

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

TELEPHONE
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MINUTES
JANUARY 5, 2015

CALLED TO ORDER: The Chair called the meeting to order at 8:08 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

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 | Kenneth M. Martin |
| Mark S. LeClair | Cynthia L. Penkoff | Vincent DiMasi, Jr. |
| Enrico R. Costantini | Carl A. Massaro, Jr. | Daniel Marconi |
| Donna Seidell | Tony J. Scinto | Vicki Tesoro |
| | | Bethany Llodra Gilman |

ABSENT: Antonio Petitti, Edna Colucci and Michael J. London

ALSO PRESENT: Chief of Staff Lynn Arnow, Director of Finance Maria Pires, Director of Labor Relations James Haselkamp, Director of Economic Development Edward Lavernoich, Town Attorney Dennis Kokenos, Chief of Police Michael Lombardo, Chief of Police Thomas Kiely, and Deputy Chief Glenn Byrnes.

APPROVAL OF MINUTES:

Moved by Mr. Marconi, seconded by Ms. Testani to accept the December 1, 2014 meeting minutes as submitted. VOTE: Motion CARRIED unanimously.

Moved by Mr. LeClair, seconded by Mr. Pifko to accept the December 11, 2014 special meeting minutes as submitted. VOTE: Motion CARRIED unanimously.

The Chair congratulated the Trumbull High School *We The People* team who won their fourth consecutive State Championship last month. The team makes the Town proud every year and wished them well on their next competition. The congratulated the Trumbull High School Mock Trial team who also came in #1 in its State Competition.

BUSINESS:

1. RESOLUTION TC25-142: Moved by Ms. Tesoro, seconded by Mr. Marconi.
BE IT RESOLVED, That Scott Wich of 47 Killian Avenue, be and the same is hereby approved as District 4 Town Council representative for a term extending to December 7, 2015.

Ms. Tesoro extended her gratitude to Patrick Helfrich for his service to the Town and read Patrick Helfrich's resignation letter. Mr. Helfrich resigned due to professional and personal commitments. Ms. Tesoro extended her gratitude to Mr. Wich for his willingness to serve. The Chair stated he had received Mr. Helfrich's resignation letter and expressed his gratitude on behalf of the Town Council and his district's constituency and carrying on the tradition of his family name who has served the Town for many years.

VOTE: Motion CARRIED unanimously (2-0).

The Chair administered the oath of office to Mr. Wich.

2. RESOLUTION TC25-143: Moved by Mr. Marconi, seconded by Ms. Tesoro.
BE IT RESOLVED, That Mary Beth Thornton of 24 Cherry Gate Lane, be and the same is hereby approved as District 2 Town Council representative for a term extending to December 7, 2015.

Ms. Tesoro extended her gratitude to Mr. Christiano who represented District 2. Ms. Tesoro read Mr. Christiano's resignation letter. Mr. Christiano's letter indicated his gratitude for having the opportunity to have served the town of Trumbull for many years. Ms. Tesoro welcomed Ms. Thornton on behalf of the Town Council. Ms. Thornton had previously served on the Town Council for 8 years and will bring a wealth of her volunteer and professional life experience and will be a great advocate for her constituents in District 2 and the rest of the community.

*Mr. Wich voted

VOTE: Motion CARRIED unanimously (3-0).

The Chair administered the oath of office to Ms. Thornton.

Ms. Tesoro submitted a proposed Committee assignment of the new Council members to the Chair.

3. RESOLUTION TC25-144: Moved by Ms. Penkoff, seconded by Mr. Constantini.
BE IT RESOLVED, That Guido Picarazzi of 51 Hillston Road, be and the same is hereby reappointed as a member of the Inland Wetlands and Watercourses Commission for a term of December 1, 2014 extending to the first Monday in 2017.

COMMITTEE REPORT: The R&R Committee met on 12-29-14. Mr. Picarazzi was present at the committee meeting and was interviewed. There was not a quorum at the committee level therefore no votes were taken.

VOTE: ADOPTED unanimously.

4. RESOLUTION TC25-145: WITHDRAWN.
BE IT RESOLVED, That the appointment of Jeffrey Kunkel 56 Magnolia Road, be and the same is hereby approved as a member of the Trumbull Nature and Arts Commission for a term of the first Monday in December 2012 extending to the first Monday in December 2015.
5. RESOLUTION TC25-146: Moved by Ms. Seidell, seconded by Ms. Llodra Gilman.
BE IT RESOLVED, That \$8,875 from the Fund Balance is hereby appropriated to 01011000-501102 Finance-Salaries PT \$8,244 and to 01013400-511150 Fringe Benefits-FICA \$631.

COMMITTEE REPORT: The R&R Committee met on 12-29-14. There was not a quorum, no votes were taken.

VOTE: ADOPTED unanimously.

6. RESOLUTION TC25-151: Moved by Mr. Pifko, seconded by Ms. Llodra Gilman.
BE IT RESOLVED, That \$180,000 is hereby appropriated from the Fund Balance to 01022000-501105 Police-Salaries OT.

COMMITTEE REPORT: The R&R Committee met on 12-29-14. There was not a quorum, no votes were taken.

Ms. Pires explained for Mr. Wich the account the funds are coming from is the Special Detail account. This account represents payments made by outside companies who hire the police to work specific jobs, (e. g. Southern New England the Gas Company and/or U.I.) The money has been transferred from the Special Detail account to the General Fund.

VOTE: ADOPTED unanimously.

7. RESOLUTION TC25-94: Moved by Ms. Rosasco Schwartz, seconded by Mr. DeVita
BE IT RESOLVED, That the acquisition of real property known as 6175 Main Street, 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 11-29-14 and voted 4-1 (Against: Martin) The Chair clarified the section of the committee minutes that reads where "Mr. Massaro stated that the property is not a residential property and does not fall under the

Transfer Act”, what he intended to say was that it was not a commercial property and does not fall under the Transfer Act. If it were a commercial property you would need to consider whether it falls under the Transfer Act. In the context of the discussion in committee it is not used as a residential property, it is either vacant or might be considered commercial because it has a billboard on it.

Mr. Martin indicated his statements were recorded accurately in the committee report and indicated he still had questions with the environmental/soil analysis. Two reports indicated there was lead found at the site and Mountain Laurel recommended testing in and around the four signs in the Phase 3 report. In response, Mr. Lavernoich stated a hot spot was found at the billboard farthest from the road which exceeded the residential exposure criteria. It did not exceed the commercial exposure criteria, subsequent testing was recommended.

At the Town Council’s request, Attorney Kokenos requested the Bridge Group’s attorney to commission the additional testing. Several areas were found to exceed exposure criteria for a residential property. Mr. Martin stated Thunderbird was also commissioned, 3 environmental areas were identified as areas of concern, the dumpster, billboard and an off-site source. Mr. Lavernoich explained Mountain Laurel’s phase 1 study did not identify any visual evidence. Mr. Martin stated no soil samples were taken and voiced his concern.

Mr. Lavernoich explained that the Town has not moved forward with this property as a blight issue because it would send a mixed message. It would require resolution of the blight by repairing the signs when the Town ultimately wants the billboards removed, not repaired. If the Town were to acquire this property it would have control of the billboards and would not renew the lease at its end in five years. If the property is not acquired by the Town the most probable outcome of this property would be the owner would sell the property to the billboard company or it would fall into foreclosure. The billboard company would then be in a position where it would be cost effective to repair the signs. Mr. Martin voiced his concern with regards to the Town’s liability. Atty. Kokenos stated the agreement was drafted by the donor/seller. The environmental reports were provided per his firm’s request. The property is not defined as an establishment per the Transfer Act. Attorney Kokenos stated he could not speak to the appraisal because it was not commissioned by the Town. The value of the property is between the donor and the IRS. The appraisal is an opinion of value and differs greatly depending on what people you speak to. Attorney Kokenos stated he had asked the reference to the appraisal be removed from the agreement because it had nothing to do with the Town. The Town would reap the benefits of the lease if the assignment of the lease is accepted. The Town would have to take on the responsibility of whether it would want to take action to stop the encroachment onto the property or determine encroachment is not an issue. The purpose of acquiring the property is to eliminate the billboards. If the Town acquires the property it could approach the billboard company to terminate the lease early, if they do not the Town would only have the billboards for another five years. If they do not remove the signs at the end of the lease the Town would do what they would need to do at that point. It was Atty. Kokenos’s opinion if the property owner were to sell the property privately a purchaser would be satisfied with the amount of analysis that has been done to date.

Ms. Tesoro spoke against voting for the resolution with the appraised value included and noted the Town may or may not be asked to fill out a form with the IRS (forms 82 and/or

83). The appraised value does not reflect fair market value. Atty. Kokenos stated the Town had not been notified of any such form, the Town Council could amend the agreement to exclude the reference to the appraised value. Ms. Penkoff noted Ms. Tesoro brought up a good point and added the agreement is not clear as to the exact amount of the rental income, it reads as “annually paid monthly in advance”. Atty. Kokenos explained the agreement’s language reads as “The Bridge Group got an appraisal” and the “Bridge Group is in the opinion”, it does not state the Town is of the opinion. Ms. Penkoff spoke in favor of the agreed upon language. Attorney Kokenos confirmed for Mr. Constantini if any additional forms to be signed are not referenced in the agreement, the Town would not be required to sign them. Mr. Lavernoich stated the intent of the Town if they acquire the property is to keep it in its natural state. This property is an important wetland. Mr. Wich agreed no one wants the billboards but spoke to his concern of liability and unanswered questions. Mr. Wich questioned why only lead was tested for and noted that he did not believe the Town was the Bridge Group’s first choice. Mr. Martin spoke against the resolution due to liability issues. Mr. Constantini explained the grantor’s statement of not having any knowledge of contaminants does mean they were hiding such knowledge it just means the property owner is not aware. Attorney Kokenos explained if the owner would need to remediate they would more than likely not and would then allow the property to go into foreclosure. The Town would still acquire the property but at an additional cost due to the foreclosure process.

Moved by Ms. Tesoro, seconded by Mr. Marconi to amend the agreement by excluding the reference to the appraisal report dated May 14, 2014.

Attorney Kokenos stated that he did believe the amendment would not affect the deal negatively.

VOTE: Motion CARRIED 13-3-1 (AGAINST: DeVita, Martin and Testani)
(ABSTENTION: DiMasi)

RESOLUTION TC25-94: BE IT RESOLVED, That the acquisition of real property known as 6175 Main Street, 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 which shall exclude the appraisal report dated May 14, 2014.

Mr. Constantini stated the language removed from the agreement would not have any bearing. Ms. Testani stated that she did not vote for the amendment but would vote for the resolution as amended.

VOTE: ADOPTED as amended 13-3-1 (AGAINST: WICH, DeVita and Martin)
(ABSTENTION: Thornton)

The Chair called a recess at 9:29 p.m.

The Chair called the meeting back to order at 9:36 p.m.

8. RESOLUTION TC25-147: Moved by Ms. Penkoff, seconded by Ms. Rosasco Schwartz)

BE IT RESOLVED, That funding for a labor agreement between the Town of Trumbull and Trumbull (Non-Supervisory) Highway and Parks Employees Union Local 1303-33, Council #4, AFSME, AFL-CIO from January 1, 2012 through June 30, 2016 is hereby approved.

COMMITTEE REPORT: The L&A Committee met on 11-29-14 and voted to amend the resolution and as amended unanimously.

The Chair recognized the amendment in committee.

Moved by Ms. Testani, seconded by Ms. Seidell to amend the resolution by striking the word January and replacing it with July.

VOTE: Motion CARRIED 15-0-2 (ABSTENTION: Wich and Thornton).

Mr. Haselkamp confirmed for the council the dates were correct and that negotiations would start again in a year. The Chair noted the phrase "subject to union ratification" needed to be added. Mr. Haselkamp explained State statute requires the Town Council to act within a certain time period but there is no such provision for union ratification. Mr. Haselkamp stated if the union does not ratify this agreement he would not come back to the council he would go to arbitration.

It was explained for Mr. Wich that funds for any possible labor agreement salary increases not settled at the time the budget is being considered are held in contingency. The money has been set aside.

Moved by Ms. Testani, seconded by Mr. Scinto to amend the resolution by adding the phrase "contingent upon union ratification".

VOTE: Motion CARRIED unanimously.

Mr. Wich voiced his concern with regard to raise over 2% while the cost of living of CT municipalities was not over 2% and that the Supervisors' contract has a series of increases but the proposed contract has an increase that is higher than the supervisors' contract.

VOTE: ADOPTED as amended twice 15-0-2 (ABSTENTION: Wich and Thornton).

9. RESOLUTION TC25-148: Moved by Ms. Rosasco Schwartz, seconded by Mr. LeClair. BE IT RESOLVED, That the Town Council has authorized the preparation of schematic drawings and an outline of specifications to accomplish the Middlebrook Elementary School window project.

COMMITTEE REPORT: The L&A Committee met on 11-29-14 and voted unanimously.

The Chair explained the project represented replacing windows and the remediation of the caulk containing PCB's. The Town did what it was asked but the State did not accept the specific language and asked for this particular language and specificity of the next resolution as well.

VOTE: ADOPTED unanimously.

10. RESOLUTION TC25-149: Moved by Ms. Llodra Gilman, seconded by Mr. Constantini.
BE IT RESOLVED, That the Town Council has authorized the Superintendent of Schools or his designee to file a grant application for the Middlebrook Elementary Window replacement and environmental abatement project, further the Town Council authorizes the Superintendent of Schools to accept or reject said application when it is in the best interest of the Town and Board of Education.

COMMITTEE REPORT: The L&A Committee met on 11-29-14 and voted unanimously.

This represents the Middlebrook window replacement project and the specificity of language required by the State.

VOTE: ADOPTED unanimously.

11. RESOLUTION TC25-150: Moved by Ms. Rosasco Schwartz, seconded by Mr. Pifko to postpone to February 2105.
BE IT RESOLVED, That the membership of the Trumbull Nature and Arts Commission is hereby reduced from nine (9) members to five (5).

This resolution is not ready for action.

VOTE: Motion to postpone CARRIED unanimously.

There being no further business to discuss and upon motion made by Ms. Testani, seconded by Ms. Llodra Gilman the Town Council adjourned at 9:53 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk