

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

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MINUTES
DECEMBER 1, 2014

CALLED TO ORDER: The Chair called the meeting to order at 8:03 p.m.

The Clerk called the roll and recorded it as follows:

PRESENT:

Suzanne S. Testani	Ann Marie Evangelista	Lori Rosasco Schwartz
Joseph G. Pifko	Ennio DeVita	Edna Colucci
Antonio Petitti	Mark S. LeClair	Cynthia L. Penkoff
Enrico R. Costantini	Carl A. Massaro, Jr.	Vincent DiMasi, Jr.
Michael J. London	Daniel Marconi	Vicki Tesoro
Donna Seidell	Tony J. Scinto	Kenneth M. Martin

ABSENT: Patrick Helfrich, Thomas Christiano and Bethany Llodra Gilman

ALSO PRESENT: First Selectman Timothy Herbst, Chief of Staff Lynn Arnow, Chief of Police Thomas Kiely, Deputy Chief Michael Harry, Police Commission Chairman Jack Testani, Superintendent of Schools Gary Chialfi, BOE Facilities Director Mark Deming and Zoning Enforcement/Blight Officer Douglas Wenz.

Proclamations

The Chair announced that Chief Thomas Kiely and Deputy Chief Michael A. Harry are retiring in December of this year. Combined they have served the Town over 81 years. They have led a terrific force of officers, applying the rule of law in Town and keeping Trumbull safe and secure on days that are bright and sunny and on days that were stormy. The Chair stated the Town owes them a debt of gratitude for their service. Because of these men the Town has been enriched with school programs such as the DARE program and TPAUD. The Chair extended his gratitude on behalf of the Town for these programs and for all their service to Trumbull.

First Selectman Timothy Herbst stated that Deputy Chief Harry is one of the best detectives in the Fairfield region, because of his efforts and diligence he was able to solve a particular case involving harassment letters that had been ongoing for over 15 years. Other

agencies were unable to solve the case, but Deputy Chief Harry was the one who ultimately did. For that First Selectman Herbst, on behalf of the Town extended his gratitude to Deputy Chief Harry for making Trumbull a safer place.

First Selectman Timothy Herbst stated he is proud to have worked with Chief Kiely over the last five years and is proud to call him his friend. Chief Kiely has served this Town and police department admirably for the past 41 years. He joined the police department in 1973 and has been here ever since. He has served eight first selectman and six chiefs of police before becoming chief himself. He climbed the ranks to become Chief. In the last five years First Selectman Herbst has seen first hand the leadership Chief Kiely has shown protecting the people of this great community. In the last five years we have faced a number of challenges, the Chief has joked that Trumbull has not had these weather related emergencies until First Selectman Herbst was elected to office. Through all of those emergencies the Chief has shown incredible leadership especially protecting the children of this Town. His efforts in promoting school emergency preparedness in the wake of December 14th have been significant. The people of this Town can sleep better knowing that our schools are well protected and our community is secure because of the leadership of Chief Kiely. What most impresses First Selectman Herbst is the respect Chief Kiely commands from other law enforcement professionals throughout the State of CT. He is well respected and regarded by his peers. This is a testament to his leadership and it has been an honor for First Selectman's career having worked with him. On behalf of the Town of Trumbull First Selectman Herbst extended his gratitude to both Deputy Chief Thomas Kiely and Chief Michael Harry for their combined 81 years of service.

Chairman of the Police Commission Jack Testani stated he had the honor of meeting and working with Chief Kiely and Deputy Chief Harry almost five years ago. Chief Kiely is a very loyal person and has an incredible amount of dedication to this Town and desire to do what is right for this Town. This can be said for Deputy Chief Harry as well. Mr. Testani thanked Chief Kiely for assisting his son with a college senior project which resulted in inspiring his son to become a police officer. Mr. Testani stated Chief Kiely and Deputy Chief Harry bring loyalty, trust, strength, and commitment to community to their jobs. It has been an honor to serve as Chairman of the Police Commission with these two gentlemen.

Vice-Chairman Suzanne Testani on behalf of the Town Council presented proclamations to Deputy Chief Harry and Chief Kiely. Chief Kiely and Deputy Chief Harry extended their gratitude to the Town Council. Chief Kiely stated he had been sworn in the very same council chambers years ago and said this honor means a lot to him and again thanked all those welcome.

APPROVAL OF MINUTES: Moved by Mr. LeClair, seconded by Mr. Pifko to accept the November 6, 2014 meeting minutes as submitted. VOTE: Motion CARRIED unanimously.

BUSINESS:

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

1. RESOLUTION TC25-127: BE IT RESOLVED, That the reappointment by the First Selectman of Vincent DiGennaro of 91 Deer Run Drive, be and the same, is hereby approved

as an alternate member of the Board of Finance for a term of December 1, 2014 extending to the first Monday in December 2017.

Moved by Ms. Testani, seconded by Mr. DiMasi to postpone due to Mr. DeGennaro's absence.

VOTE: Motion CARRIED unanimously.

Moved by Mr. London, seconded by Ms. Rosasco Schwartz to take item #9 out of order.

VOTE: Motion CARRIED unanimously.

2. RESOLUTION TC25-126: Moved by Ms. Evangelista, seconded by Ms. Tesoro.
BE IT RESOLVED, That additional items are hereby authorized to be included in the scope of the Trumbull High School Renovation project.

Committee Report: The Education Committee met on November 25, 2014 and voted unanimously to amend and as amended unanimously.

Dr. Chialfi stated he had met with Chairman Massaro, Chairman of the THSBC Jim Nugent and THSBC member Mrs. Timpanelli on October 23rd to review what might be completed with the remaining \$200,000 for the high school like-new-renovation. After review of the items with BOE Facilities Director Mark Deming the list is at \$80,000.

Mr. Deming reviewed the breakdown of the projects included in the \$80,000 as follows;

- Enclosing storage in the weight room, change the locks to secure the area, design additional sports equipment storage that can be rotated seasonally. (\$30,000)
- The low stonewall at the Auditorium glass wall entrance, cement manholes to be used as planters. (\$7,500).
- PA system in the Commons, currently there is no permanent system in the Commons area.
- Spotlights and scaffolding in the auditorium (\$8,000/lighting + \$2,000/scaffolding).
- Tinting of the windows in the gym and Senior Lounge.

The Chair stated many of the items on the original list dated 2013 have been completed. The current list of proposed items is directly related to education and/or safety. The Chair noted the Education Committee had requested information regarding the rental of the auditorium lights. Mr. Deming stated there are two spotlights in the auditorium but are old and is not sure if they rent additional spotlights for certain events. Dr. Chialfi further explained that spotlights that are rented do not commensurate with what is there. The standard of what is there is more of the standard of a theatre not an auditorium. There are a number of events and/or programs that take place there, not only the staged musicals. Mr. Scinto spoke against the THSBC spending. There has been approximately \$2 million of spending throughout this project that was unnecessary. Mr. Scinto suggested using the BOE budget for these items. Dr. Chialfi stated they are not looking for new monies; these funds were earmarked for the

project and want to make sure certain items are completed. The Senior Lounge is a perfect facility for professional development but due to the glare that comes through the windows they are unable to use a screen or visual aides, tinting the windows would allow that use. Mr. Deming explained the window tinting in the Senior Lounge would reduce the sunlight by 90%, (currently there is a low E glass). The 90% reduction will reduce the cooling of the room, eventually some of the cost for tinting would be recouped through reduction in cooling costs. Mr. London agreed with Mr. Scinto that the project was not managed in the way that they would have preferred and there was excessive spending throughout. Mr. London spoke in favor of how Dr. Chialfi and Mr. Deming have paired down expenses of the proposed projects to a manageable level. At first he was intending to vote against the \$80,000 but has since decided to vote in favor due to Dr. Chialfi and Mr. Deming having engendered a great degree of trust. The Chair stated at this time the committee's recommended amended resolution did not include the spotlights.

Ms. Tesoro moved, seconded by Ms. Testani to amend the resolution to include the spotlights. Mr. DeVita spoke in favor of using BOE money for the projects. Mr. DeVita stated the money does not have to be spent. If not used from this source another source of funding, (i.e. BOE budget) could be used instead. Ms. Penkoff stated the committee has not received the answer originally asked, Are they renting lights? If so what the cost of the rental per year is? And the cost of maintaining are own lights v. renting? Ms. Penkoff stated she is not prepared to add \$10,000 to this resolution until this information is received. The answers for the ADA requirements for the professional kitchen also have not been addressed. Mr. Deming stated the ADA requirement for the kitchen is a relatively inexpensive cabinet that needs to be installed and can be done using BOE money. He did not intend to bring that to the Town Council. Ms. Rosasco Schwartz echoed Ms. Penkoff's statement and added that she would like to see the cost analysis for purchasing v. renting the lights; she also was concerned with the potential cost of the bulbs as they can be very expensive. Ms. Rosasco Schwartz spoke in favor of tabling the spotlights and moving forward with the remaining \$80,000 worth of projects. Mr. London stated based on his professional experience the cost for renting lighting equipment is very expensive and would expect the cost of renting the equipment 3 or 4 times would exceed the cost of purchasing it.

(Ms. Tesoro withdrew her original motion.)

Moved by Mr. London, seconded by Ms. Tesoro to amend RESOLUTION TC25-126 to read as:

RESOLUTION TC25-126: BE IT RESOLVED, That additional items not to exceed \$90,000 are hereby authorized to be included in the scope of the Trumbull High School Renovation project. Additional Scope Items:

- | | |
|----------|--|
| \$12,000 | Tinted windows in Gym and Senior Lounge. |
| \$30,000 | Weight room enclosure of existing storage rooms, proper shelving and storage bins, install properly keyed locks for the three storage rooms. |
| \$7,500 | Auditorium glass wall barrier (10-12 pre-cast concrete manholes with caps to be utilized as planters, stone, fabric and soil. |
| \$31,000 | PA system in Commons and Senior Lounge. |

\$10,000 Auditorium spotlights and related equipment (scaffolding).

VOTE: Motion CARRIED 10-7 (AGAINST: Petitti, Pifko, LeClair, Rosasco-Schwartz, Colucci, Scinto and DeVita).

Ms. Penkoff stated she had changed her vote based upon Mr. London's expertise. Ms. Evangelista extended her gratitude to Dr. Chialfi and Mr. Deming for their time and expertise on this matter. Mr. Marconi spoke in favor of purchasing permanent lighting v. renting portable lighting from a safety point of view. Ms. Testani spoke in favor of purchasing over renting and requested the staff be trained and knows how to use the equipment. Dr. Chialfi stated that he would expect the lighting units could be installed in February; there will be no rental of equipment in the interim. The Chair asked that if a term agreement is found to be in place for rental of the existing lighting to wait until the term is completed before the purchase is made, unless for some reason the cost of the agreement is escalating.

VOTE: ADOPTED as amended 13-4 (AGAINST: LeClair, DiMasi, Scinto and DeVita)

Moved by Mr. London, seconded by Mr. Pifko to take item #10 out of order. VOTE: Motion CARRIED unanimously.

3. RESOLUTION TC25-134: Moved by Ms. Seidell, seconded by Mr. Marconi.
BE IT RESOLVED AND ORDAINED, That Chapter 14, Offenses and Miscellaneous Provisions, Section 14-11, Blight Prevention of the Trumbull Municipal Code is hereby amended. (Amendment Attached)

Committee Report: The L&A Committee met on November 24, 2014 and voted unanimously to send without recommendation pending hearing the public comment at the December 1, 2014 public hearing.

The Chair OPENED the Public Hearing at 8:56 p.m.
There was one person from the public to speak. (*Public Comment Attached*)
The Chair CLOSED the Public Hearing at 9:04 p.m.

Zoning Enforcement Officer and the appointed Blight Officer Mr. Wenz explained the municipal code is good with the exceptions of what he had outlined with the L&A Committee. The conditions need to be strengthened for him to be able to do his job better. Several of the conditions have been changed (reflected in the attached amended version). The issue with fences down around pools is a safety issue. This can be remedied faster by the Blight Ordinance as opposed to the Building Inspector going through the Housing Court. The other main issue is with regard to foreclosed properties the banks do the barest of minimum to answer what he has asked them to do. This is usually cutting the grass while they leave the shrubs to overtake the property and house. These are serious issues for the neighboring properties. The ordinance is based on and was taken from our peer towns, (Glastonbury, Clinton, Newington, Fairfield, Newtown, and Westport). Mr. Wenz stated Mr. D'Aquila formed his own opinion of CGS 7-148 and disagrees with his opinion. This ordinance will

help with certain properties that have overgrown brush and trees that have overtaken the property. This ordinance would not give the authority to override Inland Wetlands & Watercourses regulations. Ms. Penkoff spoke in favor of this resolution. Mr. DeVita stated he agrees with some of Mr. D'Aquila's comments. Mr. Wenz stated the homeowner can disagree and can appeal to a Hearing Officer appointed by the Town within 30 days at any step of the process. Mr. DeVita spoke in favor of tabling the resolution. The Council discussed the possibility of blighted properties affecting neighboring property values. Ms. Penkoff stated certain properties have affected values of homes and as a result can affect tax values as well. The Chair stated when legislation is drafted whether it be for the State or a municipality you have to balance what you want to bring into law so the subject matter is addressed and not being overly broad to the point where you are being vague and ultimately not addressing the problem. Mr. Wenz has indicated that some of the lack of specificity left open questions of whether certain issues are considered blight or not. The enumerated items a. through l. are not necessarily blighted items, they have to be some type of disrepair as described but also have to meet the test of being unsafe, unsanitary or a nuisance. These enumerated items are prefaced as "to be evidenced" so they are examples. They have been more defined and there is more notice to the public as to what might be considered unsafe, unsanitary or a nuisance. The ordinance has been reviewed by the town attorney.

Mr. DeVita moved to postpone the resolution. Hearing no second the Chair called the vote.
VOTE: ADOPTED 16-1 (AGAINST: DeVita)

4. RESOLUTION TC25-128: Moved by Ms. Penkoff, seconded by Mr. London.
BE IT RESOLVED, That the reappointment by the First Selectman of Joyce Michaels of 67 Jog Hill Road, be and the same, is hereby approved as a member of the Golf Commission for a term of December 1, 2014 extending to the first Monday in December 2017.

Committee Report: The Rules and Research Committee met on November 25, 2014 and voted unanimously.

VOTE: ADOPTED unanimously.

5. RESOLUTION TC25-129: Moved by Mr. DiMasi, seconded by Ms. Rosasco Schwartz.
BE IT RESOLVED, That the reappointment by the First Selectman of Richard DeLibro of 9 Blackstone Road, be and the same is hereby approved as a member of the Golf Commission for a term of December 1, 2014 extending to the first Monday in December 2017.

Committee Report: The Rules and Research Committee met on November 25, 2014 and voted unanimously.

VOTE: ADOPTED unanimously.

6. RESOLUTION TC25-130: Moved by Ms. Colucci, seconded by Ms. Testani.

BE IT RESOLVED, That the reappointment by the First Selectman of Joseph DeLuca of 40 Palisade Road, be and the same is hereby approved as a member of the Golf Commission for a term of December 1, 2014 extending to the first Monday in December 2017.

Committee Report: The Rules and Research Committee met on November 25, 2014 and voted unanimously.

VOTE: ADOPTED unanimously.

7. RESOLUTION TC25-131: Moved by Mr. DiMasi, seconded by Mr. London.
BE IT RESOLVED, That the reappointment by the First Selectman of James Daly of 26 Pambar Road, be and the same is hereby approved as a member of the Pension Board for a term of December 1, 2014 extending to the first Monday in December 2018.

Committee Report: The Rules and Research Committee met on November 25, 2014 and voted unanimously.

VOTE: ADOPTED unanimously.

8. RESOLUTION TC25-132: Moved by Mr. Petitti, seconded by Ms. Rosasco Schwartz.
BE IT RESOLVED, That the reappointment of Ken Martin Jr. of 11 Old Dairy Road, be and the same is hereby approved as an alternate member of the Planning & Zoning Commission for a term of December 1, 2014 extending to the first Monday in December 2017.

Committee Report: The Rules and Research Committee met on November 25, 2014 and voted unanimously.

VOTE: ADOPTED unanimously.

9. RESOLUTION TC25-133: Moved by Mr. Constantini, seconded by Mr. London.
BE IT RESOLVED, That the appointment by the First Selectman of David Verespy of 15 Rock Spring Road, be and the same is hereby approved as an alternate member of the Trumbull Inland Wetlands and Watercourses Commission for a term of December 1, 2014 extending to the first Monday in December 2017.

Committee Report: The Rules and Research Committee met on November 25, 2014 and voted unanimously.

VOTE: ADOPTED unanimously.

10. RESOLUTION TC25-122: Moved by Ms. Rosasco Schwartz, seconded by Mr. London.
BE IT RESOLVED, That the acquisition of real property known as 225 Booth Hill Road Trumbull, CT is hereby approved; and
BE IT FURTHER RESOLVED, That the First Selectman is hereby authorized to execute any agreements or take any necessary steps to complete the acquisition.

Committee Report: The L&A Committee met on November 24, 2014 and voted unanimously. VOTE: Motion CARRIED unanimously.

The Chair noted the committee discussed possibly amending the resolution adding the condition that all taxes should be by the current owner before the town acquires the land.

Moved by Ms. Testani, seconded by Mr. Pifko to amend the resolution to read as:
RESOLUTION TC25-122: BE IT RESOLVED, That the acquisition of real property known as 225 Booth Hill Road Trumbull, CT is hereby approved on condition that all tax payments are made by the current owner before the acquisition is completed; and

BE IT FURTHER RESOLVED, That the First Selectman is hereby authorized to execute any agreements or take any necessary steps to complete the acquisition.

VOTE: ADOPTED as amended unanimously.

The Chair announced there would be a special meeting on Thursday, December 11, 2014.

There being no further business to discuss the Town Council adjourned by unanimous consent at 9:35 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

**RESOLUTION TC25-134
BLIGHT ORDINANCE
AMENDMENT**

Amended section is as follows (all other language in the ordinance remains unchanged):

• *Ordinance:* For the purposes of this section 14-11, "ordinance" shall refer to this Blight Prevention Ordinance.

State of disrepair, has blighted conditions, or is becoming dilapidated: In a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public which may be evidenced by one (1) or more of the following conditions:

- (a) Multiple missing, broken or boarded up windows and/or doors;
- (b) ~~Collapsing or missing walls or roof;~~ **Collapsing, missing, or deteriorating walls, roofs, shutters, stairs, porches, handrails, railings, including broken, rotted, or dilapidated fences;**
- (c) Seriously damaged or missing siding;
- (d) Fire, smoke, or water damage;
- (e) Infestation by rodents or other pests;
- (f) ~~Excessive amounts of garbage or trash on the property;~~ Garbage or trash improperly stored or accumulated on the premises;
- (g) Inoperative or unregistered motor vehicles, **(including motor vehicle parts)**, or inoperative boats parked, kept or stored on the premises unless garaged on the premises;
- (h) Commercial parking lots left in a state of disrepair or abandoned;
- (i) Vacant buildings or structures left unsecured or unguarded against unauthorized entry;
- (j) Brush and/or overgrown grass or weeds of at least one (1) foot in height, **including overgrown, unkempt shrubs/bushes, tree stumps, tree limbs/branches left discarded on the property,** excluding ornamental grass as part of a landscaped property;
- (k) Graffiti;
- (l) ~~Any other evidence that reasonably demonstrates that a property has or may cause an unsafe or unsanitary condition or a nuisance to the general public.~~ **Any other exterior evidence that reasonably demonstrates that a property has or may cause an unsafe or unsanitary condition, poses a threat to the health, safety and general welfare of the community, seriously affects the economic well-being of the Town and/or the property values of the surrounding community.**

Public Hearing
Public Comment
RESOLUTION TC25-134
Blight Ordinance Amendment

Mr. Tony D'Aquila of 29 Valleyview Road was present and indicated he agreed the ordinance needs to be updated to help the Blight Officer do his job. Mr. D'Aquila's concerns with the ordinance are as follows:

- There is confusion with regard to which buildings are governed by the ordinance. Does it apply to town buildings and/or land and parks, if not why not?
- Does the ordinance apply to heavily wooded, vacant privately owned building lots. This would put a unreasonable burdensome restriction on that land.
- The current ordinance may be flawed and have no basis in law based on CGS 7-148.
- Paragraph b. of the proposed ordinance should be rewritten to clarify.
- Paragraph j. is in conflict with the Inland Wetlands & Watercourse regulations.
- Paragraph j. with regard to tree stumps needs clarification.
- Paragraph l. is an example of over reach by the Town and its authority.

The Town Council has an obligation to help Mr. Wenz do his job but asked the council to go back to the drawing board and rewrite the ordinance.