

**Town of Trumbull**  
**Town Council**  
CONNECTICUT  
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TOWN HALL  
Trumbull

TELEPHONE  
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**MINUTES**  
February 4, 2013

**CALL TO ORDER:** Chairman Carl A. Massaro, Jr. called the regular meeting to order at 8:08 p.m. at the Trumbull Town Hall. The Chair asked all present to remember the five year old in Alabama who was freed today and Vivian Burr who passed away two weeks ago. She was a two term member of the Town Council, Chairman of Planning and Zoning as well as the Town Clerk for eight years. All present joined in a moment of silence and the Pledge of Allegiance.

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

<b><u>PRESENT:</u></b>	Suzanne S. Testani	Ann Marie Evangelista	Jane Deyoe
	James Blose	Jeff S. Jenkins	Thomas Whitmoyer
	Kristy Waizenegger	Martha A. Jankovic-Mark	David R. Pia
	Chadwick Ciocci	Carl A. Massaro, Jr.	James F. Meisner
	Tony J. Scinto	Vicki Tesoro	Fred Palmieri, Jr.
	Jeffrey Donofrio	Mark LeClair	Gregg Basbagill

**ABSENT:** Michael J. London, John A. DelVecchio, Jr. and Debra A. Lamberti.

**ALSO PRESENT:** First Selectman Timothy M. Herbst, Chief of Staff Elaine Wang, THSBC Chairman James Nugent, Brian Holmes of O&G Industries, Tom Walsh of AP Construction, Stephen Burgess of JCJ Architecture, Scott Cerella of JCJ Architecture, Al Barbarotta of AFB Construction Management, John Barbarotta of AFB Construction Management, Kathleen Bivona THSBC member, Lucinda Timpanelli THSBC member, Susan Horton TLS Director and Mr. William Sherlach.

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**DISCUSSION ITEM:** Presentation of One Town One Book.

Ms. Horton stated this year's theme is *How Technology Changed Our Lives*; the book title is Steve Jobs, Walter Isaacson's Best-Selling Biography of the Computer Visionary and invited all present to come to the programs. Examples of the variety of programs are as follows: For seniors "*Is This Thing On?*" The Trumbull Historical Society will do displays on technology from the 18<sup>th</sup> century forward, an Internet Safety for grade school and teens. *Ping Town* is Trumbull's new mobile app. (*The app allows government to more directly interface with constituents and organizations to communicate with residents and members of affinity groups in real time.*) The TLS has had the good fortune of receiving a 3-D printer.

The Trumbull Schools are looking forward to being able to use it. It will be available in March; it is the second printer of its kind in the state and the public will be able to use it.

**BUSINESS:**

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

1. RESOLUTION TC24-100: Moved by Mr. Scinto, seconded by Mr. Palmieri.  
BE IT RESOLVED, That the appointment by the First Selectman of Diane Wheeler of 184 Hilltop Circle as a member of the Golf Commission, be and the same, is hereby approved for a term extending until December 4, 2017.  
Committee Report: The Rules and Research Committee met on January 31, 2013 and voted unanimously to send without recommendation.

Ms. Wheeler was present and indicated her party affiliation as democrat; she has been an avid golfer for fifteen years and especially loves golfing at Tashua Knolls. She is interested in serving to be able to keep Tashua Knolls as nice as it is.

Moved by Mr. Pia, seconded by Ms. Deyoe to amend to read as;

RESOLUTION TC24-100: BE IT RESOLVED, That the appointment by the First Selectman of Diane Wheeler of 184 Hilltop Circle as a member of the Golf Commission, be and the same, is hereby approved for a term extending until December 7, 2015.

VOTE: CARRIED 16-0-1 (ABSTENTION: Scinto)

VOTE: ADOPTED 16-1 (AGAINST: Scinto)

Moved by Ms. Jankovic-Mark, seconded by Mr. Basbagill to pass RESOLUTION TC24-100 as Emergency Legislation. VOTE: CARRIED 14-3 (AGAINST: Ciocci, Scinto and Evangelista)

2. RESOLUTION TC24-101: Moved by Ms Testani, seconded Mr. LeClair.  
BE IT RESOLVED, That the re-appointment by the First Selectman of Tony Chimielewski of 28 Seminole Trail as a member of the Parks and Recreation Board, be and the same, is hereby approved for a term extending until December 5, 2016.  
Committee Report: The Rules and Research Committee met on January 31, 2013 and voted unanimously to send without recommendation.

Mr. Chimielewski was not present. The Chair stated it is permissible for him to serve on a committee of the Town Council and on an elective or appointive board or commission simultaneously. Regarding this resolution and his absence from the R & R Committee and Council meetings, the Town Council can reappoint him this evening or bring him back to committee next month to interview him. First Selectman Herbst recommended the reappointment. The Chair explained the term expired in December 2012, but a person who is seated would serve until either reappointed or until a subsequent appointment is made. In this case he continues to serve if no action is taken tonight.

In response to Ms. Jankovic-Mark, First Selectman Herbst indicated Mr. Chmielewski's party affiliation as democrat. The Chair explained the term expired in December 2012, but a person who is seated would serve until either reappointed or until a subsequent appointment. Ms. Tesoro spoke in favor of the reappointment.

Moved by Mr. Ciocci, seconded Mr. Palmieri to send back to committee.  
VOTE: FAILED 3-14 (IN FAVOR: Palmieri, Waizenegger and Ciocci)

Mr. Ciocci stated that it is standard practice of the Town Council to meet with the appointees and should be given the opportunity. Ms. Tesoro agreed that there are standard practices of the Town Council but noted that sometimes there are extenuating circumstances that need to be considered.  
VOTE: ADOPTED 14-0-3 (ABSTENTION: Palmieri, Waizenegger and Ciocci)

3. RESOLUTION TC24-102: Moved by Mr. Basbagill, seconded Mr. Whitmoyer.  
BE IT RESOLVED, That the appointment by the First Selectman of Mitch Hallock of 360 Stonehouse Road as a member of the Trumbull Day Commission, be and the same, is hereby approved for a term extending until December 5, 2016.  
Committee Report: The Rules and Research Committee met on January 31, 2013 and voted unanimously.  
VOTE: ADOPTED unanimously.
4. RESOLUTION TC24-103: Moved by Jankovic-Mark, seconded by Ms. Tesoro.  
BE IT RESOLVED, That the appointment by the First Selectman of Joanne Orenstein of 40 Walker Road as a member of the Trumbull Day Commission, be and the same, is hereby approved for a term extending until December 5, 2016.  
Committee Report: The Rules and Research Committee met on January 31, 2013 and voted unanimously.  
VOTE: ADOPTED unanimously.

APPROVAL OF MINUTES: The Town Council approved the January 7, 2013 minutes as submitted 15-0-2 (ABSTENTION: Meisner and Whitmoyer).

Moved by Ms. Tesoro, seconded by Mr. Palmieri to pass RESOLUTIONS TC24-102 & TC24-103 as Emergency Legislation. VOTE: CARRIED 16-1 (AGAINST: Ciocci)

Moved by Mr. Palmieri, seconded by Mr. Pia to take RESOLUTION TC24-108 out of order.  
Motion WITHDRAWN by Mr. Meisner.

5. RESOLUTION TC24-104: HELD IN COMMITTEE.
6. RESOLUTION TC24-105: Moved by Ms. Evangelista, seconded by Ms. Testani.  
BE IT RESOLVED, That the Trumbull Counseling Center, located at 121 Old Mine Road, shall be renamed the Mary Sherlach Counseling Center, in honor of Trumbull resident Mary Sherlach, for her heroic sacrifice and service to the children of Sandy Hook Elementary School.  
Committee Report: the Rules and Research Committee met on January 31, 2013 and voted unanimously.

First Selectman Herbst stated that this resolution is to honor the legacy of an individual who exemplified courage and self sacrifice, our own resident of Trumbull Mary Sherlach. Her husband Bill Sherlach was present at this meeting. First Selectman Herbst stated that there is no better way to honor her memory and legacy than by naming Trumbull's Counseling Center after her. Mary was a school psychologist in the Newtown School System who dedicated her life to helping children and families. Naming the counseling center after her embodies what she stood for. Mary gave her life helping other people. As much as we as a community have been here to support the Sherlach family, Mr. Sherlach's and his family's courage has served as a source of strength to all of us.  
At the request of the Chair, all present joined in a moment of silence before the vote.

VOTE: ADOPTED unanimously. \*The Chair voted aye

Moved by Mr. Palmieri, seconded by Mr. Pia to take RESOLUTION TC24-108 out of order.

VOTE: CARRIED 16-1 (AGAINST: Scinto)

7. RESOLUTION TC24-108: Moved by Mr. Palmieri, seconded by Mr. Meisner.  
BE IT RESOLVED, That the Trumbull High School Building Committee is hereby authorized to execute additional construction items.

Moved by Mr. Basbagill, seconded by Ms. Waizenegger to waive the reading of the committee minutes. VOTE: CARRIED 16-1 (AGAINST: Jankovic-Mark)

The Chair noted that the committee minutes are available on-line.

The Chair indicated the recent THSBC updates have included the list of *Additional Items*. This list was expanded recently following the Education Committee meeting. The resolution will identify those items that will represent the final list of renovations to be completed. Mr. A. Barbarotta confirmed this but explained for the Chair that there are no design documents for many of the items. The design would have to be bid.

Mr. A. Barbarotta explained for Mr. Ciocci that the Athletic Director requested the motorized hoops. The museum is going to be in an old mechanical room. The museum was not a space shown on the drawings. Ms. Timpanelli explained that the museum existed prior to the renovation. Mr. John Barbarotta explained the cost associated with the museum is to remove the 10" curb in the mechanical room and to patch and restore the room. Mr. A. Barbarotta explained for Ms. Jankovic Mark that if the work is determined to be part of the project it would be reimbursable; it would need to be designed first and approved by the State. The design and work would be bid out and AFB Construction could oversee the work as the Owner's Rep. After inquiry, Mr. A. Barbarotta stated there would be no conflict, they could serve both roles as Construction Manager and as Owner's Rep for this work.

Mr. A. Barbarotta indicated for the Chair that the items on the list had not been presented to the State. The list represents issues for the school; there are items the school needs to run their programs. Mr. A. Barbarotta confirmed for the Chair that the items were not part of the original design and stated that the items would be put through as change-orders. Mr. Nugent clarified that the concession stand was part of the original set of plans for the project. Mr. Meisner (Member of the Town Council and Building Committee) stated the Building Committee agreed that it would be more cost effective to take on these items without retaining O&G beyond their normal contract. The punch list is separate from the additional items list and represents items that are unresolved and are O&G's responsibility. Ms. Jankovic-Mark indicated she had an issue with AFB being both Owner's Rep and CM. Ms. Tesoro questioned how the terrazzo floors are on the list. Mr. Steve Burgess, of JCJ Architecture indicated the terrazzo floor refinishing was not part of the contracted work or the design that had gone to the State. It was intended but did not get into the documents; they had not been put in the documents by their firm. Mr. Burgess confirmed for the Chair none of the items on the list are in the current State approved plans. Mr. Meisner explained that if the items had been in the plans the bid number would have been higher. They have just purchased the equipment and will have the custodial staff do the refinishing of the floors rather than bidding it. They are looking at alternatives for the concession stand as well (pre-fabricated option), and it may be possible to save money by taking it in-house, had it been in the original specs.

The Chair stated that the resolution is about capping the project with the “*Additional Scope Items*”; the question of who is going to build them is a different question. The resolution is limited to what the final scope will be moving forward.

Ms. Waizenegger believed the floors were within the scope (based on discussion at the June meeting), there is new information being presented at this meeting. Mr. A. Barbarotta believes they can do the floors in-house at a lesser amount than O&G’s estimate. The project will receive \$20 million in reimbursement based on it being a Like-New- Renovation project. The project needs to be completed, inspected and accepted as a Like-New-Renovation upon completion. They are in gray area of reimbursement if the Town was to build the concession stand and will have to be presented to the State. It is their intent to get everything on the list reimbursed; it is still a process that they are working through, suggesting the council get the list down to what they are comfortable with. The Chair stated the issue is not with the list, the Building Committee has done their due diligence, and the issue is that this is a list of \$1,651,000 of items that is not part of reimbursement because it is not part of a design. Mr. A. Barbarotta stated the concession stand is part of the \$1.6 million and might be reimbursable. The Chair clarified if it is not part of the State approved design they will have to seek approval. Mr. Holmes distributed a Cost Summary Budget to the Town Council. The Chair reiterated the purpose of the resolution was to define this list as the final list of Additional Scope Items, and agreed with Mr. Meisner that the resolution would keep the list from growing. Mr. Palmieri noted that there are 5 items on the list with costs noted as TBD (*To Be Determined*). Mr. A. Barbarotta stated that the items had been added subsequent to the 1-31-13 TC Education committee meeting. They do not have enough information to attach a cost to them. The roof access was brought to them by the Fire Marshal; the proposal to engineer the work is \$50,000. They will do their best to have some numbers for next week’s Building Committee. The TBD #'s are not in the \$1.6 million, 12 of the items on the list are in O&G’s numbers. The majority of the items would be designed by DTC along with JCJ. The Chair stated that the Town Council has approved an architect, construction manager and an owner’s rep for the project. The Town Council has not authorized any other means of design or construction. Mr. A. Barbarotta stated that the architect and CM are all still engaged with the project, no one else is doing design work on the project. He stated O & G believes its contract is up and is trying to close the project out. In response to the Chair, Mr. A. Barbarotta stated the costs associated with the Additional Items List are construction costs. The Chair stated that they could be looking at another level of soft costs. Mr. A. Barbarotta indicated that many of the items on the list are not design issues, (i.e. the doors and the floors) basically only the newer items. Ms. Evangelista stated that no one had indicated at the Education Committee meeting that the Town may do the floors. Ms. Evangelista questioned how if the Town does the floors how that would not compromise the reimbursement? Mr. A. Barbarotta stated the overtime, equipment and materials would be reimbursable.

Mr. Scinto questioned what the change order percentage would be including the items on this list? Mr. A. Barbarotta stated that they are still trying to bring the change orders in at 5%. Mr. Scinto had reviewed the project’s accounts, the \$12,000 spent on the principals’ office seemed excessive, technology is a separate issue, cautioning that they are approaching 7-8% in change-orders and the FF&E is over budget. Mr. Scinto stated that there are cables in the ceiling tie-wrapped to electrical wires. Mr. A. Barbarotta stated that the electrical commissioning is about to begin, if there is anything that is not to code it will be dealt with. The schedule shows the concession stand as the last item (before football season). The end of the project will be the commissioning of the HVAC system (A/C). The pending charge-back amount is approximately \$125,000-\$150,000.

Mr. Basbagill suggested returning the resolution to committee, questioning whether that would disrupt the work at the high school. Ms. Waizenegger stated that many different things were heard at this meeting than what was heard in committee.

Mr. A. Barbarotta explained for Ms. Jankovic-Mark that they need to submit the list as change-orders to the State and it could take a couple of months to process them. There are items on the list that the Building Committee do not know what they are, (i.e. the wall to protect the front of the building), the Chief of Police has said the front of the building is vulnerable.

Mr. Donofrio indicated for Ms. Jankovic-Mark that the Building Committee has not made a decision about how the work on this list will be performed, it has not been decided whether AFB or the Town will be procuring trade contractors. Under the CGS in order to have any of the work to have potential for reimbursement it has to be procured by public bid. AFB has a contract with the Town that was procured through a statutorily compliant process in 2008 as an Owner's Rep; they were not procured as a CM. If AFB is to be used as a CM then they have to be procured as the statute requires. The Building Committee will have to make some determinations on how this work is going to be performed after it gets numbers on the items added to the list. The resolution is to cap the additional list of items, not for AFB to become the Construction Manager. First Selectman Herbst stated if AFB were to assume the CM function that would also have to be publicly bid which could add additional delays to the project. We want to get the project done. First Selectman Herbst stated the next question is whether that had been factored into the schedule. Mr. Donofrio stated he does not know if the items had been released for performance, many of the items need design documents which have not been produced yet and is why nothing has gone to the State. The schedule is hypothetical, if you were to procure a construction manager (trade contractors) the bid process would range anywhere from 3-6 weeks. Mr. A. Barbarotta stated that he had asked O&G and AP to put proposals together to get all of these items done under their CM contract. We already have O&G in place. Mr. Donofrio reiterated that he has never heard the Building Committee say how these items would be executed. There are three (3) choices to do so:

1. CM currently under contract - Through an amendment to their contract adding general conditions to supervise and procure the work through trade contractors (through public bid as sub-contractors)
2. The Town can hold trade contracts directly.
3. Procurement of a different CM than the existing CM to procure trades to perform the work.

First Selectman Herbst stated that there was a joint venture with O&G and AP as the Construction Manager, technically two (2) sets of eyes on the project. There is a concern in bringing in the Owner's Rep to serve as the CM and the Town taking on the responsibility of what would have been the responsibility of somebody they had already contracted with. If another CM is brought in on top of the two (2) already involved what type of gray area do you enter into with regard to what was the responsibility of the original CM v. the new CM. Mr. Donofrio stated that municipalities are not set up to serve as general contractors. It is not preferred that the Town of Trumbull holds trade contracts. It would not be ideal to bring in a new CM at this late date and would not recommend doing so.

Mr. Pia stated that the purpose of the resolution is to have no more items added to the list but the list could be reduced. The Chair indicated the resolution could be amended. Mr. Meisner added the Emergency management Shelter Building Committee has been charged with the generator and that is still an open ended item that could be added to the overall budget. The Chair stated that the generator is not on the list but the cost will be quantified in the next few weeks. Mr. Meisner pointed out that the

list is additional scope items that were not in the plan. The Town has a beautiful facility, it has come in under budget and considerably enhanced from the original specs. The Town should be proud it has been a successful project. There are pains with a building that had to open after a very short summer construction period. Mr. Meisner agreed with First Selectman Herbst that they want to make sure the building is free of defects, there have been frustrations that the Building Committee has had with regard to construction aspects. First Selectman Herbst stated that it would be prudent for the council to entertain whether an audit should be performed so all of these concerns are properly ascertained before the project is completed.

Ms. Deyoe stated that the list discussed needs to be identified with either a name or a number. Mr. A. Barbarotta stated the \$2 million restored had not been exhausted; many of the items on the list are in the budget. O&G has provided the estimated numbers throughout the project it would make sense that they would provide these numbers, they will work on that right away if that is the direction the THSBC gives them. They will present a proposal to supervise and manage all of these additional items. O&G will do the change orders to the State; we will keep them engaged so that everything is in a neat package for the State audit.

The Chair referred to the Feb. 4, 2013 Draft Cost Summary Report, noting that the EMSBC generator is waiting to be quantified. The Additional Scope Items include several items without estimates. Mr. Holmes stated that some of the numbers from the list are not in the Cost Summary and indicated that he has not seen the latest list. Working off the list that was with the agenda everything but \$463,344 was covered. It is best to re-do the Cost Summary based on the new list of Additional Items when there are numbers associated with all of the items. \$609,000 is in the Total Project Cost of \$65 million indicated on the Feb. 4, 2013 Cost Summary. There is \$1 million to from the contingency. The Chair clarified that \$1 million has to be added to the list plus whatever the cost is from the EMSBC, all that would be left would be the CM contingency of \$1,192,000 and the Town's delta is \$1.5 that is how we get to the full bonding authorization of \$66,672,000. The project is getting tighter and has to be careful of what is approved.

Mr. Ciocci suggested based upon the questions, differences in documented numbers and the lack of information sending the resolution back to the Education Committee.

Moved by Mr. Ciocci, seconded by Mr. Palmieri to send back to committee.

Ms. Jankovic-Mark stated that resolution does not incorporate the list, the resolution would authorize them to do additional work and we would be seeing their list and bids in the future, if we hold this up it could cause further delays suggesting that this should go the THSBC for the details. Mr. Meisner is concerned with approving the list with the new items on it that no one has seen to date.

The Chair stated that he had written the resolution; the idea was to identify this list as the final list of scope items and to put impetus on getting them done. In recent months they have been discussed and wondered why they had not been done yet. Many of these items had been discussed a year ago, some three years ago. Many of the items had been considered but were not put in the design, some were value engineered out and some may have been missed. Mr. Palmieri spoke in favor of tabling the resolution. The Chair stated that resolution does not include numbers/costs; Mr. Palmieri raises the point that numbers are missing and the costs associated are needed. What has come to light at this meeting is that the items are not part of the State approved design. Reimbursement issues have been raised with regard to the \$1.6 million. Mr. Basbagill stated that if the council does nothing they could spend up to the budget number, if it passes it is the hope to limit the additional scope items and possibly reduce the number from \$66.7 million. The Chair stated the "what" has been defined, now

the how has to be figured out, which is why there is a motion to send the resolution back to committee. The Chair explained for Mr. Meisner that with THSBC members and professionals present at this meeting they already know they need to answer the question of how the additional scope items will get designed and the question of what the estimated cost will be. The list he had when he wrote the resolution was complete with numbers, the list changed since committee meeting last week and now have 5-6 items not quantified. In addition it has been learned definitively there are issues on how this work gets done if there is not a CM or architect under contract to do this work and to get reimbursement. This is what the THSBC will discuss at their next meeting.

VOTE: CARRIED unanimously.

Moved by Mr. Jenkins, seconded by Mr. Scinto to take RESOLUTION TC24-109 out of order.

VOTE: CARRIED unanimously.

8. RESOLUTION TC24-109: Moved by Mr. Pia, seconded by Mr. Palmieri.

BE IT RESOLVED, That the Trumbull Department of Public Works is hereby charged with the design and construction of the concession stand and related restroom facilities at the Trumbull High School. A report indicating design scope and cost estimates shall be submitted to the Trumbull Town Council on or before March 21, 2013.

Moved by Mr. Blose, seconded by Ms. Deyoe to waive the reading of the committee report. VOTE: CARRIED unanimously.

First Selectman Herbst stated that the resolution authorizes the Dept. of Public Works to come to the council with cost estimates. This will allow the Public Works Dept. to take this burden off the committee so that they focus on getting the main building done. The Chair stated that the report would be due by March 21<sup>st</sup> which would allow the council to have something tangible to consider at the April meeting. First Selectman Herbst confirmed that the Public Works Dept. will look at all options. The Chair added that the original specs requested of the THSBC have been given to the Public Works Dept. they know what the THSBC would like and what the educators requested. First Selectman Herbst explained for Mr. Palmieri that as long as they meet the specs it would not impact reimbursement. The Chair stated that if this is not part of an approved design the design has to go the State as a change order to be approved. If we go to the State with less money we will be well received. Mr. Pia stated that \$50,000 had been paid for the concession stand design fee and questioned who approved that and whether they would be able to get some of that money back. Mr. Burgess stated that JCJ had done the design but had not done the CA (construction administration). They fulfilled \$40,000 of the additional service, there is \$10,000 remaining for CA, they have not charged the \$10,000 and will not be charging for because they did not do that work. The proposal (\$50,000) was presented to the THSBC and was approved. Scott Celella stated that he would go back and review this; he will compare what was proposed and was done. He will give the council the answer as well as how many man hours there were for the design. There is no intention to collect money for services not rendered, services were rendered for architecture for which man hours were expended, and compensation is expected. He will report back to the council.

Moved by Mr. Jenkins, seconded by Mr. Donofrio to call the question.

Ms. Tesoro called Point of Order, everyone has the right to speak twice.

In response to Ms. Tesoro, First Selectman Herbst indicated that it is premature to assume that it would be completely under the Dept. of Public Works' jurisdiction, after they do their due diligence they may say there are portions that they can do and there may be portions that would need to be sub-contracted out. Last summer they were able to pave the parking lot and were also actively engaged in

Contract IV. Storms Irene, Sandy and Alfred have demonstrated that no job is too big or task insurmountable for them to do. It will be the council's choice as to whether they will do the work or not.

VOTE: CARRIED 15-2 (AGAINST: Jankovic-Mark and Basbagill)

VOTE: ADOPTED 16-1 (AGAINST: Jankovic-Mark)

9. RESOLUTION TC24-106: Moved by Ms. Deyoe, seconded by Ms. Testani.

BE IT RESOLVED, That funding for a provisional part time position in the Tax Collector's Office is hereby approved.

Committee Report: The Rules and Research Committee met on January 31, 2013 and voted unanimously.

Ms. Tesoro questioned why an amount was not included in the resolution. Ms. Wang stated that the hours for the position are a total of 35 hours; the W.P.C.A. has approved funding half of the salary. Ms. Tesoro stated that this came from BoF where they approved an exact amount of \$3,752 and questioned the other supplemental amount for over-time that had been approved by the BoF and noted that the council is to approve supplemental appropriations per Charter. (Ms. Evangelista left the meeting at 10:26 p.m.) Ms. Jankovic-Mark stated the action by the council should take place within 45 days. The Chair stated the resolution could be amended to include the amount. Ms. Jankovic-Mark stated that this had not been noticed. (Ms. Evangelista returned to the meeting at 10:28 p.m.) The Chair stated that the resolution gives notice that the part time position is going to be funded, it does not have the amount therefore it needs to be amended to reflect the amount. First Selectman Herbst stated the minutes of the committee meeting clearly reflect the amount of delinquency and the significant amount of revenue that this personnel can collect the amount is going to more than pay for itself. Ms. Tesoro confirmed the funding by the Town side is \$3,752.

Moved by Ms. Testani, seconded by Ms. Deyoe to amend to read as:

RESOLUTION TC24-106: BE IT RESOLVED, That funding in the amount of \$3,752 for a provisional part time position in the Tax Collector's Office is hereby appropriated.

Ms. Mark stated that this is not the appropriate procedure there has been no notice of approving a supplemental appropriation and does not think it is legal. The Chair stated that the resolution clearly reads that the council will consider funding of the provisional position. Mr. Blose stated that he disagrees the resolution refers to funding and the provisional position, the notice is there and recommended moving forward if a number from the BoF can be backed in.

VOTE: CARRIED 15-2 (AGAINST: Jankovic-Mark and Pia).

VOTE: ADOPTED as amended 15-2 (AGAINST: Pia and Jankovic-Mark).

10. RESOLUTION TC24-107: Moved by Mr. Basbagill, seconded by Mr. Meisner.

BE IT RESOLVED, That funding for a labor contract between the Town of Trumbull and UPSEU Local 424 – Unit 4 (Town Hall Supervisors) beginning July 1, 2012 and ending June 30, 2017 is hereby approved.

Moved by Mr. Ciocci, seconded by Mr. Palmieri to waive the reading of the committee report. VOTE: CARRIED unanimously.

The Chair stated that substantial information has been given; the committee minutes are available online. There is a summary prepared by labor counsel and part of the committee minutes.

Mr. Meisner spoke in favor of the agreement.

The Chair stated that the rank and file of the union had voted and approved the agreement.

VOTE: ADOPTED unanimously.

NEW BUSINESS: Ms. Jankovic-Mark submitted new business it read as follows: We hereby request that a Discussion Item be placed on the March 4, 2013 Trumbull Town Council Full Agenda with members of the WPCA and the Sewer Administrator or his representative, to discuss the North Nichols Sewer Project, the existing rate structure with the City of Bridgeport, and the status of the proposed sewer regionalization.

Said item was signed by both Councilmen Martha Jankovic-Mark and Gregg Basbagill

There being no further business to discuss and upon motion made by Mr. Basbagill, seconded by Mr. Meisner the Town Council adjourned by unanimous consent at 10:36 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, Town Council Clerk