ms. Hayes-O'Brien was a preschool teacher, has lived in Trumbull for 23 years with her two children and has volunteered in the schools as well as TPAUD. She would like to branch out beyond the school system.

Mr. DiMasi stated at the last Town Council meeting it was heard that the committee lacked a member with construction and/or engineering background. Ms. Hayes-O'Brien stated she did not have a construction background and also questioned whether she was a good fit. Her primary experience was having been a pre-school building committee member for 7 years. Mr. Marconi stated he is the Co-Chairman of this building committee and noted they are looking for two things, one is construction background and the other is to have a younger representative of the community. Mr. DeVita spoke in favor of a member having an engineering and/or architectural background. Mr. Marconi indicated for Mr. Martin that Mr. Pifko and he have the most experience in construction of the committee. Ms. Hayes-O'Brien stated the Pre-School

Building Committee members did not have direct construction experience but did have the experience in hiring the right people. Mr. Marconi stated the committee's vision is to determine the needs and square footage of the building and what the center should do. Maybe another committee would be formed for the construction aspect. Ms. Tesoro noted the minutes did reflect the fact the committee needed someone with construction experience. Having Ms Hayes-O'Brien does not preclude the committee searching for another member with construction background. The committee is down a member due to Dr. Timpanelli's passing. The committee discussed how the resolution was assigned to this committee. Mr. Massaro stated the resolutions pertaining to the building committee had gone through L&A; appointments typically go the R&R Committee. Mr. Massaro stated he and past chairmen have not called a whole committee out for a short term matter.

Ms. Hayes-O'Brien stated her address as 103 Old Tree Farm Lane and her party affiliation as unaffiliated.

VOTE: Motion CARRIED 3-2-1 (AGAINST: DeVita and DiMasi) (ABSTENTION: Scinto)

2. RESOLUTION TC25-196: Moved by Mr. Marconi, seconded by Ms. Tesoro.  
BE IT RESOLVED, That the acquisition of 1.71 acres of real property known as part of the Hansen subdivision on Huntington Turnpike and contiguous with Mishee Brook Park is hereby approved; and  
BE IT FURTHER RESOLVED, That First Selectman Timothy Herbst is hereby authorized to execute any agreements or take any necessary steps to incorporate said parcel into Mishee Brook Park and complete the acquisition.

The applicant has gone to the P&Z Commission for the 8-24 approval. The Parks Commission has voted unanimously to adopt this land into Mishee Brook Park. The transfer has not happened to date. The P&Z Commission has unanimously recommended to the Town Council to accept the land. All of the proper approvals are in place with the exception of the legal-ease to accept the donation. Atty. Marino stated the immediate question is whether the Town wants to accept the land transfer. Once that has happened and the land is the name of the Town of Trumbull it can then be determined on how the land would be categorized. The legislative body has to accept the donation first. Ms. Bratt stated it will be park land if it is accepted. Mr. Martin stated he knows the family and it was the family's intent to incorporate the parcel into the park based on the history of the other pieces of their land having been donated. Mr. Massaro suggested more precise language for the full Town Council meeting.

VOTE: Motion CARRIED unanimously.

Mr. Massaro stated an addendum had been noticed to the full council meeting agenda. It is a grant through the State of CT Department of Health for \$53,192.00. It is for an emergency preparedness program and the funds would go to the Health Dept. This is an annual grant. There is a deadline of September 30<sup>th</sup>. (Mr. Massaro left the meeting at 7:38 p.m.)

3. RESOLUTION TC25-197: Moved by Mr. Scinto, seconded by Mr. DiMasi.  
BE IT RESOLVED that the Town of Trumbull does hereby abandon its interest in and discontinue its public use of portions of Stuart Place and Lorraine Street and that First

Selectman Timothy M. Herbst is authorized to execute all necessary agreements and documents to affect the same.

(Mr. DeVita left the meeting at 7:39 p.m.)

Atty. John Knuff representing Westfield Mall was present and indicated the resolution is asking the Town to discontinue 2 streets, Stuart Place and Lorraine Street. Lorraine is a paper street.

(Mr. Scinto left the meeting at 7:40 p.m.)

Eighteen years ago Westfield began acquiring all the properties in this area. They now own all of the properties with the exception of two. There are two ways to relinquish the right of way to roads; 1. To abandon and; 2. To discontinue the use of the street. Lorraine Street was shown on a map in 1930's and in the 1960's there was a card filed in the P&Z office which says the Town of Trumbull accepts the first 250' of Lorraine Street as a Town Road. It is not known if Lorraine St. ever existed but out of an excess of caution they are asking for the Town to discontinue the Town's right of way to Stuart Place and Lorraine St.

(Mr. Scinto and Mr. DeVita returned to the meeting at 7:41 p.m.) (Mr. London arrived at the meeting at 7:41 p.m.)

What they are asking to discontinue is the public's right to pass and re-pass on these roads. The Town of Trumbull does not own the streets. The Westfield entity owns the roads. It is required by statute the Town Council votes on the discontinuance. They have received a positive 8-24 approval from the P&Z Commission last week. It is Westfield's goal to develop the properties and get them on the tax rolls in a more substantial fashion than they have ever been. They will continue their efforts to acquire the property on Walburn with the family living there. They are not asking to discontinue Walburn yet but may come before the Council again at a later date.

Mr. DeVita stated the Town can not give up what it does not own. Atty. Knuff stated per statute the Town will act on behalf of the public. Atty. Marino explained the Town must give up the right to pass and re-pass, (it's/public's right of way). Mr. London stated the Town has to follow State Statute and it is required that the Town discontinues its right of way to these roads. Atty. Marino further explained this will avoid title issue in the future. Mr. DeVita did not agree. Mr. Martin stated the area should be enhanced and the area secured. Atty. Knuff stated they will work with the police department to secure the area and allow access to patrol the area. Westfield always works very closely with the Trumbull Police Department. Atty. Knuff explained for Ms. Tesoro that a portion of Stuart Place had been discontinued in the 1980's.

VOTE: Motion CARRIED 6-0-1- (ABSTENTION: DeVita)

The Public Works Committee adjourned by unanimous consent at 7:59 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, Town Council Clerk