

**Town of Trumbull**  
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TOWN HALL  
Trumbull

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Minutes  
January 7, 2013

CALL TO ORDER: Chairman Carl A. Massaro, Jr. called the regular meeting to order at 8:02 p.m. at the Trumbull Town Hall. All present joined in a moment of silence and the Pledge of Allegiance. The Chair asked that all present remember the victims' friends and families affected by the Newtown tragedy.

ROLL CALL: The clerk called the roll and recorded it as follows:

PRESENT:

Suzanne S. Testani	Jeff Donofrio	Ann Marie Evangelista
James Blose	Michael J. London	John A. DelVecchio, Jr.
Kristy Waizenegger	Martha A. Jankovic-Mark	Debra A. Lamberti
Chadwick Ciocci	Carl A. Massaro, Jr.	Thomas Whitmoyer
Tony J. Scinto	Vicki Tesoro	David R. Pia
Jeffrey Donofrio	Mark LeClair	
Gregg Basbagill	Fred Palmieri, Jr.	

ABSENT: James F. Meisner, Jeff S. Jenkins and Jane Deyoe.

ALSO PRESENT: First Selectman Timothy M. Herbst, Chief of Staff Elaine Wang, THSBC Chairman James Nugent, Brian Holmes of O&G Industries and Deputy Chief Michael Harry.

Mr. DelVecchio asked all those present to remember his friends Rebecca and Steve Kowalski who lost their son Chase in the Newtown Sandy Hook Elementary School tragedy. A scholarship fund has been set up in memory of their son. Mr. DelVecchio asked all those present to contribute and to reach out to everyone they know to contribute to the Chase Kowalski Memorial Scholarship Fund. This charity will raise awareness for education as well as other goals.

The Chair acknowledged Trumbull High School's We the People Team; they competed at the State level last month and came in first place. The Chair commended Katie Boland and the team for a job well done.

Discussion Items:

Veterans Memorial Recognition-The Chair stated that Richard Fattibene is one of many volunteers in Town; he represents the spirit of volunteerism that makes our community great.

Richard was a four-year navy man during the Vietnam War and had a tour of duty on the USS America in the Mediterranean. He is the gentleman who maintains the Vietnam Memorial on White Plains Road along with the Department of Public works and the Parks Department. During the dry summers you can see him bringing buckets of water up from the river to water the plants. Recently you may have seen him shoveling the snow around the memorial so people could go to visit the memorial. Richard is a very unassuming individual; he does this because he is a committed veteran and member of our community. The Chair extended his gratitude on behalf of the Trumbull community.

Trumbull High School Building Committee Update:

*Chairman Update* - Mr. James Nugent addressed the water leak issue, the subcontractor M.J. Daley is responsible for it and their insurer has been contacted. The cost will be borne by the contractor and/or their insurer, the Town will not absorb the cost. The leak was caused by a failed joint. Based upon the O&G Updated Cost Summary Report the CM Contingency is \$1,185,760 and the Owner's Contingency is \$1,586,886, they are confident at the end of the project that the contingencies will remain close to these numbers. They are currently working through the punch list. The construction change orders are at 5.5%.

*Construction Management Update* - Mr. Holmes indicated that the recent water leak involved a significant amount of water in the upper Media Center due to a fitting failure. It has been determined that the fitting had not been crimped correctly. The clean up crew was in the area two hours after the leak was found. The light fixture was not fixed until Wednesday, January 2, 2013 due to the fact that the workers could not get into that area until after the New Year's Day and also waited until after school hours to do the work. There has been some concern that this may be a common fault throughout the school. The whole system was pressure checked twice, no leaks were found. How this joint survived the pressure test can not be answered. There are approximately 10,000 fittings in the school. The Building Inspector was at the school today and wants every fitting inspected, Mr. Holmes indicated that would be virtually impossible due to the fact that they would have to get above every ceiling and strip apart the insulation to look at each fitting. The system has been tested twice, once when the mains were tested and then a second time after the branch lines were installed. Both the mains and the branch lines were tested and everything was fine. There have been two leaks that he is aware of, approximately 1½ years ago a fan blew off and smashed the coil and brought the water into the auditorium and this leak. M.J. Daley has just about finished their pre-functional punch list; they should be finished by January 13, 2013 the commissioning will begin after that. The light hanging by a wire indicated in the TEA letter could not be identified, there are some issues referenced in the TEA (Trumbull Education Association) letter that they would like more information on.

In response to the Chair, Mr. Holmes indicated that two of the three major leaks indicated in the TEA letter were identified; the third is not one he or the team on the site is aware of. The carpets will be replaced via the insurance, what needs to be done to prepare the surface is still being identified, the manufacturer will forward the information to them, the carpets will need a certain amount of lead time. The insurance adjuster ordered a moisture and mold test on the wallboard in the area of the leak.

Mr. Holmes indicated to Ms. Evangelista that he is not aware of someone having drilled through a wire in the computer lab.

Ms. Tesoro stated that she and Ms. Jankovic-Mark had spent a considerable amount of time at the school today and voiced her concern over the possibility of another joint not being properly fitted and the possibility of another leak, noting it would be an extensive job to check every joint but would rather have that job done than having another pipe burst in a room with children and teachers. 150 degree water is scolding. This is the third leak; the other two rooms were B-9 & B-11. Mr. Holmes does recall a minor leak in that area that did drip on the floor and believes that was from a valve not a fitting. Ms. Tesoro stated that they have not seen the punch list to date and the list of items of concern she has may be on the main punch list. Ms. Tesoro stated that she expects to see a renovation and a school that looks "As New" because that is what was paid for. The Chair suggested that Ms. Tesoro send her list of items of concern to the Building Committee so that they might be able to compare it to the main punch list or add the items to the punch list if necessary. Mr. Holmes stated that the punch list could be sent to the Town Council.

Mr. Nugent explained for Mr. Scinto that the Building Committee had questioned the need for the purchase of the snow plow as well, it was explained to them that the a truck is used to clear the sidewalks, the new sidewalks were not engineered to withstand that weight and would crack under its weight. Mr. Nugent had suggested the use of snow blowers but was told that would take too long to clear the snow with the blowers. Mr. Scinto indicated that the FF&E account is over budget and voiced his concern in using the FF&E account for the snow plow. Mr. Scinto questioned if there is a complete Technology plan for the high school. Mr. Nugent stated that Mr. Hackett the BoE Technology Director has been brought into some of the Building Committee meetings to explain his requests. Mr. Nugent indicated for Mr. Scinto that a list of everything purchased with the \$1.4 million Technology could be sent to him.

Ms. Jankovic-Mark stated that after her inspection of the school her main concern was the lack of communication; there are many frustrations among the faculty. There was to be a bi-weekly plan that would let the faculty know when work was going to be done and when power would be turned off and on. There ought to be something that AFB can do to foster better communication. Mr. Holmes stated that the commissioning will provide the necessary adjustments for the HVAC system; they will put additional pressure on the system to test it. If they have to check every fitting they will have M. J. Daley do it. Communication has been issue from day 1. Every one has a list; if the list is given to them they can fix it. Ms. Jankovic-Mark indicated that if she gets a copy of the punch list she could check to see if it matches up with what she saw at the high school. Mr. Holmes indicated that they have to take each issue one by one, they will be working on the pre-functional check list until the middle of this month, once done the commissioning can begin, this could take a month or two, at the end they have a commissioning report. Ms. Jankovic-Mark reviewed a brief list of items of concern with Mr. Holmes. Mr. Holmes stated that that the elevator had been repaired. The Chair suggested that Ms. Jankovic-Mark send her list to the Building Committee and to cc them as well in order to increase the communication and speed. Ms. Jankovic Mark stated that she would prefer to see the punch list first. The Chair indicated that two way communications would be faster.

Mr. Basbagill indicated that frustration has been heard this evening with regard to the teachers, there has been many issues that have arisen including the window that fell in the Media Center; there is a general sense of concern and frustration at this point. He indicated for Mr. Scinto that there is a three year technology plan available on the BoE website. Mr. Nugent indicated that the

end of this project is going slower than they would have liked, he is in communication with Ms. Timpanelli often, he understands the frustration level, and that the general sense of urgency is not there. It is getting done the 40 page punch list is down to 4 pages.

Mr. Holmes indicated for Mr. Palmieri that they have come a long way; the new timetable would be that they should be done by March 2013. Mr. Nugent stated that there is a weekly meeting that takes place at the trailer on site, AFB, the construction reps; THSBC members Ms. Bivona and Ms. Timpanelli attend the weekly meeting. Mr. Holmes indicated that usually the school goes to John Barbarotta as the point man, who then notifies O&G; Ms. Timpanelli was also collecting complaints and forwarding them to Mr. Barbarotta. Mr. Nugent indicated that AFB is the Owner's Rep, the CM runs the construction.

Ms. Evangelista voiced her concern with the lack of urgency with regard to the joint failure and the TEA letter. Mr. Holmes clarified that the TEA letter is a big deal to them and is equally frustrated with regard to the joints some of the joints are not easily accessible, they do want another joint failure either, if they have to have M. J. Daley go back and check every joint they will, this probably could not be done while school is in session, this was a strange fitting it just was not put on right, everything was high pressure tested and passed those tests.

Ms. Jankovic-Mark stated that she had looked at the window today that had fallen in the Media Center and questioned if there was a structural issue. Mr. Holmes stated that Massey Glass is taking care of this. The acoustical doors will not be done by O&G Mr. Holmes could not speak to when they would be installed. Mr. Holmes will look into the lock hardware to see if there is a code issue with how they lock.

Ms. Tesoro stated that there is a dangling light in the B-House second floor stairwell. Mr. Holmes indicated that the flickering lights issue has been identified; the manufacturer has indicated that there is a problem with those lights' wiring, but they do not know how many were wired incorrectly. The electrician will go through each light to make sure that the wiring is correct, that will begin very shortly and will take approximately one month to do; this will be done at night. This is a manufacturer defect. Mr. Holmes confirmed for Ms. Lamberti that the manufacturer will pay for all of this additional time as well.

Ms. Tesoro stated that the October THSBC minutes reference that the doors were ordered and again in December, the doors are not installed and would like confirmation as to whether they had been ordered. Mr. Nugent stated the band/chorus room doors have been ordered, they are a long lead item. Ms. Tesoro requested more back up information as to why the snow plow was requested, Mr. Nugent confirmed that 600 desks were ordered. Ms. Tesoro stated that she is having trouble understanding the work that AFB will pick up for the additional scope items rather than having O&G manage that work, the budgetary numbers are confusing and requested clarification.

Mr. Holmes explained for Mr. Pia that very few construction workers are in the school during the day, most come in after school, there are safeguards in place everyone who works on the site gets booked in and their hard hats are numbered, if there is not an O&G number on the hat they do not belong there, security is aware as well.

Ms. Waizenegger stated that no one disagrees with the need for the snow plow but indicated that the question is why it is part of the Like-New-Renovation. Mr. Nugent explained that the snow plow is reimbursable as part of the project.

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**BUSINESS:**

\*The Chair reserves the right not to vote unless otherwise noted.

**APPROVAL OF MINUTES:** Moved by Mr. Whitmoyer, seconded by Mr. DeVecchio to amend the December 3, 2012 minutes to remove Mr. Whitmoyer's name from the "PRESENT" list and to add it to the "ABSENT" List.

VOTE: Motion CARRIED unanimously.

VOTE: Motion CARRIED as amended unanimously.

Moved by Mr. Palmieri, seconded by Mr. Basbagill to approve the December 13, 2012 special meeting minutes as submitted.

VOTE: Motion CARRIED 16-0-1 (ABSTENTION: Pia).

Moved by Mr. DeVecchio, seconded by Ms. Testani to take item #8 out of order.

VOTE: Motion CARRIED unanimously.

**BUSINESS:**

1. RESOLUTION TC24-98: Moved by Mr. DeVecchio, seconded by Mr. Palmieri. BE IT RESOLVED, That Timothy M. Herbst, be and the same is hereby authorized to sign and execute a Justice Assistance Formula Grant with the Connecticut Office of Policy and Management, Criminal Justice Policy and Planning Division.

Committee Report: The Rules and Research Committee met on December 27, 2012, there was not a voting quorum present therefore no votes were able to be taken.

Deputy Chief Harry explained that the State awarded them \$36,000 to install the equipment necessary to come into compliance with the State mandate to video record interrogations. To meet those standards they need to purchase cameras, servers and audio recording equipment. Because of the expense the State is allocating money to many towns. The estimate to outfit two interview rooms, one for patrol and one for the detective bureau is \$24,000. If they do not accept this grant the money will be sent over to the State Narcotics Task force and the department will still have to spend the money out of their operating budget to outfit these two rooms. After the money is spent, maintaining is the Town's responsibility; the maintenance agreement is estimated at \$2,300 per year (the estimate is on the high side).

In response to Ms. Testani, Deputy Chief Harry indicated that the difference between the \$24,000 and the \$36,000 being awarded by the State can be used for the purchase of additional items such as on-scene recording equipment; the money can be used for any law enforcement, (i.e. forensic equipment for crime scene investigations, in car video

cameras). Deputy Chief Harry confirmed for Ms. Waizenegger that the grant prohibits any support or maintenance past the end of the grant period. Deputy Chief Harry also confirmed for Mr. Palmieri that the State gave them a list of equipment that is allowable under the grant, and what they planned on purchasing with the remaining grant money would be allowable. Deputy Chief Harry stated that 2 to 2 ½ years ago they had started taping their interrogations, the State now requires a dedicated server that tracks the entries into the system. The costs involved are minimal. Mr. Pia stated that he has concerns on how the State uses their money and voiced his concern on spending \$36,000 on this project; he had seen similar systems on-line for approximately \$900 per unit. Deputy Chief Harry explained that if the Town does not take the money it would not go back into the State coffers, it would go to the Statewide Narcotics Task Force. Because of the new law the State Attorney's Office in Rocky Hill got together with the Chiefs of Police, the CT Police Academy and the Judicial System and developed requirements for the system, these requirements would not be met from the equipment available on-line. Deputy Chief Harry confirmed for Mr. Pia that the system that the department is going to buy is more advanced than someone would buy on-line and is approved by the State Judicial System.

(First Selectman Herbst arrived at 9:12 p.m.)

VOTE: ADOPTED unanimously

2. RESOLUTION TC24-85: Moved by Ms. Testani, seconded by Mr. London.  
BE IT RESOLVED, That the appointment of Anne Fers of 257 Pinewood Trail by the First Selectman to the Trumbull Day Commission for a term extending until September 2, 2013 is hereby approved.

Committee Report: The Rules and Research Committee met on December 27, 2012, there was not a voting quorum present therefore no votes were taken.

The Chair stated that this appointment is replacing Commissioner Ruospo.

Ms. Wang explained that there would be one term expiring almost every year. The terms are as follows:

- Ms. Fers would be taking over the term that began in 2008 and would end September 2, 2013, the first Monday of September.
- Kathleen Donahue would replace that of Merritt that began on 9/6/10, that term would end 9/7/2015.
- Veronica Lenzen would replace McBride term beginning 9/6/10 and ending on 9/7/2015.
- Elizabeth Mastroianni would replace Petriello and that term commenced 9/5/11 and would end on 9/5/2016. Ms. Mastroianni's and Mr. Karpowich's appointments had been approved at the November Town Council meeting
- Charles Letezeio would replace Lonergan the term commenced on 9/5/11 and would end on 9/5/2016.
- That would bring the list of members to seven including Pioli.

John Karpowich was already on the commission his term commenced on 09/1/08 and would end on 9/2/13. First Selectman Herbst stated Mr. Karpowich took the seat created by the Penkoff vacancy.

The Chair stated the terms are 5 year terms and are staggered for continuity.

First Selectman Herbst explained for Mr. Basbagill that the commission is creature of municipal ordinance. The original ordinance created the commission to coincide with Barnum Festival activities. Three years ago the decision was made to put a temporary moratorium on Trumbull Day in order to determine how it could financially self sustaining. Earlier this year in response to community input and people expressing an interest in serving on the commission, First Selectman Herbst invited the community if they would be interested in serving to send them an e-mail; they would then be interviewed and then presented to the Town Council. All of the names before the council have done just that. Some people have resigned from the commission others serve until the term expires; they can either seek reappointment or if they choose not to a suitable replacement would be found.

VOTE: ADOPTED unanimously

3. RESOLUTION TC24-86: Moved by Mr. Palmieri, seconded by Mr. London.  
BE IT RESOLVED, That the appointment of Kathleen Donahue of 14 Windmill Lane by the First Selectman to the Trumbull Day Commission for a term extending until September 7, 2015 is hereby approved.

Committee Report: The Rules and Research Committee met on December 27, 2012, there was not a voting quorum present therefore no votes were taken.

The Chair stated that this seat was last occupied by Merritt.

VOTE: ADOPTED unanimously.

4. RESOLUTION TC24-87: Moved by Ms. Evangelista, seconded by Ms. Testani.  
BE IT RESOLVED, That the appointment of Veronica Lenzen of 52 Woodhaven Drive by the First Selectman to the Trumbull Day Commission for a term extending until September 7, 2015 is hereby approved.

Committee Report: The Rules and Research Committee met on December 27, 2012, there was not a voting quorum present therefore no votes were taken.

The Chair stated that this seat was last occupied by McBride.

First Selectman Herbst stated the Commission is eager to start their work and requested that these appointments be made emergency legislation.

The Chair stated that this is an 11 member commission after this meeting there would have been 7 members seated. First Selectman Herbst stated that of the remaining 4 seats some may be vacant some may be filled. The Chair questioned if there was thought on reducing the member of members. First Selectman Herbst spoke in favor of reducing the number of seats. The Chair stated the argument against a large committee is the struggle to have a quorum for meetings.

VOTE: ADOPTED unanimously.

Moved by Mr. DelVecchio, seconded by Mr. Basbagill to pass RESOLUTION TC24-87 as Emergency Legislation.

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

Moved by Mr. London, seconded by Mr. DelVecchio to pass RESOLUTIONS TC24-85 & TC24-86 as Emergency Legislation.

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

5. RESOLUTION TC24-89: Moved by Mr. Ciocci, seconded by Mr. Palmieri.  
BE IT RESOLVED, That the appointment of Charles Letezeio of 4430 Madison Avenue by the First Selectman to the Trumbull Day Commission for a term extending until September 5, 2016 is hereby approved.

Committee Report: The Rules and Research Committee met on December 27, 2012, there was not a voting quorum present therefore no votes were taken.

The Chair stated that this seat was previously occupied by Mr. Lonergan

VOTE: ADOPTED unanimously.

Moved by Mr. Pia, seconded by Ms. Waizenegger to pass RESOLUTION TC24-89 as Emergency Legislation.

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

6. RESOLUTION TC24-96: Moved by Mr. Scinto, seconded by Ms. Testani.  
BE IT RESOLVED, That the reappointment of Cindy Penkoff of 101 Columbine Drive as an alternate member of the Board of Finance, be and the same, is hereby approved for a term extending to the first Monday in 2015.

Committee Report: The Rules and Research Committee met on December 27, 2012, there was not a voting quorum present therefore no votes were taken.

VOTE: ADOPTED 16-1 (AGAINST: DelVecchio)

7. RESOLUTION TC24-97: Moved by Jankovic-Mark, seconded by Mr. London.  
BE IT RESOLVED, That the reappointment by the First Selectman of Jonathan Turk of 52 Brittany Avenue as a member of the Golf Commission, be and the same, is hereby approved for a term extending to the first Monday of December 2017.

Committee Report: The Rules and Research Committee met on December 27, 2012, there was not a voting quorum present therefore no votes were taken.

VOTE: ADOPTED 16-1 (AGAINST: DelVecchio)

8. RESOLUTION TC24-97: Moved by Ms. Lamberti, seconded by Mr. Palmieri.  
BE IT RESOLVED, That the reappointment by the First Selectman of Ronald Dray of 93 Cricket Lane as a member of the Golf Commission, be and the same, is hereby approved for a term extending to the first Monday of December 2017.

Committee Report: The Rules and Research Committee met on December 27, 2012, there was not a voting quorum present therefore no votes were taken.

Moved by Mr. London, seconded by Mr. Pia to amend RESOLUTION TC24-97 to read as, "RESOLUTION TC24-99: BE IT RESOLVED, That the reappointment by the First Selectman of Ronald Dray of 93 Cricket Lane as a member of the Golf Commission, be and the same, is hereby approved for a term extending to the first Monday of December 2017."

VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended 16-1 (AGAINST: DelVecchio)

NEW BUSINESS:

Ms. Jankovic-Mark submitted an item for discussion for the next regularly scheduled Town Council meeting; she would like to invite the W.P.C.A to come to the council to discuss the North Nichols Sewer project.

There being no further business to discuss the Trumbull Town Council adjourned by unanimous consent at 9:37 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, Town Council Clerk